

**HIGH COURT OF CHHATTISGARH AT BILASPUR****ARBR No. 42 of 2019**

M/s Shivalik Power And Steel Pvt. Ltd. Through Its Authorized Representative Shri Vinay Agrawal, Ed Having Its Registered Office At C-33, 3rd Floor, Ashoka Millennium Ring Road No. 1, Rajendra Nagar Chowk Raipur Chhattisgarh

---- Applicant

**Versus**

M/s Titan Engineers Through Its Proprietor Shri M L Prasad 201, Bommasandra Industria Area Jigani Link Road Bangalore 560105, Karnataka

---- Respondent

|                |   |                              |
|----------------|---|------------------------------|
| For Applicant  | : | Mr. Abhyuday Singh, Advocate |
| For Respondent | : | Mr. Rahul Tamaskar, Advocate |

**Hon'ble Shri Justice P. Sam Koshy****Order on Board**

**10/09/2021**

1. The present is an application under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an arbitrator in reference of the matter in respect of the dispute between the applicant and the respondent.
2. The applicant company is registered under the provisions of the Companies Act. In the process of modernization and mechanizing their plant situated at Belsonda Mahasamund. The applicant company had placed a purchase order for the Design, Engineering, Manufacturing and Supply of equipment for ARPA-600 and ARPA-900 Moulding line complete with Sand Plant Equipment including Sand Cooler Junction, Sand Mixture, Polygonal Screen vide P.O. No. SPSPL/TITAN/17-18/P.O. No. 497 dated 29.09.2017. The purchase order was for a total amount of Rs. 1,94,89,093/-. As per the purchase order dated 29.09.2017, the

delivery was to be made by February, 2018 and commissioning to be done in March, 2018. The delivery of ARPA 600 was to be made in April, 2019 and commissioning in May, 2018. Likewise, delivery of ARPA 900 was to be made in May, 2018 with commissioning in June, 2018. However, the respondent is said to have failed in discharging their contractual obligation within the stipulated period of time and a dispute arose between the parties and in terms of the agreement entered into the parties, the dispute had to be resolved by way of arbitration.

3. Today, when the matter is taken up for hearing there was a joint statement made by the counsel appearing on either side stating that they have accepted the matter to be resolved by way of arbitration and the parties jointly refer the name of Hon'ble Mr. Justice V.K. Shrivastava (Retd.), Former Judge of this High Court to be appointed as a Sole Arbitrator for resolving the dispute and for redressal of the grievances between the parties.
4. In view of the joint proposal made by the parties in exercise of the powers conferred under Section 11(6) of the Act of 1996 under the authority given by Hon'ble the Chief Justice, I hereby appoint Hon'ble Mr. Justice V.K. Shrivastava (Retd.) to act as an Arbitrator and arbitrate the dispute between the parties in accordance with the provisions of Arbitration and Conciliation Act, 1996.
5. The Registry is directed to communicate this order to Hon'ble Mr. Justice V.K. Shrivastava (Retd.) to enter upon reference after complying with the provisions contained under Section 12(2) of the Arbitration and Conciliation Act, 1996 and to adjudicate upon the dispute as expeditiously as possible in accordance with the Act of 1996.

6. The remuneration of the Arbitrator shall be settled with the mutual consent by the parties.
7. The arbitration application accordingly stands allowed to the extent indicated herein above.
8. No order as to costs.

Sd/-  
(P. Sam Koshy)  
**Judge**

Ved