

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.76 of 2024

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Amit Associates, Representative by its Partner Sri Amit Singlak, S/o Sri Hemraj, aged About 43 years. Having its Office Situated at 77, Anand Nagar-A, Tripuri Town, Patiala, Punjab147001

... .. Petitioner/s

Versus

1. The Union of India, Through The Garrison Engineer, Air Force Station, Bihta, Military Engineering Service, Patna, Bihar - 801103.
2. The Chief Engineer (AF), Military Engineering Services, Barmauli, Allahabad, Uttar Pradesh - 211012
3. The Commander Works Engineers (AF), Barmauli, Allahabad, Uttar Pradesh- 211012

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anuraj Singh, Advocate
For the Respondent/s	:	Mr.Dr. K.N. Singh (ASG)
		Mr. Alok Kumar, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 25-10-2024

Heard learned counsel for the parties.

2. This application has been moved seeking substitution of Hon'ble Mr. Justice Rajendra Kumar Mishra (Retd.) who was appointed as Abritrator vide order dated 22.06.2022 passed in Request Case No. 7 of 2022 invoking the powers of this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996.

3. It is pleaded that the respondents have not settled the dispute till date and the dispute is of civil in nature.

4. 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 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.

5. As such, **Hon'ble Mr. Justice Arun Kumar**, a 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.

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 2018, 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)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

