

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No. 45 of 2024

JWIL Infra Ltd. (Formerly JITF Water Infrastructure Ltd.) having its corporate office at Jindal ITF Centre, 28, Shivaji Marg, Najafgarh Road, P.S. Moti Nagar, District West New Delhi-110015 through its Authorized signatory Sonu Kumar, male aged about 31 years, S/o Shri Sunil Kumar Singh, resident of Village and Post Loshghani, P.S. Piri Bazar, Block Surajgarha, District Lakhisarai.

... .. Petitioner/s

Versus

1. State of Bihar through Principal Secretary, Public Health and Engineering Department (PHED), Patna, Bihar.
2. The Engineer in Chief Public Health and Engineering Department (PHED), Patna, Bihar.
3. The Chief Engineer, Public Health and Engineering Department (PHED), Patna, Bihar.
4. The Executive Engineer, Public Health and Engineering Department (PHED), Patna, Bihar.
5. Superintendent Engineer, Public Health and Engineering Department (PHED), Patna, Bihar.

... .. Respondent/s

with

REQUEST CASE No. 46 of 2024

Jwil Infra Ltd. (Formerly JITF Water Infrastructure Ltd.) Havind its Corporate Office at ITF Centre, 28, Shivaji Marg, Najafgarh Road, P.S. Moti Nagar, District-West, New Delhi-11015 through its Authorized Signatory Sonu Kuamr, Male aged about 31 Years, S/o Shri Sunil Kumar Singh, Resident of Village and Post Loshghani, P.S. Piri Bazar, Block Surajgarha, District Lakhisarai

... .. Petitioner/s

Versus

1. State of Bihar through Principal Secretary, Public Health and Engineering Department, (PHED), Patna, Bihar
2. The Engineer-in-Chief, Public Health and Engineering Department, (PHED), Patna, Bihar.
3. The Chief Engineer, Public Health and Engineering Department, (PHED), Patna, Bihar
4. The Executive Engineer, Public Health and Engineering Department, (PHED), Patna, Bihar
5. Superintendent Engineer, Public Health and Engineering Department, (PHED), Patna, Bihar



... .. Respondent/s

Appearance :

(In REQUEST CASE No. 45 of 2024)

For the Petitioner/s : Mr. Harsh Singh, Advocate

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

(In REQUEST CASE No. 46 of 2024)

For the Petitioner/s : Mr. Harsh Singh, 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 27.08.2014 (Annexure-1 in both the cases). The said agreements contains an arbitration clause as Clause-1.6.2 (in both the cases). The petitioner invoked the arbitration clause vide communication dated 09.05.2023 (Annexure-4) in Request Case No. 45 of 2024 and vide communications dated 09.05.2023 and 22.05.2023 in Request Case No. 46 of 2024 (Annexure-4) 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 Gopal Prasad, 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 2014, 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	29.07.2024.
Transmission Date	

