

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.92 of 2023

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Edu Assessment Private Limited through its Authorised Representative Ajay Kumar, S/o Indradev Prasad Singh, having its office at 412-413, First Floor, Opposite Metro Pillar 793, KHC, Dwarka Mor, New Delhi - 110059 (India)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Science and Technology, Govt. of Bihar, Old Secretariat, Patna, Bihar - 800015.
2. The Principal, Nalanda College of Engineering Chandi, Nalanda, Bihar, 803108.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Puneet Siddhartha, Advocate
		Mr. Basheer Faizi, Advocate
For the Respondent/s	:	Mr. P.K. Shahi (AG)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 01-03-2024

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 20.02.2021 (Annexure-P-3). The petitioner invoked the arbitration clause 16.1 vide communication dated 05.04.2023 (Annexure-P-18) 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. 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.

6. As such, Mr. B.N. Pandey, a former learned District Judge, is appointed as learned Arbitrator to adjudicate all disputes arising out of 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 2021, 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)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	04.03.2024
Transmission Date	

