

(2020) 12 PAT CK 0029

Patna High Court

Case No: Request Case No. 30 Of 2020

M/S Lalooji

APPELLANT

Vs

Bihar Rural Livelihood
Promotion Society

RESPONDENT

Date of Decision: Dec. 2, 2020

Acts Referred:

- Arbitration And Conciliation Act 1996 - Section 11(6)

Hon'ble Judges: Sanjay Karol, CJ

Bench: Single Bench

Advocate: Ramesh Kumar Agrawal, Kumar Ravish, Abhinav Srivastava

Final Decision: Disposed Of

Judgement

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.

There is no dispute about-(a) the legality, validity and binding effect of the agreement dated 23rd of March, 2018 entered into between the parties to the lis; (b) the existence of arbitration clause contained therein; (c) the existence of dispute(s) arising there from.

Parties mutually agree for appointment of an Arbitrator. In fact, they themselves have suggested name of Honâ€™ble Mr. Justice Dinesh Kumar

Singh (Former Judge of this Court) to adjudicate the dispute.

The dispute arises out of execution of Development Agreement dated 23rd of March, 2018. The agreement contained an arbitration clause, whereby

the parties agreed for reference of the dispute inter se the parties, arising out of the said agreement, for arbitration as per law.

There is no legal impediment in the adjudication of the dispute by the learned Arbitrator.

As such, Honâ€™ble Mr. Justice Dinesh Kumar Singh (Former Judge of this Court) is appointed as learned Arbitrator to adjudicate all disputes

arising out of agreement dated 23rd of March, 2018 entered into between the parties.

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

Learned Arbitrator shall be entitled to fee as per the schedule.

Since the dispute arises out of the development agreement of the year 2018, the hearing is expedited.

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

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree

to meet in person i.e. physical mode.

It is expected of the learned Arbitrator to decide the issues expeditiously.

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

Learned counsel for the parties also undertake to communicate the order to the learned Arbitrator. In fact, they volunteered to appear before him,

through digital mode on 21st of December, 2020 and apprise him of the passing of the order.

Parties shall file their statement of claims before the learned Arbitrator on such date of hearing which he may fix, as per mutual convenience.

The Request Petition stands disposed of in the above terms.