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**HIGH COURT OF CHHATTISGARH, BILASPUR****Arbitration Request No. 2 of 2021**

M/s. Bagadiya Brothers Pvt. Ltd. A company registered under the Companies Act, 1956, bearing CIN No. U51101CT2002PTC022248, Bagadiya Mansion Ground Floor, Jawahar Nagar, Raipur, CT 492001 IN being represented by its Authorised Signatory Shree Shitala Prasad Jaiswal

**---- Applicant****Versus**

M/s. Super Smelter Limited, registered office Premlata, 39, Shakespeare Sarani, Third Floor, Kolkata 700017, Factory Address: Jamuria Industrial Estate, Raja Ram Danga, Aam Bagan, PO Ikra, Dist Paschim Bardhaman WB 713362

**---- Respondents**

(Cause Title taken from Case Information System)

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| For Applicant  | : Mr. Vikas Shrivastava, Advocate. |
| For Respondent | : Mr. Mayank Chandrakar, Advocate. |

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**Hon'ble Shri Arup Kumar Goswami, Chief Justice****Order on Board****12/11/2021**

This is an application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short, Act of 1996) for appointment of Arbitrator.

2. Heard Mr. Vikas Shrivastava, learned counsel for the petitioner as well as Mr. Mayank Chandrakar, learned counsel for the respondent.

3. Learned counsel for the parties submit that there is an arbitration clause in the contract dated 20.04.2020 at clause 17, which reads as under:

“17. Arbitration : In case of any dispute parties will amicably solve the dispute with mutual understandings. In case dispute is not resolved so than Arbitration

in terms of Arbitration law of India shall take place between the parties and seat of Arbitration will be at Raipur and under Raipur Court's Jurisdiction."

4. A dispute having arisen between the parties, the petitioner addressed the letter dated 21.08.2020 invoking clause 17 of the contract dated 20.04.2020 in respect of the disputes enumerated in the said letter. The request for appointment of an Arbitrator was refused by letter dated 10.09.2020 (Annexure A/18) and therefore, this application was filed.

5. Learned counsel for the parties have submitted that they are in agreement that the dispute between the parties as indicated in the letter dated 21.08.2020 may be referred to the sole arbitration of Mr. Arvind Shrivastava, retired District Judge, resident of R/2/8, Rama Valley, Raipur Road, Bilaspur, Chhattisgarh, and therefore, this Court may, accordingly, pass appropriate order appointing Mr. Arvind Shrivastava as the Arbitrator to resolve the dispute between the parties.

6. In view of the above submission made by learned counsel for the parties, Mr. Arvind Shrivastava, retired District Judge, is appointed to act as the Sole Arbitrator between the parties.

7. The Registry is directed to communicate this order to Mr. Arvind Shrivastava in the proper address.

8. The remuneration of the Arbitrator shall be settled with the mutual consent of the parties.

9. The arbitration application, accordingly, stands allowed. No order as to costs.

Sd/-  
(Arup Kumar Goswami)  
**CHIEF JUSTICE**