



IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBP No.91 of 2024

Sanjay Kumar Khuntia

....

Applicant

Represented By Adv. –
Ms. P. Rath, Senior Advocate

-versus-

**East Coast railway, Khurda and
other**

....

Opposite Parties

Represented By Adv. –
Mr. P.K. Parhi, DSGI
Mr. S.S. Kashyap, CGC

CORAM:

THE HON'BLE MR. JUSTICE ARINDAM SINHA,

THE ACTING CHIEF JUSTICE

ORDER
05.03.2025

Order No.
04.

1. Ms. Rath, learned senior advocate appears on behalf of applicant and submits, her client had issued notice dated 21st August, 2024, under section 21 in Arbitration and Conciliation Act, 1996. In it her client suggested appointment of Justice (retired) Pramath Patnaik to be sole arbitrator. This is because appointment procedure in the arbitration agreement is unworkable.

2. Mr. Parhi, learned advocate, Deputy Solicitor General appears on behalf of Union of India and submits, particulars of alleged claim were not given in the notice.



3. It appears from the notice, inter alia, applicant claimed completion of the work on extension of time. Short payments were made, where estimate of work executed is said to be in excess of ₹1 crore. Disputes and differences are alleged to have arisen. In the circumstances, particularly where sub-section (6A) under section 11, Arbitration and Conciliation Act, 1996 requires Court to only examine existence of arbitration agreement, the objection is rejected.

4. Considering applicant has suggested Justice (retired) Pramath Patnaik, who was a Judge of this Court, said person is appointed as arbitrator to enter into the reference.

5. The arbitration petition is disposed of.

(Arindam Sinha)
Acting Chief Justice

Jyoti