

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.39 of 2021

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M/s Eleco Construction Private limited having registered office at Sri Krinshna Nagar P.O. Begusarai, P.S. Distt. Begusarai through the Director Ravindra Kumar Chaudhary, male, aged about 51 years, son of Kamal Deo Chaudhary resident of Sri Krishna Nagar P.O. and P.S. Begusarai, District-Begusarai.

... .. Petitioner/s

Versus

1. The General Manager, East Central Railway, At and P.O. Hajipur, District-Vaishali.
2. The Deputy Chief Engineer (con), Darbhanga, E.C. Railway, Now At and P.O. Muzaffarpur, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nand Kishore Singh, Advocate Mr. Jitendra Kumar, Advocate
For the Respondent/s	:	Mr. Ramadhar Shekhar, Advocate Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 12-01-2022

This application 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.

The dispute inter se the Railways and the private contractor emanates out of an Agreement dated 20.05.2008, executed in relation to work contract. The agreement contains arbitration clause whereby the parties have to nominate the



Arbitrator for adjudication of the disputes.

Shri Nand Kishore Singh, learned counsel for the petitioner, under instructions from the petitioner, states that the officers at sl. Nos. 3 and 4 namely Shri Ram Prakash Sharma, IRSEE, (Retd)PCEE/CR and Shri Virendra Kumar Verma, IRSE,(Retd) CE/Con/SER respectively of the panel, as communicated vide communication dated 29th October, 2021 by the Railways, to appoint with one more person, who is senior most amongst four, as Chairman of the Tribunal. The Tribunal with three members body and the seniormost amongst them has to preside over.

It appears that the officer at Sl. No. 1, Shri Yatindra Pal Singh, IRSE, (Retd) AGM/NCR is the seniormost and as such, he is appointed as the third Arbitrator to preside over the Tribunal.

The contractor agrees for appointment of aforesaid officers as learned Arbitrators for adjudication of the dispute.

As such, as jointly prayed for, Shri Yatindra Pal Singh, IRSE, (Retd) AGM/NCR; Shri Ram Prakash Sharma, IRSEE, (Retd)PCEE/CR and Shri Virendra Kumar Verma, IRSE, (Retd) CE/Con/SER are appointed as learned Arbitrators to adjudicate all disputes arising out of agreement dated



20.05.2008 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 Arbitrators.

Learned Arbitrators shall be entitled to fee as per the Circular issued by the Railways dated 02.01.2020 (Annexure P-1 of the rejoinder).

Since the dispute arises out of an agreement of the year 2008, the hearing be expedited.

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.

It is expected of the learned Arbitrators to decide the issues expeditiously.

Registrar (List) is directed to communicate the order to the learned Arbitrators.

Learned counsel for the parties also undertake to communicate the order to the learned Arbitrators. In fact, they volunteered to appear before them, through digital mode on 08.02.2022 and apprise them of the passing of the order.



Parties shall file their statement of claims before the learned Arbitrators on such date of hearing which they may fix, as per mutual convenience.

The Request Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

Sujit/Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	17.01.2022
Transmission Date	

