

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.9 of 2023

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Narayan Construction, Proprietor-Anju Kumari Wife of Arunjay Kumar Singh
Resident of -Bahuara Bhuiya Vigha, Ledhaanchal, P.S.-Deo, District-
Aurangabad, Presently resident at-Sainik Colony, Near ITI School,
Dumardaga, P.S.-Khelgaun, P.O.-Soognu, District and Town-Ranchi,
Jharkhand.

... .. Petitioner/s

Versus

1. The Secretary, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
2. The Engineer-In-Chief, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
3. The Chief Engineer-2, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Madhepura.
5. The Executive Engineer, Rural Works Department, Works Division, Triveniganj.

... .. Respondent/s

with

REQUEST CASE No. 10 of 2023

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Narayan Construction Proprietor- Anju Kumari, aged about-36 years, Gender-
Female, Wife of Arunjay Kumar Singh, Resident of - Bahuara Bhuiya Vigha,
Ledhaanchal, P.S.- Deo, District- Aurangabad. Presently residing at- Sainik
Colony, Near ITI School, Dumardaga, P.S.- Khelgaun, P.O.- Soognu, District
and Town- Ranchi, Jharkhand.

... .. Petitioner/s

Versus

1. The Secretary, Rural Works Department, Visheweshraiya Bhawan Bailey Road, Patna.
2. The Engineer-in-Chief, Rural Works Department, Visheweshariya Bhawan, Bailey Road, Patna.
3. The Chief Engineer-2, Rural Works Department, Visheweshariya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Madhepura.



5. The Executive Engineer, Rural Works Department, Works Division, Triveniganj.

... .. Respondent/s

with

REQUEST CASE No. 11 of 2023

Narayan Construction, Proprietor- Anju Kumari, aged about- 36 years, Gender- Female, Wife of Arunjay Kumar Singh, Resident of Bahuara Bhuiya Vigha, Ledhaanchal, P.S.- Deo, District- Aurangabad. Presently residing at- Sainik Colony, Near ITI School, Dumardaga, P.S.- Khelgaun, P.O.- Soognu, District and Town- Ranchi, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
2. The Engineer-in-Chief, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
3. The Chief Engineer-2, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Madhepura.
5. The Executive Engineer, Rural Works Department, Works Division, Triveniganj.

... .. Respondent/s

with

REQUEST CASE No. 15 of 2023

Narayan Construction Proprietor- Anju Kumari, aged about- 36 years, Gender- Female, Wife of Arunjay Kumar Singh, Resident of- Bahuara Bhuiya Vigha, Ledhaanchal, P.S.- Deo, District- Aurangabad. Presently residing at- Sainik Colony, Near ITI School, Dumardaga, P.S.- Khelgaun, P.O.- Soognu, District and Town- Ranchi, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
2. The Engineer- In- Chief, Rural Works Department, Visheweshraiya Bhawan,



Bailey Road, Patna.

3. The Chief Engineer-2, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Madhepura.
5. The Executive Engineer, Rural Works Department, Works Division, Triveniganj.

... .. Respondent/s

with

REQUEST CASE No. 16 of 2023

Narayan Construction, Proprietor- Anju Kumari, aged about- 36 years, Gender- Female, Wife of Arunjay Kumar Singh, Resident of - Bahuara Bhuiya Vigha, Ledhaanchal, P.S.- Deo, District- Aurangabad. Presently residing at- Sainik Colony, Near ITI School, Dumardaga, P.S.- Khelgaun, P.O.- Soognu, District and Town, Ranchi, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
2. The Engineer-In-Chief, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
3. The Chief Engineer-2, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Madhepura.
5. The Executive Engineer, Rural Works Department, Works Division, Triveniganj.

... .. Respondent/s

with

REQUEST CASE No. 17 of 2023

Narayan Construction Proprietor- Anju Kumari, aged about- 36 years, Gender- Female, Wife of Arunjay Kumar Singh, Resident of- Bahuara Bhuiya Vigha, Ledhaanchal, P.S.- Deo, District- Aurangabad, Presently residing at- Sainik Colony, Near ITI School, Dumardaga, P.S.- Khelgaun, P.O.- Soognu, District and Town- Ranchi, Jharkhand.



... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
2. The Engineer-in-Chief, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
3. The Chief Engineer-2, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Madhepura.
5. The Executive Engineer, Rural Works Department, Works Division, Triveniganj.

... .. Respondent/s

with

REQUEST CASE No. 18 of 2023

Narayan Construction, Proprietor - Anju Kumari, Wife of Arunjay Kumar Singh, Resident of - Bahuara Bhuiya Vigha, Ledhaanchal, P.S.- Deo, District - Aurangabad. Presently residing at - Sainik Colony, Near ITI School, Dumardaga, P.S.- Khelgaun, P.O.- Soognu, District and Town - Ranchi, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
2. The Engineer-In-Chief, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
3. The Chief Engineer-2, Rural Works Department, Visheweshraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Madhepura.
5. The Executive Engineer, Rural Works Department, Works Division, Trivenigang.

... .. Respondent/s

Appearance :

(In REQUEST CASE No. 9 of 2023)

For the Petitioner/s : Mr.Lal Babu Singh, Advocate
For the Respondent/s : Mr.Ajay (GA- 5)



(In REQUEST CASE No. 10 of 2023)

For the Petitioner/s : Mr.Lal Babu Singh, Advocate

For the Respondent/s : Mr.Ajay (GA-5)

(In REQUEST CASE No. 11 of 2023)

For the Petitioner/s : Mr.Lal Babu Singh, Advocate

For the Respondent/s : Mr.Ajay (GA- 5)

(In REQUEST CASE No. 15 of 2023)

For the Petitioner/s : Mr.Lal Babu Singh, Advocate

For the Respondent/s : Mr.Ajay (GA- 5)

(In REQUEST CASE No. 16 of 2023)

For the Petitioner/s : Mr.Lal Babu Singh, Advocate

For the Respondent/s : Mr.Ajay (GA- 5)

(In REQUEST CASE No. 17 of 2023)

For the Petitioner/s : Mr.Lal Babu Singh, Advocate

For the Respondent/s : Mr.Ajay (GA- 5)

(In REQUEST CASE No. 18 of 2023)

For the Petitioner/s : Mr.Lal Babu Singh, Advocate

For the Respondent/s : Mr.Ajay (GA- 5)

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 15-09-2023

1. Heard learned counsel for the parties.

2. The Request Cases deal with seven different agreements bearing Nos. 96/SBD/GTSNY/2018-19, 93/SBD/GTSNY/2018-19, 100/SBD/GTSNY/2018-19, 99/SBD/GTSNY/2018-19, 95/SBD/GTSNY/ 2018-19, dated 23.11.2018, 149/SBD/GTSNY/2018-19 dated 09.03.2019 and 98/SBD/GTSNY/2018-19 dated 23.11.2018 and the request is for appointment of an Arbitrator.

3. Learned counsel for the respondents submits that there was fraud committed by the petitioner in so far as seven other contracts of the total fourteen contracts awarded to the petitioner. The fraud was in so far as producing fraudulent/ forged Bank Guarantees.



4. Learned counsel for the petitioner submits that in the instant seven cases, there is absolutely no such allegation.

5. In any event, this is also a question which can be considered by the Arbitrator.

6. Today, there is no dispute about-(a) the legality, validity and binding effect of the written agreements 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 agreements 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.

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

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

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



10. Since the dispute arises out of the agreements of the year 2018, the hearing be expedited.
11. The issue of limitation, if any, is left open to be raised before the Arbitral Tribunal.
12. Joint Registrar (List) is directed to communicate the order to the learned Arbitrator.
13. Learned counsel for the parties also undertake to communicate the order to the learned Arbitrator.
14. The Arbitral Tribunal shall issue notice to the respondents.
15. The Request Petitions stand disposed of in the above terms.

(K. Vinod Chandran, CJ)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	18.09.2023
Transmission Date	

