

(2020) 07 PAT CK 0302
In the Patna High Court
Case No : Request Case No. 193 Of 2019

Deepak Kumar

APPELLANT

Vs

Managing Director Bihar State Food And Civil Supply
Corporation Ltd And Anr

RESPONDENT

Date of Decision : 15-07-2020

Acts Referred:

Arbitration And Conciliation Act 1996 — Section 11(6)

Citation : (2020) 07 PAT CK 0302

Hon'ble Judges : Sanjay Karol, CJ

Bench : Single Bench

Advocate : Bhaskar Shankar, Mithilesh Kumar Singh, Saket Kumar Singh,
Shailendra Kumar Singh

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 17.05.2013 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.

Learned counsel for the petitioner states that the case be disposed of in terms of the judgment dated 17.05.2020 passed in

Request Case No. 146 of 2019, titled as Sanjay Kumar Versus The Managing Director, Bihar State Food and Civil Supplies Corporation Limited and another and other connected matters.

As jointly prayed for, the present petition stands disposed of in terms of the judgment dated 03.07.2020 passed in Sanjay Kumar (supra).

Hon'ble Mr. Justice Dipak Misra, Former Chief Justice, Supreme Court of India, is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 17.05.2013 entered between the parties.

On the name of the learned Arbitrator, there can be no objection by either of the learned counsel for the parties.

Parties undertake to appear before the learned Arbitrator within two weeks through the mode of Video Conferencing and as permissible during the lockdown period of current Pandemic Covid-19.

Parties also undertake to fully cooperate and agree to request the learned Arbitrator to complete the proceedings at the earliest, which request, this Court, trusts would be favorably considered, more so in view of the directions issued by Hon'ble the Supreme Court.

Learned Registrar General shall ensure that a copy of this order is made available to the learned Arbitrator, positively through an electronic mode within a period of two weeks.

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

In fact, even during the lockdown period, subject to the convenience, arbitral proceeding can commence and conclude using facility of video conferencing/ other electronic mode.

Learned counsel for the parties also undertake to apprise the learned Arbitrator of the passing of the order. This, they shall positively do so through an electronic mode within a period of two weeks.

It is clarified that petitioner shall pay the fee of the learned Arbitrator which, of course, shall be subject to further orders passed in the Award. Also, he shall be bound by the directions issued in the judgment referred to supra. It is directed that during the time of current lockdown arising out of Pandemic Covid-19, no coercive action shall be taken against the petitioner till 15th August, 2020. Subsequent thereto, liberty is reserved to the parties to approach the learned Arbitrator for grant of interim relief. Failure on the part of the parties would entail automatic vacation of interim order of protection.

The Request Petition stands disposed of in the above terms.