

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.74 of 2020

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M/s Rabindra Kumar Dubey through its proprietor Rabindra Dubey, aged about 45 years (Male), Son of Sri Vishwanath Dubey, Registered Office at Village- Kanhauli, P.O.- Bhikhpur-Bhagwanpur, P.S.- M.H. Nagar, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
2. The Principal Secretary, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
3. The Engineer-in-Chief, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
4. The Chief Engineer (North Wing), Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
5. The Superintending Engineer, Road Construction Department, Saran Road Circle, Hajipur.
6. The Executive Engineer, Road Construction Department, Road Division, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate
Mr. Manish Sahay, Advocate
Mr. Anil Kumar Sinha, Advocate

For the Respondent/s : Mr. Ravi Bhardwaj, AC to GA-13

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 25-08-2021

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.

There is no dispute about-(a) the legality, validity and binding effect of the agreement dated 08.11.2008 entered into between the parties to the lis; (b) the existence of arbitration clause contained therein; (c) the existence of dispute(s) arising therefrom; and (d) the petitioner having put the party to notice of his intent seeking arbitration under the agreement.

The dispute arose out of execution of Agreement dated 08.11.2008. 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 Shivaji Pandey, Former Judge of the Patna High Court, is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 08.11.2008 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



4th schedule of the Act.

Since the dispute arises out of an agreement of the year 2008, 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 20th of September, 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)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	03.09.2021
Transmission Date	

