

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.123 of 2022

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Tribhuwan Narain Singh having its registered office at 93, Sarashwati Apartment, S.P. Verma Road, District- Patna, Address A-3/484, Vishwaskhand Gomatinagar, Police Station- Gomatinagar, District- Lucknow, U.P.

... .. Petitioner/s

Versus

1. The Chairman Bihar Rajya Pul Nirman Nigam Limited Daroga Rai Path, Patna.
2. The Managing Director, Bihar Rajya Pul Nirman Nigam Limited, Daroga Rai Path, Patna.
3. The Senior Project Engineer, Road Division, Bihar Rajya Pul Nirman Nigam Limited, Daroga Rai Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma, Advocate
For the Respondent/s : Mr. Vikas Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 26-04-2023

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 16.06.2008 (Annexure-1). The said agreement contains an arbitration Clause -25. The petitioner invoked the said arbitration clause vide communication dated 13.08.2021 (Annexure-3), 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 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, with the consent of the parties, Hon'ble Mr. Justice Shyam Kishore Sharma, 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*.

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, 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.

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)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	28.04.2023
Transmission Date	

