

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.75 of 2024

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M/s R.S. Construction Company, having its registered office at, 988/7, Patiala
Chowk Jind - 126102 (Haryana) Represented by Shri Vijay Chilana as
Partner.

... .. Petitioner/s

Versus

1. The Union of India Delhi.
2. The East Central Railway, through its General Manager, Hajipur.
3. The General Manager, East Central Railway, Hajipur.
4. The Divisional Railway Manager, Sonpur Division, East Central Railway
Sonpur.
5. Senior Divisional Engineer-I, Sonpur Division, East Central Railway,
Sonpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Agreya Pratap, Advocate
For the Respondent/s	:	Dr. K. N. Singh, Additional Solicitor General
		Mr. Alok Kumar, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 06-12-2024

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 27.05.2022 (Annexure-2). The said agreement
contains an arbitration Clause-64. The petitioner invoked the



said arbitration clause *vide* notice dated 07.05.2024 (Annexure-7), but to no avail.

4. Going by the decision of the Hon'ble Supreme Court in ***Central Organisation for Railway Electrification v. M/s ECI SPIC SMO MCML (JV) A Joint Venture Company; in Civil Appeal Nos. 9486-9487 of 2019***, the appointment of an Arbitrator from the panel supplied by the Railways cannot be proceeded with. The Hon'ble Supreme Court has also categorically stated that it should be a neutral Arbitrator.

5. As such, Hon'ble Mr. Justice Vineet Saran, a former Judge of the Hon'ble Supreme 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 2022, 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	10.12.2024
Transmission Date	

