

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.59 of 2021

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M/s Singhal Enterprises having its administrative office at 34/A, Metacalfe Street Fourth floor, suit number 4F/1, Kolkata - 700013 through its authorised representative namely Mr. Amulya Kumar Das, son of Anirudh Chandra Das, aged about 50 years, Resident of D/1, Sai Phoneix, Sri Sai city, Sai Baba Mandir, New Pundag, Ranchi - 834004, Jharkhand.

... .. Petitioner/s

Versus

2. The Bhagalpur Smart City Ltd, a registered company having its registered office Municipal Corporation court compound, Bhagalpur, Bihar - 812001 through its managing director.
3. The Chief Executive Officer, The Bhagalpur Smart city Ltd, a registered company having its registered office Municipal Corporation Court compound, Bhagalpur, Bihar - 812001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Advocate
Mr. Alok Kumar Jha, Advocate

For the Respondent/s : Mr. Yogendra Prasad Sinha, AAG 7
Mr. Rajeev Kumar Sinha, AC to AAG 7

For the Resp. Nos. 2 & 3 : Mr. Manish Kumar, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 20-04-2022

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.

There is no dispute about-(a) the legality, validity and binding effect of the agreement dated 18.03.2020 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.

Parties mutually agree for appointment of an Arbitrator. In fact, they themselves have suggested the name of Hon'ble Justice Mrs. Indu Malhotra, Former Judge of Hon'ble Supreme Court of India to adjudicate the disputes.

The agreement contained an arbitration clause, whereby the parties agreed for reference of the dispute *inter se* the parties, arising out of the said agreement, for arbitration as per law.

There is no legal impediment in the adjudication of the dispute by the learned Arbitrator.

As such, as jointly prayed for, Hon'ble Justice Mrs. Indu Malhotra, Former Judge of Hon'ble Supreme Court of India is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 18.03.2020 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.



Since the dispute arises out of an agreement of the year 2020, 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 Arbitrator to decide the issues expeditiously.

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, through digital mode on 30.05.2022 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)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	09.05.2022
Transmission Date	

