

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.13 of 2022

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KNR - JKM - KAMLA (JV) having its Corporate Office at C - 84, Grater Kailash I, New Delhi 110048, through its authorized signatory Atul Goel, aged about 51 years, Male, son of Sri Narendra Kumar Goel, resident of House No. 1499, Sector 17, HUDA, Jagadhari P.S. Jagadhari, District Yamuna Nagar, Haryana.

... .. Petitioner/s

Versus

1. The State of Bihar, Through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Engineer in Chief (North), Water Resources Department, Government of Bihar, Patna.
3. The Superintending Engineer, Planning and Monitoring, Patna Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Purnia.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 22-06-2022

Heard learned counsel for the parties.

The present Request Case is being filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an independent Arbitrator for resolution of disputes which have arisen between the petitioner KNR-JKM-KAMLA (JV) and the Respondents State of Bihar.

Petitioner duly requested to the Superintending Engineer, Water Resources Department, Patna (Annexure-10,



page-43) as also to the Chief Engineer, Irrigation Creation, Water Resources Department, Saharsa (Annexure-11, page 46) to take early decision on the disputes and claims, but the same was rejected by the Superintending Engineer, Irrigation Circle, Purnea on 18.01.2022 (Annexure-12, page 50).

Today, there is no dispute about-(a) the legality, validity and binding effect of General Conditions of Contract (Annexure-1) entered into between the parties to the lis; (b) the existence of arbitration clause 25 (Annexure-13 to the supplementary affidavit, page-63) contained therein; (c) the existence of dispute(s) arising there from; (d) the dispute arisen out of the agreement being civil in nature; (e) no legal impediment in the adjudication of the dispute by the learned Arbitrator; (f) Petitioner having exhausted the channel available for resolution of dispute; (g) the respondent having failed to appoint an Arbitrator pursuant to the invocation of the arbitration clause by the petitioner.

In view of the arbitration clause being available in the agreement, I find that the matter requires arbitration and, accordingly, invoking Section 11(6) of the Arbitration and Conciliation Act, 1996, I hereby appoint Hon'ble Mr. Justice S.J.Mukhopadhyaya, Former Judge, Hon'ble Supreme Court of



India, Mobile No. 9973972073/8800555332, as learned Arbitrator to adjudicate all disputes arising out of agreement 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 fees as per the Fourth Schedule of the Arbitration Act.

Since the dispute arises out of an agreement of the year 2009/2010, it is expected of the learned Arbitrator to adjudicate the disputes expeditiously.

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.

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 on 29.07.2022 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)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.07.2022
Transmission Date	

