

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.2 of 2025

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Baba Hans Constructions Pvt. Ltd. having its registered office at Plot No.- 3D, Near Pensioner Bhawan, Road No.- 3, Patliputra Colony, Patna - 13 through its Managing Director Satyendra Kumar Singh, (Male), aged about 56 years, Son of Jagdish Prasad Singh, Resident of Flat No. - 162, Anand Puri, West Boring Canal Road, P.S.- S.K. Puri, District - Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Road Construction, Government of Bihar, Patna.
2. The Engineer-in-Chief, Department of Road Construction, Government of Bihar, Patna.
3. The Chief Engineer (South Wing), Department of Road Construction, Government of Bihar, Patna.
4. The Superintending Engineer, Department of Road Construction, Road Division, Munger, District- Munger.
5. The Executive Engineer, Road Construction Department, Road Division, Lakhisarai, District- Lakhisarai.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Alok Kumar Agrawal, Advocate
For the Respondents : Mr. Vikas Kumar, A.C. to A.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 17-04-2026

This request case has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereafter ‘1996 Act’) by Baba Hans Constructions Pvt. Ltd. with a prayer for appointment of an arbitrator for adjudication of dispute between the parties in accordance with the Arbitration Agreement as contained in Clause 25 of the General Conditions of Contract (‘GCC’) dated 02.12.2013 (Annexure-P/2 series).

2. It is the case of the petitioner that an agreement



was executed between the petitioner and the respondent Road Construction Department for construction of Lakhisarai bypass road with R.O.B. from N.H.-80 to S.H.-8 for financial year 2013-14. However, a dispute arose between the parties and the petitioner raised the dispute by submitting notice under Clause-25 of the GCC before the respondent Superintending Engineer, R.C.D., Road Division, Munger on 02.09.2024 who rejected the request of the petitioner vide letter dated 24.10.2024. Thereafter, the petitioner approached the respondent Chief Engineer, South Wing, R.C.D., Patna vide letter dated 01.10.2024 and ultimately vide letter dated 28.11.2024 he issued notice under Clause 25 of the GCC for appointment of independent arbitrator for adjudication of the dispute, but to no avail.

Finding no respite, the petitioner has filed the present petition for appointment of an independent arbitrator.

3. Having heard learned counsel for the parties, I find that there is no legal impediment in the adjudication of dispute by the Arbitrator, more particularly when the dispute arises out of the agreement which is being civil in nature and the petitioner has exhausted the channel available for resolution of the dispute.

4. In view of such finding as arrived at and on consensus of both the learned counsel for the parties, Hon'ble



Mr. Justice Rakesh Kumar, former Judge of this Court, is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement entered into between the parties to the *lis*.

5. All the pleas and issues raised, on merits, are left open to be considered and decided by the learned Arbitrator.

6. The learned Arbitrator shall be entitled to fee as per the Schedule of the Act.

7. Since the dispute arises out of an agreement of the year 2013, the hearing be expedited.

Parties undertake to fully cooperate and not to take any unnecessary adjournment.

The issue of limitation, if any, is left open to be raised before the learned Arbitrator.

8. Joint Registrar (List) is directed to communicate the order to the learned Arbitrator.

9. Learned counsel for the parties also undertake to communicate the order to the learned Arbitrator.

10. The learned Arbitrator shall issue notice to the parties.

11. The Request Petition stands disposed of in the above terms.

12. Interlocutory Application(s), if any, shall stand



disposed of.

(Sangam Kumar Sahoo, CJ)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	18.04.2026
Transmission Date	

