

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.52 of 2021

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M/s Tirupati Construction and Infrastructure through its Partner Sri Rajmukh Kumar Rai, Son of Late Ram Naresh, Resident of House no. L-6/424, Ashiyana Angan, Alwar, By-Pass Road, Bhiwadi, District-Alwar (Rajasthan).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Building Construction Department, Government of Bihar, Nirman Bhawan, Bailey Road, Patna.
2. The Executive Engineer, Building Construction Department, Government of Bihar, Patna Building Construction Division, Near Fire Brigade Office, Near Police Line, Lodipur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Tiwary, Advocate

For the Respondent/s : Mr.Amit Prakash, GA-13

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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

Heard learned counsel for the parties.

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 present petition in the present form is premature inasmuch as petitioner did not take recourse to the mechanism provided under Clause 25 of the agreement containing dispute resolution mechanism. Petitioner preferred appeal before the



designated authority only during the pendency of the present petition.

Be that as it may, Shri Amit Prakash, learned counsel appearing on behalf of the State states that within 08 days from the date of filing of the appeal, the competent authority shall positively take a decision in terms of the agreement entered into between the parties.

We only hope and expect the appropriate authority to consider and decide the appeal on its own merit and with reasonable dispatch.

Learned counsel for the parties undertake not to take any unnecessary adjournment in such proceedings.

We clarify that we have not expressed any opinion on facts and law. All issues are left open.

The present petition stands disposed of with the liberty aforesaid.

(Sanjay Karol, CJ)

Sujit/Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	17.01.2022
Transmission Date	

