

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.30 of 2024

=====

M/s Membrane Filters (I) Private Limited having its registered office at Abhayaranyam Gat No. 539/1/3 Pune - Satara Road, Near Orchid Resort, Village - Kelwade, Tal Bhore, Police Station - Bhore, Pune - 412213 through its authorized signatory namely Prakash Suresh Pawar (Male), aged about 42 years, Son of Suresh Vitthal Pawar, near resident of Datt Mandir, Datt Nagar, Mohol ta Mohol, Police Station - Mohol, District - Sholapur, Maharashtra.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Public Health Engineering Department, Government of Bihar, Patna.
4. The Chief Engineer, Purnea Circle, Public Health Engineering Division, Government of Bihar.
5. The Superintending Engineer, Purnea Circle, Public Health Division Araria, Government of Bihar.
6. The Executive Engineer, Public Health Division, Araria Government of Bihar.

... .. Respondent/s

with

REQUEST CASE No. 31 of 2024

=====

M/s Membrane Filters I Private Limited, having its Registered Office at Abhayaranyam Gat No. 539/1/3 Pune-Satara Road, Near Orchid Resort, Village-Kelwade, Tal Bhore, Police Station-Bhore, Pune-412213 through its Authorized Signatory Namely Prakash Suresh Pawar (Male), aged about 42 Years, Son of Suresh Vitthal Pawar, Near Resident of Datt Mandir, Datt Nagar, Mohol ta Mohal, Police Station-Mohol, District -Sholapur, Maharashtra.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Public Health Engineering Department, Government of Bihar, Patna.
4. The Chief Engineer, Purnea Circle, Public Health Engineering Division, Government of Bihar,



5. The Superintending Engineer, Purnea Circle, Public Health Engineering Department, Government of Bihar, Patna.
6. The Executive Engineer, Public Health Division, Araria Government of Bihar.

... .. Respondent/s

Appearance :

(In REQUEST CASE No. 30 of 2024)

For the Petitioner/s : Mr. Pravashankar Mishra, Advocate

For the Respondent/s : Mr. P.K. Shahi, Advocate General

(In REQUEST CASE No. 31 of 2024)

For the Petitioner/s : Mr. Pravashankar Mishra, Advocate

For the Respondent/s : Mr. P.K. Shahi, Advocate General

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 26-07-2024

Heard learned counsel for the parties.

2. The present applications have 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 27.10.2018 (Annexure-1 in both the cases). The said agreements contains an arbitration clause as Clause-25. The petitioner invoked the arbitration clause vide communication dated 10.08.2023 (Annexure-5 in both the cases) for appointment of an arbitrator, 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 agreements 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 Mihir Kumar Jha, a former Judge of the Patna High Court, is appointed as learned Arbitrator to adjudicate all disputes arising out of agreements 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 disputes arise out of the agreements of the year 2018, 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 Petitions stand disposed of in the above terms.

(K. Vinod Chandran, CJ)

aditya/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.07.2024.
Transmission Date	

