
(2021) 12 PAT CK 0046
In the Patna High Court
Case No : Request Case No. 13 Of 2021

Anita Kashyap

APPELLANT

Vs

Managing Director, M/S - Vlife Retail Private Limited

RESPONDENT

Date of Decision : 15-12-2021

Acts Referred:

Arbitration And Conciliation Act, 1961 — Section 11(6)

Citation : (2021) 12 PAT CK 0046

Hon'ble Judges : Sanjay Karol, CJ

Bench : Single Bench

Advocate : Surendra Kumar Mishra, Ranjit Jha

Final Decision : Disposed Of

Judgement

Heard learned counsel for the parties.

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.

Original petitioner entered into a written agreement dated 13.11.2019 with the respondent. The disputes arising out of the agreement were to be resolved as per the mechanism provided therein. In the event of disagreement, or failure for amicable resolution of the disputes, the parties were at liberty to invoke the arbitration clause (15) in accordance with the provisions of the Arbitration and Conciliation Act, 1996. The original petitioner, vide written communication invoked the said arbitration clause.

Today, there is no dispute about-(a) the legality, validity and binding effect of a written agreement dated 13.11.2019 and subsequently entered into between the parties to the lis; (b) parties are put to notice; (c) the existence of arbitration clause contained therein; (d) the existence of dispute(s) arising there from; (e) the dispute arisen out of the agreement being civil in nature; (f) no legal impediment in the adjudication of the dispute by the learned Arbitrator.

As such, Hon'ble Mr. Justice Prabhat Kumar Jha, Former Judge of this Court is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 13.11.2019 entered into between the parties to the lis.

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 of the Act.

Since the dispute arises out of an agreement of the year 2019, the hearing be expedited.

Parties are directed 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.

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

Learned counsel for the parties to communicate the order to the learned Arbitrator. Also, parties are directed to appear before him, through physical/digital mode on 17th of January, 2022 and apprise him of passing of this 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.

Interlocutory Application(s), if any, shall stand disposed of.