

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.55 of 2022

Shailendra Kumar Sinha, Son of Sri Late Birendra Kumar Sinha, Resident of Krishnaangan, Near National Insurance Company (Raja Bazar Branch), P.S.- Shastri Nagar, P.O.- B.V. College, District- Patna (Bihar) At Present residing at House Number- 107, Patliputra Colony, District- Patna, Pin Code- 800013 (Bihar).

... .. Petitioner/s

Versus

1. M/s Jagat Homes and Resort Private Limited A Company incorporated under the Indian Companies Act, 1956, Having its registered office situated at Room No.- 13, 1st Floor, Jagat Smriti, Opposite Shiv Mandir, Khajpura, Bailey Road, Pin Code- 800014, Patna, Bihar (India).
2. Pran Nath Singh Son of Sri Jagat Narayan Sinha M/s Jagat Homes and Resort Private Limited, Resident of Village- Murlichak, Khajpura, P.O.- B.V. College, Patna- 800014 (Bihar).
3. Ms. Meera Ranjan Lal Wife of Shri Rajni Ranjan Lal Resident of F/147, Shrikrishnapuri, P.S.- Shrikrishnapuri, P.O.- Patliputra, District- Patna, Bihar.
4. Sri Amit Kumar Son of Sri Ashok Kumar Verma Resident of Buddha Marg, P.O.- G.P.O., District- Patna, presently residing at 404, D- Block, Kaushalya E-state, off Dak Bungalow Road, Patna, Bihar.
5. Sudhir Ranjan Son of Late Sri Ram Lakhan Prasad Resident of New Area, Jakkanpur, P.S.- Jakkanpur, P.O.- G.P.O., District- Patna, Bihar.
6. Rahul Ranjan Son of Late Shri Ram Lakhan Prasad Resident of New Area, P.O.- Jakkanpur, P.S.- Jakkanpur, District- Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate Mr. Nikhil Singh, Advocate Mr. Kumar Avinash, Advocate Mrs. Alka Singh, Advocate Ms. Shatakshi Sahay, Advocate
For the Respondent/s	:	Mr. J.S.Arora, Sr. Advocate Mr. Ravi Bhatia, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 17-05-2023

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 respondents entered into an agreement dated 06.04.2015 (Annexure-1). The said agreement contains an arbitration Clause-30 The petitioner invoked the said arbitration clause vide legal notice dated 25.01.2022 (Annexure-P/5) sent to all the respondents, 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 written agreement 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 agreement being civil in nature; (e) no legal impediment in the adjudication of the dispute by the learned Arbitrator; (f) Petitioner having exhausted the channel available for resolution of the dispute; (g) the respondent having failed to appoint an Arbitrator pursuant to the invocation of the arbitration clause by the petitioner.

6. As such, Hon'ble Mr. Justice Ramesh Kumar Datta, a former Judge of the Patna High Court, is appointed as learned Arbitrator to adjudicate all disputes arising out of



agreement 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 an agreement of the year 2015, 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 order to the learned Arbitrator.

12. Learned counsel for the parties also undertake to communicate the order 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)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	18.05.2023
Transmission Date	

