

IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBP No. 12 of 2022

M/s. GVV Construction Pvt. Ltd.

....

Petitioner

Mr. S. Dwibedi, Advocate

-versus-

General Manager, East Coast Railways

....

Opposite Party

Mr. P.K. Parhi, ASGI

Along with Mr. B.S. Rayaguru, CGC

**CORAM:
THE CHIEF JUSTICE**

ORDER

22.07.2022

Order No.

- 03.
1. Two objections have been raised by the Opposite Party- East Coast Railway (ECR) to the appointment of an Arbitrator as requested by the Petitioner.
 2. The first is that the ECR already has a panel of Arbitrators and therefore, one among them should be appointed as the Arbitrator.
 3. It is seen that prior to the Petitioner filing the present petition, notice had already been issued to the ECR and on account of its failure to respond to the said notice, the present application had to be filed. The stage for, therefore, the ECR to insist on one of its panel Arbitrators having to be appointed has already been crossed.
 4. The second objection is that the Petitioner had already issued a no claim certificate to the ECR and therefore its claims are not maintainable. This is opposed by Mr. S. Dwibedi, learned counsel for the Petitioner who states that there are no such no claim

certificates and documents in this regard have not been enclosed with the reply. Be that as it may, the Court is of the view that this contention of the ECR can well be examined by the sole Arbitrator to be appointed by the Court.

5. In that view of the matter, the Court appoints ***Dr. Justice A.K. Rath***, former judge of this Court, as sole Arbitrator to conduct the arbitration proceedings and adjudicate the disputes between the parties including their claims and counter claims. The arbitration proceedings shall take place under the aegis of the High Court Arbitration Centre. A copy of this order be communicated to the learned Arbitrator as well as the Coordinator, Arbitration Centre forthwith.

6. The arbitration petition is disposed of.

(***Dr. S. Muralidhar***)
Chief Justice

S. Behera