

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.15 of 2022

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Sarvesh Security Services Pvt. Ltd., through its Director Col. S.N.P. Singh (Male, Aged 73 years), S/o Late H.P. Singh, having its registered office at -413, Mayur Vihar, Pocket E, Phase 2, Delhi-110091.

... .. Petitioner/s

Versus

1. Babasaheb Bhimrao Ambedkar, Bihar University, through its Vice Chancellor, Muzaffarpur, Bihar-842 001.
2. Registrar, Babasaheb Bhimrao Ambedkar, Bihar University, Muzaffarpur, Bihar-842 001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate

For the Respondent/s : Mr.Sanjeev Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 13-04-2022

This petition 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.

Written agreement dated 17.02.2019 (Annexure-5 Page 26), containing an arbitration clause (Page 66), which stands invoked vide communications, *inter alia* dated 01.08.2020 (Page 91), to which there is no response.

Parties were agreed to bind themselves to the terms of the agreement dated 17.02.2019 for providing security service to various establishments set up by the University.



Certain disputes having arisen, the petitioner invoked the arbitration clause vide communications (Annexure-7 series). The mechanism for dispute resolution stipulated in Clause 16 of the said agreement.

Learned counsel for the university states that the petitioner has not complied with the said clause in letter and spirit. However, if the petitioner were to make himself available in the office of the Respondent No. 2 namely, the Registrar, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur, an endeavour shall be made to settle the dispute amicably within a period of 30 days, for written notice already stands issued by the petitioner, though under different form.

Learned counsel for the petitioner, without prejudice to the stand already taken, in the interest of justice as also the parties agree to the suggestion put forth by the respondent.

As such, present petition is disposed of in the following mutually agreeable terms:-

(a) Petitioner shall make himself available in the office of the Respondent No. 2, namely, the Registrar, Babasaheb Bhimrao Ambedkar, Bihar University, Muzaffarpur, on 05.05.2022, who shall ensure that the mechanism provided in



terms of the agreement is adhered to strictly within the time frame i.e. be it 30 days or 15 days thereafter by a Co-ordination Committee and ensure that the final decision is taken on the disputes arising out of written agreement, *inter se* the parties.

(b) Should the petitioner be aggrieved, it would be open to him to approach the Court on the very same and subsequent cause of action.

(c) In fact, the petitioner is aggrieved, this Court is hopeful that the respondent itself would appoint an arbitrator in terms of the agreement entered into between the parties.

(d) In any event, liberty reserved to the petitioner to approach this Court on the very same and subsequent cause of action and as and when any such petition is preferred, the same shall be listed on priority basis.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	15.04.2022
Transmission Date	

