

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.10 of 2022

ANCHITA Developer Pvt. Ltd through its Managing Director Sanjay Sinha male aged about 50 years, son of Late Randhir Sinha, R/o- Maa Shambhavi Enclave, Flat No- 501, K.D. Chatterjee Path, Beside S.B.I Atm, East Boring Canal Road, Patna, P.O.- Buddha Colony, P.S.- Boring Canal Road, Patna- 800001, Bihar, INDIA.

... .. Petitioner/s

Versus

1. Vijay Nath Gupta son of Late Ram Prasad Sao resident of Near P.N.B. Opposite Mama Medical, P.O. and P.S. Danapur, District Patna- 801503
2. Smt. Pramila Devi wife of Late Bhola Nath Gupta resident of Near P.N.B. Opposite Mama Medical, P.O. and P.S. Danapur, District Patna- 801503.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Saurabh Bishwambhar, Advocate Mrs. Alka Verma, Advocate Mr. Gaurav Sharma, Advocate Mr. Ayush Kumar, Advocate
For the Respondent/s	:	Mr. Lakshmi Kant Sharma, Advocate Mr. Rajesh Kumar, Advocate Mr. Rakesh Kumar Sharma, Advocate Ms. Roona, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 03-08-2022

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.

Today, there is no dispute about-(a) the legality, validity and binding effect of a written agreement dated 07.12.2011 entered into between the parties to the *lis*; (b) the existence of arbitration clause contained therein; (c) the



existence of dispute(s) arising there from; (d) the dispute arisen out of the agreement being civil in nature; and (e) no legal impediment in the adjudication of the dispute by the learned Arbitrator.

Parties mutually agree for appointment of an Arbitrator to adjudicate the disputes.

The dispute arose out of execution of Agreement dated 07.12.2011. 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.

As such, Hon'ble Mr. Justice S.N. Jha, Retired Chief Justice, Rajasthan High Court and a retired Judge of the Patna High Court (Mobile No. 9810978500), is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 07.12.2011 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 schedule of the Act.

Since the dispute arises out of an agreement of the



year 2011, the hearing be expedited.

Parties undertake to fully cooperate and not take any unnecessary adjournment.

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/physical mode on 29.08.2022 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)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	25.08.2022



Transmission Date	
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