

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.21 of 2022

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Brajesh Kumar, Son of Suresh Prasad Sharma, Resident of 301 Raj Complex,
90 Feet Road, Jyoti Raj Complex, Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Joint Secretary, Public Health Engineering Department, Government of Bihar, Patna.
4. The Engineer - In - Chief - Cum - Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
5. The Chief Engineer, Public Health Engineering Department, Patna Zone, Patna.
6. The Superintending Engineer, Public Health Design and Planning, Circle - 4, Patna.
7. The Executive Engineer, Public Health Division, Gaya.
8. The Assistant Engineer, Public Health Division, Gaya.

... .. Respondent/s

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Appearance :

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

For the Respondent/s : Mr. S. Raza Ahmad, AAG-5
Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 29-06-2022

This application has been moved seeking appointment of an Arbitrator invoking the powers of this Court under Section 11(3) and (6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act').

Petitioner and the respondents entered into a written agreement dated 18.12.2015. The said agreement contains an



arbitration clause-25 (Page 21) for settlement of disputes, which the petitioner invoked, vide notices dated 23.09.2021 to the Executive Engineer, P.H.Division, Gaya (Annexure-13, Page-59); dated 04.10.2021 to the Superintending Engineer, Public Health Division, Circle Gaya (Annexure-14 Page 63); and the last one dated 27.12.2021 to the Chief Engineer, P.H.Division, Patna Zone, Patna (Annexure-18 Page 81) for appointment of an Arbitrator to adjudicate the dispute between the parties.

Today, there is no dispute about-(a) the legality, validity and binding effect of a written agreement dated 18.12.2015 and subsequently 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; (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 respondents having failed to appoint an Arbitrator pursuant to the invocation of the arbitration clause by the petitioner.

In fact, the respondents themselves had sought suggestion of the name of the person, who can be appointed as an Arbitrator.



As such, Hon'ble Mr. Justice Dinesh Kumar Singh, Former Judge, Patna High Court, Mobile No. 9431015011, is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 18.12.2015 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 Arbitrator shall be entitled to fee as per the schedule of the Act.

Since the dispute arises out of an agreement of the year 2015, it is expected of the learned Arbitrator to decide the issues expeditiously.

Parties are directed 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 immediately communicate the order to the learned Arbitrator.

Learned counsel for the parties to communicate the order to the learned Arbitrator. Also, parties are directed to



appear before him, through physical/digital mode on 29.07.2022 and apprise him of passing of this 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)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	11.07.2022
Transmission Date	

