

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.90 of 2023

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Bhagwan Singh, Son of Late Jani Singh, R/o- Bharkuria, P.O and P.S-
Darihat, District- Rohtas, Bihar- 821306.

... .. Petitioner/s

Versus

1. Managing Director, Central Warehousing Corporation, Siri Institutional Area, Khelgoan Marg, Hauz Khas, P.S.- Hauz Khas, New Delhi.
2. Regional Manager, Central Warehousing Corporation, Dak Bungalow Road, P.S.- Kotwali, Patna- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Aryan Sinha, Advocate Mr. Puneet Siddhartha, Advocate Mr. Basheer Faizi, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, Sr. Advocate Mr. Alok Kumar Rahi, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 02-02-2024

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 03.01.1992 (Annexure-P1). However, some dispute arose between the parties and the petitioner sent legal notice dated 21.12.2021 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 dispute(s) arising there from; (c) the dispute arising out of the agreement being civil in nature; (d) no legal impediment in the adjudication of the dispute by the learned Arbitrator; (e) the respondents having failed to settle the dispute.

6. In such circumstances, as agreed by the parties, Hon'ble Mr. Justice Vikash Jain, 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 1992, 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 Petition stands disposed of in the above terms.

(K. Vinod Chandran, CJ)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	03.02.2024
Transmission Date	

