

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.22 of 2022

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M/s. Mecon Limited a company incorporated under the provisions of Companies Act, 1956 having its Registered Office at Doranda, P.S. Doranda, District Ranchi (Jharkhand) through its Manager (Legal) Rohan Rajarshi, Male, Aged about 31 years, Son of Sri Ashok Kumar Singh, Resident of Doranda, P.S. - Doranda, District Ranchi (Jharkhand).

... .. Petitioner/s

Versus

1. The Bihar State Power (Holding) Company Limited the erstwhile Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna through its Managing Director.
2. The Chairman cum Managing Director, Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna.
3. The North Bihar Power Distribution Company Limited, having its office at Vidyut Bhawan, Bailey Road, Patna through its Managing Director.
4. The Chief Engineer, R-APDRP, North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.D.Sanjay, Sr. Advocate Mr. Mohit Agarwal, Advocate Mrs. Priya Gupta, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, Advocate Mr. Anand Ojha, Advocate.

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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(4)(5) 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 21.11.2012 (Annexure-4 Page 40). The said agreement contains an arbitration clause- 10 (Page 39) for



settlement of disputes, which the petitioner invoked, vide notice dated 26.11.2021 to the Chairman-cum-Managing Director, Bihar State Power (Holding) Company Limited, suggesting certain names of former judge of this Court 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 21.11.2012 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.

As such, Hon'ble Mr. Justice Aditya Kumar Trivedi, Former Judge, Patna High Court, Mobile No. 9473400262, is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 21.11.2012 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 2012, 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.

Sujit/Ashwini

(Sanjay Karol, CJ)

AFR/NAFR	
CAV DATE	
Uploading Date	11.07.2022
Transmission Date	

