

Delco Infrastructures Projects ... vs The Bihar State Education ...

Citation : 2023 Latest Caselaw 5157 Patna

Date : 7 October, 2023

Patna High Court

Delco Infrastructures Projects ... vs The Bihar State Education ... on 7 October, 2023

IN THE HIGH COURT OF JUDICATURE AT PATNA REQUEST CASE No.67 of 2023
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Delco Infrastructures Projects Limited, Registered Office- 158, Pocket 1, Dwarka Sector 9, Dwarka, New Delhi, 110077, through its Authorized Signatory Vishwajeet Kumar Singh, aged about 39 years, Male, Son of Hare Ram Singh, Flat No.- 158, DDA Flats, Pocket-1, Opposite Siksha Bharati School, Sector- 9, Dwarka, Amberhai, South, West Delhi- 110075.

... .. Petitioner/s Versus

1. The Bihar State Education Infrastructure Development Corporation Limited, Shiksha Bhawan, Bihar Rashtra Bhasha Parishad, Acharya Shivpujan Sahay Path Saidpur, Patna- 800004 through its Managing Director.
2. The Managing Director, Bihar State Education Infrastructure Development Corporation Limited, Shiksha Bhawan, Bihar Rashtra Bhasha Parishad, Acharya Shivpujan Sahay Path Saidpur, Patna- 800004.
3. The Chief Engineer, Bihar State Education Infrastructure Development Corporation Limited, Shiksha Bhawan, Bihar Rashtra Bhasha Parishad, Acharya Shivpujan Sahay Path Saidpur, Patna- 800004.
4. The Chief Consultant (Technical), Bihar State Education Infrastructure Development Corporation Limited, Patna.
5. The Superintending Engineer, Bihar State Education Infrastructure Development Corporation Limited, Kosi Division, Madhepura.

6. The Executive Engineer, Bihar State Education Infrastructure Development Corporation Limited, Kosi Division, Madhepura.

... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vikas Kumar, Advocate Mr. Sanjiv Kumar, Advocate For the
Respondent/s : Mr.Girijish Kumar, AD,,

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CORAM: HONOURABLE THE CHIEF JUSTICE ORAL JUDGMENT Date : 07-10-2023

Heard learned counsel for the parties.

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.

Patna High Court REQ. CASE No.67 of 2023 dt.07-10-2023 2/3

3. Petitioner and the respondent entered into an
agreement dated 05.02.2014 (Annexure-1). The said agreement
contains an arbitration Clause-25. The petitioner invoked the
said arbitration clause vide communication dated 01.05.2023
(Annexure-4) and also reply dated 03.06.2023 (Annexure-6) to
the show cause notice dated 26.05.2023, but to no avail.

4. It is pleaded that the respondents have not settled
the dispute till date and the dispute is of civil in 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 there from; (d) the dispute arising out of the agreement 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, Hon'ble Mr. Justice Shyam Kishore

Sharma, a former Judge of the Patna High Court, is appointed

as learned Arbitrator to adjudicate all disputes arising out of Patna High Court REQ. CASE No.67 of 2023 dt.07-10-2023 3/3

agreement entered into between the parties to the lis.

7. All 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 2014, 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 respondents.

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

(K. Vinod Chandran, CJ) Sujit/-

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