

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.68 of 2020

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M/s Eleco Construction Private Limited having registered office at Sri Krishna Nagar, at and P.O. Begusarai Distt Begusarai through its Managing Director Sri Arvind Kumar Chaudhary at Sri Krishna Nagar P.O. and Distt- Begusarai.

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway at and P.O. Hajipur Distt Vaishali 844101.
2. The Chief Administrative Officer (Construction) North, East Central Railway at and P.O. Mahendrughat, Distt- Patna 800001.
3. The Deputy Chief Engineer (Con) East Central Railway at and P.O. Muzaffarpur Distt- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Singh, Advocate

For the Respondent/s : Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 28-07-2021

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.

The dispute *inter se* the Railways and the private contractor emanates out of an Agreement dated 01.12.2011 read with supplementary agreement dated 12.04.2019,



executed in relation to work contract. The agreement contains arbitration clause whereby the parties have to nominate the Arbitrator for adjudication of the disputes.

In terms of the Arbitration clause, following three names are suggested by the Railways:-

1. Shri Khichchu Mal (IRSE) Former PCE/CER
2. Shri K.B.L.Mittal (IRSME) Former GM/NER
3. Shri Ram Prakash Sharma (IRSEE) Retd. PCEE/CR.

The contractor agrees for appointment of (1) Shri Khichchu Mal (IRSE) Former PCE/CER; (2) Shri K.B.L.Mittal (IRSME) Former GM/NER and (3) Shri Ram Prakash Sharma (IRSEE) Retd. PCEE/CR, as learned Arbitrator for adjudication of the dispute.

As such, as jointly prayed for, (1) Shri Khichchu Mal (IRSE) Former PCE/CER ; (2) Shri K.B.L.Mittal (IRSME) Former GM/NER and (3) Shri Ram Prakash Sharma (IRSEE) Retd. PCEE/CR are appointed as learned Arbitrators to adjudicate all disputes arising out of agreement dated 01.12.2011 entered into between the parties to the lis and the proceeding will be presided over by the senior most member amongst them.



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

Learned Arbitrators 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 Arbitrators to decide the issues expeditiously.

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

Learned counsel for the parties also undertake to communicate the order to the learned Arbitrators. In fact, they volunteered to appear before them, through digital mode and apprise them of the passing of the order.

Parties shall file their statement of claims before the learned Arbitrators on such date of hearing which they may



fix, as per mutual convenience.

The Request Petition stands disposed of in the
above terms.

(Sanjay Karol, CJ)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	30.07.2021
Transmission Date	

