

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.97 of 2023

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M/s S K Enterprises through its authorized signatory Mr. Sanjay Kumar, aged about 54 years, son of Late Binda Prasad, Resident of Mohalla-Subham Kunj, Bigrahpur, Near New Bus Stand, Mithapur, Post-GPO, District Patna, Pin-800001.

... .. Petitioner/s

Versus

1. The Bihar State Education Infrastructure Development Corporation Ltd. (A Govt. of Bihar Undertaking through its Managing Director, Shiksha Bhawan, Bihar Rastrabhasa Parishad Campus, Acharya Shiv Pujan Sahay Path, Saidpur, Patna-800004.
2. The Managing Director, Bihar State Education Infrastructure Development Corporation Ltd (A Govt. of Bihar Undertaking), Shiksha Bhawan, Bihar Rastrabhasa Parishad Campus, Acharya Shiv Pujan Sahay Path, Saidpur, Patna-800004.
3. The Chief Engineer/Chief Executive Officer, Bihar State Education Infrastructure Development Corporation Ltd (A Govt. of Bihar Undertaking), Shiksha Bhawan, Bihar Rastrabhasa Parishad Campus, Acharya Shiv Pujan Sahay Path, Saidpur, Patna-800004.
4. The Superintending Engineer (South)b Bihar State Education Infrastructure Development Corporation Ltd (A Govt. of Bihar Undertaking), Shiksha Bhawan, Bihar Rastrabhasa Parishad Campus, Acharya Shiv Pujan Sahay Path, Saidpur, Patna-800004.
5. The Executive Engineer, Patna Eastern Division, Bihar State Education Infrastructure Development Corporation Ltd (A Govt. of Bihar Undertaking), Shiksha Bhawan, Bihar Rastrabhasa Parishad Campus, Acharya Shiv Pujan Sahay Path, Saidpur, Patna-800004.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manish Sahay, Advocate Mr. Siddarth Adity, Advocate Mr. Anil Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Girijish Kumar, Advocate

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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 24.02.2015 (Annexure-P-3). The said agreement contains an arbitration Clause-25 at page 63. The petitioner invoked the said arbitration clause vide communication dated 17.02.2023 (Annexure-1), 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 Shyam Kishore Sharma, 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 2015, the hearing be expedited.

10. The issue of limitation, if any, is left open to be raised before the Arbitral Tribunal, which shall be considered by the 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.

15. Interlocutory application, if any, shall stand disposed of.

(K. Vinod Chandran, CJ)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	12.02.2024
Transmission Date	

