

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.89 of 2019

1. Panagarh Engineering Works (Patna) Private Limited office at Patna Industrial Estate Patna through its Director Amarnath Jaiswal, Son of Late Hanuman Prasad, Resident of 108/ a new Patliputra Colony, P.O. Patliputra, P.S. Patliputra Patna.
2. Amarnath Jaiswal Son of Late Hanuman Prasad Resident of 108/ a new Patliputra Colony, P.O. Patliputra, P.S. Patliputra Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Commerce North Block New Delhi.
2. The Secretary, Ministry of Commerce North Block New Delhi.
3. The General Manager Central Railway, Mumbai Maharashtra.
4. The Principal Chief Engineer, Central Railway, Mumbai.
5. The Deputy Chief Engineer/TP, Central Railway Mumbai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra
For the Respondent/s	:	Mr. Ramadhar Shekhar

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 10-02-2021

By order dated 19.02.2020, with the consent of the parties, in exercise of power under Section 11(6) of the Arbitration and Conciliation Act, 1996, Hon'ble Mr. Justice Dharnidhar Jha, a retired Judge of the Patna High Court, was appointed as an Arbitrator to adjudicate the dispute *inter se* the parties.

Vide order dated 24.01.2021 passed by the learned Arbitrator, the proceedings stands terminated due to non-cooperation of the parties. The learned Arbitrator has also



mentioned in his order that by virtue of the provisions of Sections 31A and 38 of the Arbitration and Conciliation Act, the Arbitral Tribunal is entitled to its fees and other cost of the proceedings.

At this stage, learned counsel for the parties jointly prayed that a retired Judge of the Patna High Court, namely, Hon'ble Mr. Justice Dinesh Kumar Singh be appointed as an Arbitrator to adjudicate the dispute *inter se* the parties.

Ordered accordingly.

Petition stands disposed of in the following terms:

- (a) Hon'ble Mr. Justice Dinesh Kumar Singh, a retired judge of this Court is hereby appointed as an Arbitrator to adjudicate the dispute *inter se* the parties;
- (b) the proceedings, as parties agreed, can be conducted through the mode of video conferencing;
- (c) parties undertake to appear before the learned Arbitrator on 26th of February, 2021 at 4:30 P.M. through virtual or physical mode.
- (d) during the period of current Pandemic Covid-19, subject to the convenience, arbitral proceeding can commence and conclude using facility of video conferencing/other electronic mode.



- (e) parties shall fully co-operate and not take any unnecessary adjournment;
- (f) parties undertake to apprise the learned Arbitrator of the passing of the order;
- (g) this Court is hopeful that the dispute shall be adjudicated at the earliest;
- (h) learned Arbitrator shall be entitled to fee as per the prescribed schedule;
- (i) learned Registrar General of this Court as also the learned counsel for the petitioner shall ensure that a copy of this order is made available to the learned Arbitrator;
- (j) parties shall file their statement of claim before the learned Arbitrator on such date of hearing which he may fix, as per mutual convenience;
- (k) no order as to costs;
- (l) The previous learned Arbitrator shall also be entitled for fee as per law.
- (m) If not paid prior to the passing of the award, the same shall be added towards costs of arbitration, to be borne by the parties in terms of the award.

The present petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

Amrendra/P.K.P/

AFR/NAFR	
CAV DATE	
Uploading Date	20.02.2021
Transmission Date	

