

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.21 of 2023

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Sarvesh Security Services Pvt. Ltd. through its Director Col. S.N.P. Singh (Male, Aged 74 years), S/o Late H.P. Singh Having its Registered Office at - 413, Mayur Vihar, Pocket E, Phase 2, Delhi - 110091.

... .. Petitioner/s

Versus

1. Babasaheb Bhimrao Ambedkar, Bihar University, Through its Vice Chancellor, Muzaffarpur, Bihar - 842001.
2. Registrar, Babasaheb Bhimrao Ambedkar, Bihar University, Muzaffarpur, Bihar - 842001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashikant Amar, Advocate
For the Respondent/s : Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 13-10-2023

1. Heard learned counsel for the parties.

2. 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.

3. Petitioner and the respondent entered into a contract dated 17.02.2019 (Annexure-6). The said contract contains an arbitration clause as Clause-16. The petitioner invoked the arbitration clause vide notice dated 01.08.2020 and requested the respondents to appoint an impartial Arbitrator, but to no avail.

4. It is pleaded that the respondents have not settled



the dispute till date and the dispute is of civil in nature.

5. Today, there is no dispute about-(a) the legality, validity and binding effect of the contract 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; (d) the dispute arising out of the contract being civil in nature; (e) no legal impediment in the adjudication of the dispute by the learned Arbitrator; (f) the respondents having failed to settle the dispute.

6. In such circumstances, as agreed by the parties, Hon'ble Mr. Justice Jyoti Saran, a former Judge of the Patna High Court, is appointed as learned Arbitrator to adjudicate all disputes arising out of the contract entered into between the parties to the *lis*.

7. All pleas and issues raised, on merits, are left open to be considered and decided by the learned Arbitrator.

8. The learned Arbitrator shall be entitled to fee as per the schedule of the Act.

9. Since the dispute arises out of a contract of the year 2019, the hearing be expedited.

10. The issue of limitation, if any, is left open to be raised before the Arbitral Tribunal.



11. Joint Registrar (List) is directed to communicate the judgment to the learned Arbitrator.

12. Learned counsel for the parties also undertake to communicate the judgment to the learned Arbitrator.

13. The Arbitral Tribunal shall issue notice to the respondents.

14. The Request Petition stands disposed of in the above terms.

(K. Vinod Chandran, CJ)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	16.10.2023
Transmission Date	

