

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.108 of 2024

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Deo Kumar son of Ram Naresh Singh Resident of Kurkuri, Post Office-
Phulwarisarif, Police Station- Phulwarisarif, District- Patna

... .. Petitioner/s

Versus

1. The Union of India through, Chairman, Railway Board, New Delhi.
2. The General Manager, East Central Railway, Hazipur, Vaishali, Bihar.
3. The Divisional Railway Manager, East Central Railway, Danapur, Patna.
4. The Senior Divisional Engineer-1, East Central Railway, Samastipur
Division, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s :	Mr. Prasoon Kumar, Advocate
For the Respondent UOI :	Mr. Kumar Gangesh Gunjan, CGC

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

ORAL JUDGMENT

Date : 18-04-2025

Heard Mr. Prasoon Kumar, the learned counsel for
the petitioner and Mr. Kumar Gangesh Gunjan, the
learned counsel for the Union of India.

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 06.01.2022. In the said agreement



the General Condition of Contract contains an arbitration clause as Clause-64. 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 02.12.2022 (Annexure-P3), 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, Mr. D. K. Sharma, a former learned District & Sessions Judge 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

