

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.98 of 2024

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M/s Universal Agro Corporation Limited a corporation registered under the Companies Act 2013, through its Managing Director Shri Pankaj Kumar S/o Shri Rameshwar Prasad Singh, a male aged around 51 years having its registered office at Corporate House, Ramkrishna Nagar, Hemra Road, Ward No. 20, Begusarai- 851101, Bihar.

... .. Petitioner/s

Versus

1. Bihar Medical Services and Infrastructure Corporation Ltd., a Government of Bihar undertaking constituted under Bihar Medical Services and Infrastructure Corporation Limited (BMSICL) through its Managing Director having its office at 4th Floor, BSBCCCL Building, Hospital Road, Shastri Nagar, Patna, Bihar- 800001
2. The Managing Director, Bihar Medical Services and Infrastructure Corporation Ltd., 4th Floor, BSBCCCL Building, Hospital Road, Shastri Nagar, Patna, Bihar- 800001
3. The Chief General Manager, Bihar Medical Services and Infrastructure Corporation Ltd., 4th Floor, BSBCCCL Building, Hospital Road, Shastri Nagar, Patna, Bihar- 800001
4. The Deputy General Manager (Project), Bihar Medical Services and Infrastructure Corporation Ltd., 4th Floor, BSBCCCL Building, Hospital Road, Shastri Nagar, Patna, Bihar- 800001

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prashant Kumar, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, Advocate
For the BMSICL	:	Mr. Rana Vikram Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

ORAL JUDGMENT

Date : 18-04-2025

Heard Mr. Prashant Kumar, the learned counsel
for the petitioner and Mr. Rana Vikram singh, 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 22.02.2022. The said agreement contains an arbitration clause as Clause-25. The petitioner's firms invoked the arbitration clause by sending a notice under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator on 01.07.2024 (Annexure-P13), 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, Hon'ble Mr. Justice Arun Kumar, a former Judge of this Court 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 2022, 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)

Manoj/Praveen-II

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

