

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.63 of 2020

M/s Sri Ram Enterprises, a Partnership Firm having its Office at Sri Ram Tower, Naya Bazar, Post Office and District-Bhagalpur through its Authorised representative Namely Sumit Kumar male aged about 31 Years Son of Becho Ray resident of Village-Saidpur, P.S.-Gopalpur, District-Bhagalpur-853205.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. The Secretary of Railways, Government of India, New Delhi.
3. The General Manager, Eastern Railways, 14 Strand Road, 4th Floor Kolkata-700001.
4. The Chief Administrative Officer (Construction) Eastern Railway, 14 Strand Road, 4th Floor Kolkata-700001.
5. The Deputy Chief Engineer, Eastern Railways, Bhagalpur,

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Gautam Kumar Kejriwal Mr. Alok Kumar Jha, Advocates
For the Respondent/s	:	Mr.Dr. K. N. Singh (ASG) Mr. Ramadhar Shekhar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 24-03-2021

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 existence, legality, validity and binding effect of the agreement dated 09.01.2008 entered into between the parties to the lis [Annexure-1]; (b) the existence of arbitration clause contained therein; (c) the



existence of dispute(s) arisen therefrom; and (d) the parties noticed of the same.

Before this Court it is not disputed that an attempt for amicable settlement was made but dispute effectively could not be resolved.

Parties jointly pray that the dispute emanating out of the agreement, civil in nature, be referred to the Arbitrator.

At this stage, learned counsel for the parties jointly prayed that a former Judge of the Patna High Court, namely, Hon'ble Justice Smt. Nilu Agrawal be appointed as an Arbitrator to adjudicate the dispute.

No other plea raised or pressed.

Ordered accordingly.

Petition stands disposed of in the following terms:

(a) Dispute inter se the parties emanating out of the agreement dated 09.01.2008 (Annexure-1) executed between the petitioner and the respondents is referred for arbitration to Hon'ble Justice Smt. Nilu Agrawal, former Judge of the Patna High Court.

(b) the proceedings, as parties agree, can be conducted through the mode of video conferencing;

(c) parties undertake to appear before the learned



Arbitrator on 26.04.2021 at 10.30 A.M. through virtual or physical mode.

(d) during the period of current Pandemic Covid-19, subject to the convenience, arbitral proceeding can commence and conclude using facility of video conferencing/other electronic mode.

(e) parties shall fully co-operate and not take any unnecessary adjournment;

(f) parties undertake to apprise the learned Arbitrator of the passing of the order;

(g) this Court is hopeful that the dispute shall be adjudicated at the earliest;

(h) learned Arbitrator shall be entitled to fee as per the prescribed schedule;

(i) learned Registrar General of this Court shall ensure that a copy of this order is made available to the learned Arbitrator;

(j) parties shall file their statement of claim before the learned Arbitrator on such date of hearing which he may fix, as per mutual convenience;

(k) no order as to costs;

The present petition stands disposed of in the



aforesaid terms.

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

(Sanjay Karol, CJ)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

