

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.103 of 2022

Arjun Engicon Private Limited registered under the provisions of Companies Act 1954, having its registered office at J-117, Peoples Cooperative Colony, Police Station-Kankarbagh, District-Patna through its one of the Directors namely Mr. Ravi Bhushan aged about 47 years, Gender-Male, son of Sri Arjun Singh, resident of J-117, Peoples Cooperative Colony, Police Station-Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Secretary-cum-Commissioner, Water Resources Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Bhagalpur.
5. The Superintending Engineer, Irrigation Anchal No. 2, Jamui.
6. The Executive Engineer, Irrigation Division, Sikandara, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Shekhar, Advocate Mr. Sanjeev Kumar, Advocate Mr. Pravashankar Mishra, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, AAG-4 Mr. Alok Kumar Rahi, Advocate Mr. Utkarsh Bhushan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 01-02-2023

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 (hereinafter referred to as the ‘Act’).

Petitioner and the respondents entered into an agreement dated 18.03.2008 (Annexure-1, Page 17) which



contains an arbitration Clause- 25 (Page 81) for settlement of disputes, which the petitioner invoked firstly to the Executive Engineer (The Engineer-in-Charge), Water Resources Department, Irrigation Division, Sikandra, Jamui vide communication dated 20th of January, 2020 (Annexure-2, Page-254); thereafter to the Superintending Engineer, Water Resources Department, Irrigation Circle, Jamui vide communication dated 21st of February, 2022 (Annexure-3, Page-258; thereafter to the Chief Engineer, Irrigation Creation, Water Resources Department, Bhagalpur, Bihar vide communication dated 04.04.2022 (Annexure-5, Page-263) and eventually to the Chief Engineer, Irrigation, Water Resources Department, Bhagalpur, Bihar vide communication dated 23rd of August, 2022 (Annexure-6, Page 268) for appointment of an Arbitrator to adjudicate the dispute between the parties.

Today, there is no dispute about-(a) the legality, validity and binding effect of the agreement dated 18.03.2008; (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/ Letter of Acceptance 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 dispute; (g) the respondents having failed to appoint an Arbitrator pursuant to the invocation of the arbitration clause by the petitioner.

As such, Hon'ble Dr. Justice Ravi Ranjan, Former Chief Justice, Jharkhand High Court, is appointed as learned Arbitrator to adjudicate all disputes arising out of the agreement dated 18.03.2008 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 2008, it is expected of the learned Arbitrator to decide the issues expeditiously.

Parties are directed to fully cooperate and not take any unnecessary adjournment.

The proceedings shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

Joint Registrar (List) is directed to immediately communicate the order to the learned Arbitrator.



Learned counsel for the parties to communicate the order to the learned Arbitrator. Also, parties are directed to appear before him, through physical/digital mode on 20.02.2023 and apprise him of passing of this 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.

(Sanjay Karol, CJ)

Sujit/Ranjan

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

