

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.69 of 2021

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M/s Mahendra Prasad Singh & Brothers, Head office at Dalluchak, Khagaul, Patna- 801105. A firm registered under India Partnership Act through Rakesh Kumar Sinha, S/o Late Mahendra Prasad Singh, Resident of Dalluchak, Khagaul, Patna - 801105.

... .. Petitioner/s

Versus

1. The General Manager, East Central Railway, Hazipur.
2. The Chief Administration Officer, East Central Railway, Mahendrughat, Patna.
3. The Chief Engineer, (Con)/ N-2, East Central Railway, Mahendrughat, Patna.
4. Deputy Chief Engineer - II, East Central Railway, Hazipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Mohan Mishra, Advocate Mr. Prasoon Kumar, Advocate
For the Respondent/s	:	Mr. Ramadhar Shekhar, Advocate Dr. Anand Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 08-12-2021

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.

Vide order dated 19th of January, 2011 passed in Request Case No. 08 of 2010, titled as M/s Mahendra Prasad Singh & Brothers Vs. The General Manager, East Central Railway, Hazipur & Ors. (Annexure-1, Page No. 12), the dispute *inter se* the parties, arising out of written Agreement No. DEC/Con/Br/PNBE/WT/06 dated 27th of December, 2005



(Annexure-3), was referred for adjudication to an independent Arbitrator, namely, Hon'ble Mr. Justice Nagendra Rai (a retired Judge of this Court).

It is not in dispute that the learned Arbitrator is no more in the land of living. Hence, the present petition for substitution i.e. appointment of a new Arbitrator in this case.

Parties jointly agree and pray that the dispute be referred to the arbitration of Hon'ble Mr. Justice Jayanandan Singh, a former Judge of this Court.

Ordered accordingly.

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 law.

Since the dispute arises out of an agreement of the year 2005, 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 undertake to communicate the order to the learned Arbitrator. In fact, they volunteered to appear before him, through physical/digital mode on 27th of December, 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)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	10.12.2021
Transmission Date	

