

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.55 of 2024

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ABB India Limited a company incorporated under the Companies Act 1956, having its registered office at Disha- 3rd Floor, Plot No.- 5 and 6, 2nd Stage, Peenya Industrial Area IV, Peenya, Bengaluru, Karnataka- 560058 through its authorised representative namely Mr. Himangshu Pan, Male, aged about 42 years, Son of Late Chittaranjan Pan, Resident of Dhali Para, P.O. and P.S.- Mahishgot, North 24 Parganas, West Bengal- 700102.

... .. Petitioner/s

Versus

Indian Oil Corporation Limited Barauni Oil Refinery, Barauni, Begusarai, Bihar- 851114, Phone- 06243-275408, through Mr. Jeewan Prakash, Senior General Manager.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P. K. Shahi, Sr. Advocate Ms. Mohana Madaalal, Advocate Ms. Ashwini, Advocate Ms. Anukriti Jaipuriyar
For the Respondent/s	:	Mr. Ankit Katriar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 19-12-2024

Heard learned counsel for the parties.

2. 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.

3. Petitioner and the respondent entered into an agreement dated 17.06.2020 (Annexure-6). The petitioner invoked the arbitration clause *vide* communication dated



05.01.2024 (Annexure-73) 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. As such, Hon'ble Mr. Justice Ajay Kumar Rastogi, a former Judge of the Hon'ble Supreme Court (Address: A-6, First Floor, Anand Niketan, New Delhi - 110021), is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement entered into between the parties to the *lis*.

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

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

8. Since the dispute arises out of an agreement of the year 2020, the hearing be expedited.

9. The issue of limitation, if any, is left open to be raised before the Arbitral Tribunal.

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

11. Learned counsel for the parties also undertake to communicate the order to the learned Arbitrator.

12. The Arbitral Tribunal shall issue notice to the



respondents.

13. The Request Petition stands disposed of in the
above terms.

(K. Vinod Chandran, CJ)

sharun/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.12.2024
Transmission Date	

