

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.79 of 2021

VKS Infratech Management Private Limited Having its registered office at Raghunath Bhawan, B-17/882, Block-B, New Ashok Nagar, Delhi- 110096 through its authorized signatory namely Arshad Hussain, aged about 44 years, Gender- Male, Son of Ahmad Hussain, resident of House No. 979, Janta Flat, GTB Enclave, Delhi- 110093.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Road Construction Department, Government of Bihar, Patna.
2. The Bihar State Road Development Corporation through its Managing Director RCD Mechanical Workshop Campus, Sheikhpura, Patna.
3. The Managing Director Bihar State Road Development Corporation, RCD Mechanical Workshop Campus, Sheikhpura, Patna.
4. The Chief General Manager Bihar State Road Development Corporation, RCD Mechanical Workshop Campus, Sheikhpura, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate Mr. Rajeev Shekhar, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, A.G. Mr. Manishdhari Singh, AC to A.G.

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 11-05-2022

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.

Today, there is no dispute about-(a) the legality, validity and binding effect of the agreement dated 14.03.2011 (Annexure-1, Page 13) entered into between the parties to the *lis*; (b) the existence of arbitration clause-9.2 (Annexure-1, Page



18); (c) the existence of dispute(s) arising there from; (d) the dispute arisen out of the agreement being civil in nature and (e) no legal impediment in the adjudication of the dispute by the learned Arbitrator.

Parties jointly submit that the dispute be referred to arbitration of single Arbitrator.

As such, as jointly prayed for, Hon'ble Mr. Justice Mihir Kumar Jha, Former Judge of this Court is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 14.03.2011 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 a written agreement of the year 2011, 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/physical 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	13.05.2022
Transmission Date	

