

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.67 of 2021

=====

Nageshwar Prasad, Son of Rupnarayan Singh Resident of Village- Pothahi,
Post Office- Basuhar, Police Station- Punpun, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through Chairman, Railway Board, New Delhi.
2. The General Manager, East Central Railway, Hazipur, Vaishali, Bihar.
3. Sr. Divisional Engineer (3), East Central Railway, Danapur.
4. The Assistant Divisional Engineer (L), East Central Railway, Danapur, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Krishna Mohan Mishra, Advocate Mr. Prasoon Kumar, Advocate
For the Respondent/s	:	Mr. Kumar Priya Ranjan, Advocate Mr. Pallav, Advocate Mr. Sriram Krishna, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 30-03-2022

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 24.05.2016, executed in relation to work contract. The agreement contains arbitration clause No. 78 (Page 56 of the petition) and as is evident from the record, the petitioner, while invoking the said clause, also specified the disputes vide notice dated 14.01.2021



(Annexure-2, Page 69).

In the response filed, the factum of (a) execution of arbitration clause in writing; (b) existence of the disputes; (c) invocation of the arbitration clause and (d) disputes being civil in nature, are not disputed, in fact, the respondents have agreed that the disputes be referred to any one of the railway officers (retired), as per the panel annexed as Annexure-R/A Page 77.

Learned counsel for the parties jointly submit that Shri Bharat Prasad Gupta, (IRSE), Retd. CAO/C/N/ECR, whose name is placed at sl. No. 11 of the said panel, be appointed as an Arbitrator for adjudication of the dispute.

As such, as jointly prayed for, Shri Bharat Prasad Gupta, (IRSE), Retd. CAO/C/N/ECR is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 24.05.2016 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 Arbitrators shall be entitled to fee as per the Act.

Since the dispute arises out of an agreement of the year 2016, the hearing be expedited.



Parties undertake to fully cooperate and not take any unnecessary adjournment.

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

Joint 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 on 25.04.2022 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.

(Sanjay Karol, CJ)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	01.04.2022
Transmission Date	

