

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**REQUEST CASE No.98 of 2023**

M/s S. Ranjan and Brothers a registered Class-I contractor having its office at Puja Bazar, Motijheel, Muzaffarpur-842 001, Bihar through its working partner, namely Mr. Praveer Kumar Sahu, son of Ashok Kumar Sahu, Male, aged about 52 years, presently residing at Kedar Nath Road, SahuPokhar, P.O.-Head Post Office, Distt. Muzaffarpur.

... .. Petitioner/s

Versus

1. Union of India through Chief Engineer, Central Public Works Department, Government of India.
2. Director General (WORKS), Central Public Works Department, Nirman Bhawan, New Delhi.
3. The Additional Director General (Patna), Central Public Works Department, Nizam Place, 1st MSO Building, 6th Floor, 234/4, AJC Bose Road, Kolkata-700 020.
4. The Chief Engineer EZ-II, Central Public Works Department, Patna.
5. The Superintending Engineer, Muzaffarpur Central Circle, Central Public Works Department, Patna.
6. The Executive Engineer, Muzaffarpur Central Division, Central Public Works Department, Muzaffarpur.
7. The Assistant Engineer, Muzaffarpur Central Sub-Division, Central Public Works Department, Muzaffarpur.

... .. Respondent/s

**Appearance :**

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|----------------------|---|------------------------------|
| For the Petitioner/s | : | Mr.Nagadeo Choubey, Advocate |
|                      |   | Mr. Parth Gaurav, Advocate   |
| For the Respondent/s | : | Dr. K.N.Singh, A.S.G.        |

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**ORAL JUDGMENT**

**Date : 09-02-2024**

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 21.10.2008 (Annexure-1). The said agreement contains an arbitration Clause-25 at page 90. The petitioner invoked the said arbitration clause vide communications dated 16.10.2020, 11.01.2021, 05.05.2021, 20.07.2022 (Annexure-P/4 series), dated 05.08.2022 (Annexure-P/6) and dated 17.09.2022 (Annexure-P/8), 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, Hon'ble Mr. Justice Shivaji Pandey, a former Judge of the Patna High Court, 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 2008, 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)**

Sujit/-

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