

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.56 of 2024

Multi Engineering And Scientific Corporation, a Registered partnership firm having its work office at Katari Hill Road, P.S.- Rampur, District- Gaya, 823001, through its Partner Pradeep Kumar, S/o Late Gopal Prasad, Aged About 68 Years, Gender Male, Resident of Katari Hill Road, P.O.- Gaya Town, P.S.- Rampur, District- Gaya, Pin Code- 823001.

... .. Petitioner/s

Versus

1. General Manager, East Central Railway, GM Office Road, Hajipur, P.S.- Sadar Thana, District- Vaishali, Pin Code- 844101, Bihar, India.
2. Chief Bridge Engineer, East Central Railway, GM Office Road, Hajipur, P.S.- Sadar Thana, District- Vaishali, Pin Code- 844101, Bihar, India.
3. Divisional Railway Manager, East Central Railway, Dhanbad Division, DRM Office Campus, P.S.- Dhanbad Thana, District- Dhanbad, Pin Code- 826001, Jharkhand, India.
4. Deputy Chief Engineer/ BRL, East Central Railway, GM Office Road, Hajipur, P.S.- Sadar Thana, District- Vaishali, Pin Code- 844101, Bihar, India.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nazir Alam, Advocate
For the Respondent/s	:	Mr. Ram Tujabh Singh, CGC Mr. Radhika Raman, Sr. CGC

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL JUDGMENT

Date : 18-04-2025

Heard Mr. Nazir Alam, the learned Counsel for the petitioner and Mr. Ram Tujabh Singh, the learned Counsel for the respondents/Railway.

2. The petitioner has invoked the jurisdiction of this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an arbitrator for adjudication of the dispute arising out of the contract



between the parties. There is existence of arbitration agreement in Clause 64.(1)(i) of the Standard General Conditions of Contract, to which the parties are signatories.

3. The learned Counsel for the respondents has submitted that one Mr. Raghvendra Kumar Singh be made Arbitrator, to which suggestion the petitioner is not agreeable, who is of the view that considering the issues involved in the matter, a retired Judge of the Hon'ble Supreme Court be appointed as an Arbitrator.

4. As such, Hon'ble Mr. Justice S. J. Mukhopadhyaya, a former Judge of the Hon'ble Supreme Court, is appointed as learned Arbitrator to adjudicate all disputes arising out of the contract 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. He shall be entitled to fee as per the schedule of the Act.

6. Since the dispute arises out of a contract of the year 2020, it is expected that the hearing of the issues shall be expedited. If there is any issue arising out of limitation, it is also left open for the Arbitral Tribunal to decide.



7. The Joint Registrar (List) would communicate the order to the learned Arbitrator.

8. The learned counsel for the parties also undertake to communicate the order to the learned Arbitrator.

9. The Arbitral Tribunal shall issue notice to the parties.

10. The Petition stands disposed off accordingly.

(Ashutosh Kumar, ACJ)

Sujit/Saurav

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.04.2025
Transmission Date	NA

