

IN THE HIGH COURT OF JUDICATURE AT PATNA
Request Case No. 67 of 2020

NCC Limited (formerly known as Nagarjuna Construction Company Limited), through its authorized signatory **Mr. Dwivedi Chandra Harish**, aged about 64 Years, (Male), son of **Sri Dwivedi Ram Raja, 'Pilli Kothi'**, Near Shiva Temple, Katra Shamshekhan Etawah, Uttar Pradesh-206004; **Present Official Address:-** Mohalla- Boring-Patliputra Road (Near Alpana Market), -A/3 2nd Floor, Road No. A, Vivekanand Park, Patna-13 State: - Bihar.

.....Petitioner/Claimant.

Versus

1. **Bihar Rajya Pul Nirman Nigam Limited (a unit of Govt. of Bihar)**, through its Chairman, 7, Sardar Patel Marg, Patna-800 015.
2. **The Chairman**, Bihar Rajya Pul Nirman Nigam Limited (a unit of govt. of Bihar), 7, Sardar Patel Marg, Patna-800 015.
3. **The Managing Director**, Bihar Rajya Pul Nirman Nigam Limited (a unit of Govt. of Bihar), 7, Sardar Patel Marg, Patna-800 015.
4. **The Dy. Chief Engineer (South Bihar)**, Bihar Rajya Pul Nirman Nigam Limited (a unit of Govt. of Bihar), 7, Sardar Patel Marg, Patna-800 015.
5. **The Sr. Project Engineer**, Bihar Rajya Pul Nirman Nigam Limited (a unit of Govt. of Bihar), Works Division, Nalanda at Biharsharif-803101.

....Respondents.

Appearance :

For the Petitioner/s	:	Mr. Manish Sahay, Advocate Mr. Anil Kumar Sinha, Advocate
For the Respondent/s	:	Dr. Anand Kuamr, 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 27.01.2011 entered into between the parties to the lis; (b) the existence of arbitration clause contained therein; (c) the existence of dispute(s) arising therefrom.

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

The dispute arises out of execution of Agreement dated 27.01.2011. 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 Justice Smt. Nilu Agrawal (Former Judge of this Court) is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 27.01.2011 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 2011, 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 her of the passing of the order.

Parties shall file their statement of claims before the learned Arbitrator on such date of hearing which she 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	

