

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No. 83 of 2023

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Mohan Kumar, son of Late Nayak Rai, Village-Tarachack, Post-Danapur
Cantt., Danapur, Patna-801503.

... .. Petitioner/s

Versus

1. M/s Astik Buildcon Pvt. Ltd. Registered office-303, Block-B, Vidyanand Maheswari Complex, Judges Colony, Saguna, P.S.-Danapur, District-Patna.
4. Shri Kausher Khan, S/o Jahir Hussain Khan, resident of Flat No. 207, S.S. Enclave, Aashiyana Main Road, Patna-14 (Director).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ruchikar Jha, Advocate
For the Respondent/s : Mr. Ankit Katriar, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

9 02-05-2025 Heard Mr. Kumar Ruchikar Jha, the learned

counsel for the petitioner and Mr. Ankit Katriar, the

learned counsel for the respondents.

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. The Petitioner and the respondents entered

into an agreement dated 08.04.2013. The said

agreement contains an arbitration clause. The petitioner

invoked the arbitration clause by sending a notice under



Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator on 05.05.2023 (Annexure-3), but to no avail.

4. It is pleaded that the respondents have not settled the dispute till date and the dispute is of civil 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 therefrom; (d) the dispute arising out of the agreement therefrom; (d) they 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, Sri Manoj Kumar Sinha, the Principal



District & Sessions Judge (Retd.) is appointed as the learned Arbitrator to adjudicate all disputes arising out of the agreement entered into between the parties to the lis.

7. All the 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 2013, 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 parties.



14. The Request Petition stands disposed off in
the above terms.

(Ashutosh Kumar, ACJ)

Rajesh/-

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