

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.71 of 2020

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M/s Eleco Construction Private Limited having its registered office at Sri Krishna Nagar, P.O. Begusarai, P.S. Distt Begusarai. the Director Ravindra Kumar Chaudhary male aged about 48 years son of Sri Kamal Deo Chaudhary Resident of Sri Krishna Nagar P.O. and P.S. Begusarai.

... .. Petitioner/s

Versus

1. The General Manager, E.C. Railway, At and P.O. Hajipur, Distt- Vaishali.
2. The FA and CAO (Con) E.C. Railway, At and P.O. Mahendrughat, District- Patna.
3. The Chief Engineer, E.C. Railway, At and P.O. Mahendrughat Distt- Patna.

... .. Respondent/s

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Appearance :

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

For the Respondent/s : Mr.(Dr.) K. N. Singh, ASG
Mr. Ramadhar Shekhar, Advocate
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 04.01.2012, 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 names



are suggested by the Railways:-

1. Shri K.B.L.Mittal, IRSME, GM/NER (Retd.)
2. Shri Kichchu Mal, IRSE, PCE/CER (Retd.).
3. Shri Anil Kumar Agrawal, IRSME, AM/Mech (Retd).
4. Shri V.P.Srivastava, IRSE, PCE/EcoR (Retd).

The contractor agrees for appointment of (2) Shri Kichchu Mal, IRSE, PCE/CER (Retd.); (3) Shri Anil Kumar Agrawal, IRSME, AM/Mech (Retd) and (4) Shri V.P.Srivastava, IRSE, PCE/EcoR (Retd), as learned Arbitrators for adjudication of the dispute.

As such, as jointly prayed for, (2) Shri Kichchu Mal, IRSE, PCE/CER (Retd.); (3) Shri Anil Kumar Agrawal, IRSME, AM/Mech (Retd) and (4) Shri V.P.Srivastava, IRSE, PCE/EcoR (Retd) are appointed as learned Arbitrators to adjudicate all disputes arising out of agreement dated 04.01.2012 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.

Since the dispute arises out of an agreement of the



year 2012, 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.

Learned Arbitrator shall be entitled to fees as per the Fourth Schedule of the Arbitration Act.

The Request Petition stands disposed of in the above



terms. No order as to costs.

(Sanjay Karol, CJ)

Ashwini/Sujit/

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

