

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.20 of 2022

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Ramjee Singh, Sonof Krishna Nand Singh, Resident of Village - Kothava,
Post Office - Kothava, Police Station - Danapur, District - Patna.

... .. Petitioner/s

Versus

1. The Union of India, through Chairman, Railway Board, New Delhi.
2. The General Manager, East Central Railway, Hazipur, Vaishali, Bihar.
3. The Chief Engineer/Dy. Chief Engineer, East Central Railway, Hajipur.
4. Sr. Divisional Engineer (3), East Central Railway, Danapur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Mohan Mishra, Advocate
For the Respondent/s	:	Mr.Kumar Priya Ranjan, Advocate
		Mr. Pallav, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 13-04-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“To appoint an independent arbitrator to resolve, settle and decide the dispute and differences which has been arises between the petitioner and the respondent in terms of agreement dated 22nd April 2015 vide agreement no- W-7/44/Misc/DNR Open/2014-15 which executed by the petitioner and the respondent No. 4 on behalf of President of India.”

The dispute *inter se* the Railways and the private contractor emanates out of an Agreement dated 22nd April, 2015, executed in relation to work contract. The agreement contains arbitration clause No. 63 and 64 (Page 62 of the supplementary affidavit) and as is evident from the record, the petitioner, while



invoking the said clause, also specified the disputes vide notice dated 31.10.2021 (Annexure-3, Page 55).

In the response filed, the factum of (a) execution of arbitration clause in writing; (b) existence of the disputes; (c) invocation of the arbitration clause and (d) disputes being civil in nature, are not disputed, in fact, the respondents have agreed that the disputes be referred to any one of the railway officers (retired), as per the panel annexed as Annexure-R/B Page 111.

Learned counsel for the parties jointly submit that Shri Kichchu Mal (IRSE), Former PCE/ECR, whose name is placed at sl. No. 03 of the said panel, be appointed as an Arbitrator for adjudication of the dispute.

As such, as jointly prayed for, Shri Kichchu Mal (IRSE), Former PCE/ECR, is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 22nd April, 2015 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 Arbitrators shall be entitled to fee as per the Act.

Since the dispute arises out of an agreement of the year 2015, 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 on 06.05.2022 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/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	18.04.2022
Transmission Date	

