

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.55 of 2021

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M/s OIX Govtech Private Limited a company incorporated under the Companies Act, 2013 and having its office at 505, Sumati Palace, Boring Road, Patna- 800001, through its duly authorized Director, Mr. Shekhar Keshari, Son of Shri Satish Kumar Keshri, Resident of 154, Patliputra Colony, P.S.- Patliputra, Town and District- Patna.

... .. Petitioner/s

Versus

Bihar State Industrial Development Corporation Limited a company registered under the Companies Act, 1956 and having its registered office at Indira Bhawan, Ram Charitra Singh Road, Boring Road, Patna- 800001 through its Chairman cum Managing Director, Bihar State Industrial Development Corporation Limited.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. J. S. Arora, Sr. Advocate

Mr. Manoj Kumar, Advocate

For the Respondent/s : Mr. Kumar Ravish, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 27-10-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“ That the instant request case is being filed for appointment of an arbitrator for resolving the disputes between the parties pursuant to the Arbitration Agreement, as contained in clause no. 27 of the Agreement for lease of the land for Silk City dated 29th day of May 2020.”

Learned counsel for the petitioner invites attention of this Court to the communication dated 01.06.2021 addressed to the Managing Director, Bihar State Industrial Development Corporation Limited (Annexure-17, Page 104).



Clause 27 of the agreement dated 29.05.2020 (Page 29) contains the arbitration clause. The petitioner has fully exhausted the procedure stipulated therein.

Clause for arbitration stands invoked. However, none of the authorities have taken any action. The dispute, civil in nature, emanated from the agreement dated 29.05.2020, entered into between the petitioner and the respondent.

There is no dispute about-(a) the legality, validity and binding effect of the agreement dated 29.05.2020 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.

The dispute arises out of execution of Agreement dated 29.05.2020. 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 Rajendra Kumar Mishra, a former Judge of this Court is appointed as learned Arbitrator to adjudicate all disputes



arising out of agreement dated 29.05.2020 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 of the Act.

Since the dispute arises out of an agreement of the year 2020, 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.

Joint 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 22nd of November, 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)

Ashwini/sujit

AFR/NAFR	
CAV DATE	
Uploading Date	03.11.2021
Transmission Date	

