

IN THE HIGH COURT OF JUDICATURE AT PATNA
Request Case No. 55 of 2020

Peregrine Guarding Pvt. Ltd., a Company Registered under the Companies Act, 1956 with its registered office at Plot No. 13, Sector 18, Electronic City, Gurugram, Haryana 122015, through its Authorised Representative, Mr. Alfred Chesney, Male, Aged about 32 Years, Son of Mr. Raymond Chesney, Resident of – R Block, H -1, Near Food Corporation building, Patna 800001, Bihar.

.....Petitioner.

Versus

1. The Bihar State Educational Infrastructure Development Corporation Ltd. having its office at Acharya Shivpujan Sahay Path, Bihar Rashtrabhasha Parishad Campus, Shiksha Bhawan, Saidpur, Patna through its Managing Director
2. The General Manager (Administration), Bihar State Educational Infrastructure Development Corporation Ltd.
3. Project In-charge, Special Project Management Unit, Student Credit Card Scheme, 3rd Floor, Maurya Lok, a unit of Education Department, Govt. of Bihar.

.....Respondent.

Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Advocate
Mr. Prince Kumar Mishra, Advocate
For the Respondent/s : Mr. Girijish Kumar, Advocate
Mr. Kumar Ravish, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice through Video Conferencing from His residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)



Date : 07-07-2021

This application has been moved seeking appointment of an Arbitrator invoking the powers of this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996.

There is no dispute about-(a) the legality, validity and binding effect of the agreement dated 22.08.2017 entered into between the parties to the lis; (b) the existence of arbitration clause contained therein; (c) the existence of dispute(s) arising there from.

Parties mutually agree for appointment of an Arbitrator. In fact, they themselves have suggested the name of Hon'ble Mr. Justice Shivaji Pandey (Former Judge of this Court) to adjudicate the disputes.

The dispute arose out of execution of Agreement dated 22.08.2017. The agreement contained an arbitration clause, whereby the parties agreed for reference of the dispute *inter se* the parties, arising out of the said agreement, for arbitration as per law.

There is no legal impediment in the adjudication of the dispute by the learned Arbitrator.



As such, as jointly prayed for, Hon'ble Mr. Justice Shivaji Pandey (Former Judge of this Court) is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 22.08.2017 entered into between the parties to the lis.

All pleas and issues raised, on merits, are left open to be considered and decided by the learned Arbitrator.

Learned Arbitrator shall be entitled to fee as per the schedule.

Since the dispute arises out of an agreement of the year 2017, the hearing be expedited.

Parties undertake to fully cooperate and not take any unnecessary adjournment.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

It is expected of the learned Arbitrator to decide the issues expeditiously.

Registrar (List) is directed to communicate the order to the learned Arbitrator.

Learned counsel for the parties also



undertake to communicate the order to the learned Arbitrator. In fact, they volunteered to appear before him, through digital mode on 2nd of August, 2021 and apprise him of the passing of the order.

Parties shall file their statement of claims before the learned Arbitrator on such date of hearing which he may fix, as per mutual convenience.

The Request Petition stands disposed of in the above terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

Sujit/PKP-

AFR/NAFR	
CAV DATE	
Uploading Date	14.07.2021
Transmission Date	

