

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.8 of 2022

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Kems Services Pvt. Ltd. through its Managing Director Mr. Mohan Kumar Khandelwal, aged about 58 years (Male), son of Sri Durga Prasad Khandelwal, Mohalla-Bandar Bagicha, Dak Bunglow Road, P.O.-GPO, P.S.-Kotwali, District-Patna-800001. Official Address-76, B1/B Mourya Lok Complex, Dak Bunglow Road, P.S.-Kotwali, District-Patna-800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sinchai Bhawan, Bailey Road, Patna-15.
2. The Principal Secretary, Water Resources Department, Sinchai Bhawan, Bailey Road, Patna-15.
3. The Engineer-in-Chief Flood Control and Water Drainage, Water Resources Department, Sinchai Bhawan, Bailey Road, Patna-15.
4. The Chief Engineer, Flood Control and Water Drainage, Water Resources Department, Katihar-854105.
5. The Superintending Engineer, Flood Control Circle, Water Resources Department, Bhagalpur-812001.
6. The Executive Engineer, Water Resources Department, Flood Control Division, Naugachia (Bhagalpur)-812001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Sahay, Advocate
For the Respondent/s : Mr.Anjani Kumar (AAG 4)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 30-03-2022 This application under Section 11(6) of the Arbitration and Conciliation Act, 1996 has been filed praying for appointment of an Arbitrator to adjudicate the dispute between the parties.

After the matter was heard for some time, finding the Bench not to be in favour of the submission made by the learned



counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petition, in its present form, may be permitted to be withdrawn reserving liberty to invoke the arbitration clause (25) contained in the agreement dated 02.03.2009 and file afresh with better particulars on the same and subsequent cause of action, should the need so arise.

Liberty granted

Petition is disposed of as withdrawn with the liberty aforesaid.

Also liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

K.C.Jha/-

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