

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.86 of 2022

=====

M/s Raghubar Singh through its working partner Mr. Raghubar Singh, aged about 64 Years, (Male), Son of Late Sunder Singh, Resident of Village-Kamta Chak, P.O.- Mittan Chak, P.S.- Gopalpur, District- Patna, At Present- Resident of Mohalla- Laljee Tola, Jitendra Bilash Bhawan, Flat No. 202, P.O.- G.P.O., P.S.- Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
2. The Principal Secretary, Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
3. The Engineer-in- Chief, Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
4. The Chief Engineer- (South), Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
5. The Superintending Engineer, Building Construction Department, Building Circle, Gaya.
6. The Executive Engineer, Building Construction Department, Building Division, Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Manish Sahay, Advocate Mr. Anil Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Uday Shankar Sharan Singh, GP-19

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 05-04-2023

Heard learned counsel for the parties.

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.

Petitioner and the respondent entered into an agreement dated 30.04.2013 (Annexure-P-2, page-24). The said agreement contains an arbitration Clause (Clause-25, page-108). The petitioner invoked the said arbitration clause vide communications dated 28.03.2022 (Annexure-P-9, Page- 209), dated 30.03.2022 (Annexure-P-10, Page 213) and dated 23.05.2022 (Annexue-P-12, Page 219), but to no avail.

It is pleaded that the respondents have not settled the dispute till date and the dispute is of civil in nature.

Today, there is no dispute about-(a) the legality, validity and binding effect of the written agreement dated 30.04.2013 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 arisen 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.

As such, Hon'ble Mr. Justice Shyam Kishore



Sharma, former Judge of the Patna High Court (Mobile No. 9871141854), is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 30.04.2013 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 of the Act.

Since the dispute arises out of an agreement of the year 2013, the hearing be expedited.

Parties undertake to fully cooperate and not take any unnecessary adjournment.

The issue of limitation, if any, is left open to be raised before the learned Arbitrator.

Joint 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 mode/physical mode on 24.04.2023 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.

(K. Vinod Chandran, CJ)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	06.04.2023
Transmission Date	

