

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**REQUEST CASE No.73 of 2020**

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Mahnar Infratech Pvt. Ltd. through its Director Mr. Rajeev Ranjan, aged about 47 Years (Male), Son of Sri Kailash Singh, Resident of Mohalla-Tanrachouri, P.O. and P.S.-Mahnar, District-Vaishali, Corporate Office House No. 275, Road No. 5, Rajput Nagar, Hajipur, District-Vaishali.

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur (Vaishali).
2. The General Manager, East Central Railway, Hajipur (Vaishali).
3. The Divisional Railway Manager (in Short D.R.M.), East Central Railway, Sonapur, District-Saran.
4. The Senior Divisional Engineer (Coordination), East Central Railway, Sonapur, District-Saran.
5. The Senior Divisional Engineer-1, East Central Railway, Sonapur, District-Saran
6. The Assistant Divisional Engineer (Line), East Central Railway, Sonapur, District-Saran

... .. Respondent/s

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**Appearance :**

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|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr.Manish Sahay, Advocate      |
| For the Respondent/s | : | Dr. K. N. Singh, A.S.G.        |
|                      |   | Mr. Ramadhar Shekhar, Advocate |
|                      |   | Mr. Siddharth Prasad, Advocate |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**ORAL JUDGMENT**

**Date : 11-08-2021**

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 disputes inter se the Railways and the private contractor emanate out of an Agreement dated 26.01.2017, executed in relation to work contract.



The existence of the written agreement; containing an arbitration clause; existence of disputes and notice for adjudication through the process of arbitration is not in dispute.

In response to the petition, the respondent-Railways has suggested following four names who could be appointed as Arbitrators.-

1. Shri Rajendra Prasad (IRSE), Retd. CAO/Con/SR.

2. Shri Virendra Kumar Verma (IRSE) Retd.CE/Con/SER.

3. Shri Ram Prakash Sharma, IRSEE, Retd. PCEE/CR.

4. Shri Lalit Kapur, IRSE, Retd. CAO/Con/NWR.

The petitioner has to choose two amongst them and under instructions, learned counsel appearing for the petitioner chooses the names of Shri Rajendra Prasad (IRSE), Retd. CAO/Con/SR, (Sl. No. 1) and Shri Ram Prakash Sharma, IRSEE, Retd. PCEE/CR, (Sl. No. 3), as learned Arbitrators for adjudication of the dispute.

As such, as jointly prayed for, Shri Rajendra Prasad (IRSE), Retd. CAO/Con/SR, (Sl. No. 1) and Shri Ram Prakash Sharma, IRSEE, Retd. PCEE/CR, (Sl. No. 3) are appointed as



learned Arbitrators to adjudicate all disputes arising out of written agreement dated 26.01.2017 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 Arbitrators.

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

Since the dispute arises out of an agreement of the year 2017, 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 on



23.08.2021 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.

Interlocutory Application, if any, shall stand disposed of.

**(Sanjay Karol, CJ)**

Sujit/Ashwini

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| AFR/NAFR          |            |
| CAV DATE          |            |
| Uploading Date    | 19.08.2021 |
| Transmission Date |            |

