

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.68 of 2021

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Kundan Kumar S/o Late Shri Chandrabhushan Prasad Singh, R/o Village -
Saidi, Post - Badi, P.S. Katrisarai, District- Nalanda, Bihar

... .. Petitioner/s

Versus

Bihar State Food and Civil Supplies Corporation Ltd., a Government of Bihar
Company, represented through its Chairman and Managing Director having
its office at Khadya Bhawan, R. Block- Daroga Prasad Rai Path Road No. 2,
Patna, Bihar - 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar, Advocate Mr. Prashant Kumar, Advocate
For the Respondent/s	:	Mr.Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 10-04-2024

1. 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 03.06.2016 (Annexure-1) which contains an arbitration clause as Clause-20. Some dispute arose between the parties and the petitioner sent legal notice dated 25.08.2021 (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 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 agreement being civil in nature; (e) no legal impediment in the adjudication of the dispute by the learned Arbitrator; (f) the respondent having failed to settle the dispute.

6. In such circumstances, as agreed by the parties, Hon'ble Mr. Justice Prabhat Kumar Jha, a former Judge of the Patna High Court, is appointed as learned Arbitrator to adjudicate all disputes arising out of the agreement 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 dispute arises out of an agreement of the year 2016, 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 respondent.

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

(K. Vinod Chandran, CJ)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	10.04.2024
Transmission Date	

