

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.112 of 2023

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M/S Ramashray Singh- Patna 01- Magadh Vihar, Sunaina Kunj Dhakanpura,
Behind SBI Gardanibagh, P.S. - Gardanibagh, District - Patna through its
proprietor Ramashray Singh.

... .. Petitioner/s

Versus

1. The General Manager, E.C. Railway At and P.O. - Hajipur, District - Vaishali.
2. The Principal Chief Mechanical Engineer (PCME), East Central Railway, Hajipur, At and P.O. - Hajipur, District - Vaishali.
3. The Divisional Railway Manager, Danapur, East Central Railway, Danapur, District - Patna.
4. The Senior Coaching Depot Officer, Jhajha, MEMU Car Shed, Jhajha.
5. The Senior Divisional Electrical Engineer, Jhajha, MEMU card Shed, Jhajha.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar, Advocate
For the Respondent/s : Dr. K.N. Singh, Additional Solicitor General

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 06-12-2024

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.

2. Petitioner and the respondent entered into an agreement dated 05.08.2021. The General Condition of Contract (for brevity, GCC) of the agreement contains an arbitration clause as Clause 64 (deemed to have been filed



under Clause-VIII of the GCC). The petitioner wrote letters to the respondent for resolution of the dispute and also issued legal notice dated 24.08.2023 (Annexure-P/1), but to no avail.

3. Going by the decision of the Hon'ble Supreme Court in *Central Organisation for Railway Electrification v. M/s ECI SPIC SMO MCML (JV) A Joint Venture Company; in Civil Appeal Nos. 9486-9487 of 2019*, the appointment of an Arbitrator from the panel supplied by the Railways cannot be proceeded with. The Hon'ble Supreme Court has also categorically stated that it should be a neutral Arbitrator.

4. As such, Hon'ble Justice Smt. Anjana Mishra, 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*.

5. All pleas and issues raised, on merits, are left open to be considered and decided by the learned Arbitrator.

6. The learned Arbitrator shall be entitled to fee as per the schedule of the Act.

7. Since the dispute arises out of an agreement of the year 2021, the hearing be expedited.



8. The issue of limitation, if any, is left open to be raised before the Arbitral Tribunal.

9. Joint Registrar (List) is directed to communicate the order to the learned Arbitrator.

10. Learned counsel for the parties also undertake to communicate the order to the learned Arbitrator.

11. The Arbitral Tribunal shall issue notice to the respondents.

12. The Request Petition stands disposed of in the above terms.

(K. Vinod Chandran, CJ)

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AFR/NAFR	
CAV DATE	
Uploading Date	09.12.2024.
Transmission Date	

