

M/s Sangha Erectors Pvt. Ltd. Vs M/s Sepco Electric Power Construction Corporation Balco Power Plant-1200 Mw, Korba Chhattisgarh And Ors

Court: Chhattisgarh High Court

Date of Decision: Feb. 7, 2019

Acts Referred: Arbitration And Conciliation Act, 1996 " Section 11(6), 15

Hon'ble Judges: Sanjay Agrawal, J

Bench: Single Bench

Advocate: Upasana Mehta, Dharmesh Shrivastava

Final Decision: Disposed Of

Judgement

Sanjay Agrawal, J

1. This Petition has been filed under Section 15 of the Arbitration and Conciliation Act, 1996 (for short 'the Act of 1996') for appointment of

Arbitrator, as Shri Pradeep Kumar Dave, who was earlier appointed as an Arbitrator vide order dated 20.01.2017 in Arbitration Application

No.59/2015 has refused to act as such.

2. It is submitted by the Petitioner that an application for appointment of Arbitrator was made under Section 11(6) of the Act of 1996 before this Court

for appointment of the sole Arbitrator. After considering the said application, this Court, vide order dated 20.01.2017, has appointed one Shri Pradeep

Kumar Dave, Retd. District Judge as an Arbitrator in Arbitration Application No.59/2015. It is submitted further that the said Arbitrator has refused to

arbitrate the matter since he has already become the Legal Advisor, First Class in Chhattisgarh Public Service Commission with effect from

22.11.2016 and has intimated the said fact vide his letter dated 23.02.2017 to this Court.

3. In view of the aforesaid facts, it would be just and proper to appoint someone else in his place and accordingly, I hereby appoint Shri Justice Vijay

Kumar Shrivastava, Retd Judge of this Court, R/o Mridu Villa, Old Ware House Road, Vidhik Seva Marg, Bilaspur (CG) as an Arbitrator in this

matter.

4. The Petitioner and Respondent may file their claim/counter claim before the said Arbitrator within a period of five weeks from today who is

requested to dispose of the matter within the time prescribed under the Act of 1996 as amended.

5. The parties are directed to appear before the said Arbitrator on 30.03.2019.

6. Registry is directed to send a copy of this order to Shri Justice Vijay Kumar Shrivastava, Retd Judge of this Court as early as possible.

7. In view of above, the instant application stands disposed of.