

IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBP No.18 of 2022

M/s. ABC Constructions, Bhubaneswar Petitioner

Mr. S. S. Rao, Advocate

-versus-

***Chief Engineer, Central Public Works Opposite Parties
Department, Bhubaneswar and others***

Mr. P. K. Parhi, DSGI and Mr. P. P. Behera,
Central Government Counsel for Union of India

**CORAM:
THE CHIEF JUSTICE**

**ORDER
30.09.2022**

Order No.

06. 1. Mr. P. P. Behera, learned Central Government Counsel enters appearance for Union of India and files appearance memo in Court today, which is taken on record.
2. The present petition under Section 11 of the Arbitration and Conciliation Act, 1996 ('Act') seeks the appointment of an Arbitrator to adjudicate the dispute between the Petitioner and the Opposite Parties, arising out of the Agreement No.35/CE(EZ-V)/EEBCD-III/2-18-19.
3. Counter affidavit filed by learned Central Government Counsel for Opposite Parties is taken on record.
4. The only issue raised in the counter affidavit of Opposite Parties is that in terms of Clause-25 of the Agreement, the Arbitrator

should be a graduate Engineer with experience in handling public works engineering contracts at the level not lower than Chief Engineer (Joint Secretary level of Government of India).

5. The Arbitrator can always seek the assistance of any expert if the issues involved in the arbitration so require.

6. With there being no denial of there being a dispute between the parties and of the existence of an arbitration clause in the agreement, the Court appoints **Dr. Justice Akshaya Kumar Mishra**, a former judge of this Court as the sole Arbitrator to adjudicate the disputes between the parties including their claims and the counter claims. The arbitration shall take place under the aegis of the High Court of Orissa, Arbitration Centre.

7. The arbitration petition is disposed of accordingly. A copy of this order be communicated to the learned Arbitrator forthwith.

8. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

M. Panda