

(2003) 05 JH CK 0006
In the Jharkhand High Court
Case No : A.A. No. 15 of 2002

Hindustan Steel Works Construction Ltd.	APPELLANT
Vs	
State of Jharkhand and Others	RESPONDENT

Date of Decision : 02-05-2003

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 11(6)

Citation : AIR 2007 Jhar 95 : (2003) 3 JCR 762

Hon'ble Judges : P.K. Balasubramanyan, C.J

Bench : Single Bench

Advocate : K.K. Jaipuria, for the Appellant; Rajiv Ranjan Mishra, for the Respondent

Final Decision : Allowed

Judgement

P.K. Balasubramanyan, C.J.—Heard both sides.

2. This is an application for appointment of Arbitrator u/s 11(6) of the Arbitration and Conciliation Act, 1996. According to the petitioner, a Contractor, disputes have arisen and in terms of Clauses 24 and 25 of the Agreement between the parties, it had sought the appointment of Arbitrators. The petitioner had also named an arbitrator and had called upon the respondents to name an arbitrator. They have failed to respond. Hence, the petitioner was constrained to move this Court. Learned counsel for the respondents submitted that the claims of the contractor are unsustainable and are barred and the request for arbitration is also barred by time.

3. In the light of the decision in Konkan Railway Corporation Ltd. and Another Vs. Rani Construction Pvt. Ltd., these objections can be raised by the respondents before the Arbitrators, who will be bound to decide those objections while arbitrating on the dispute. In view of this, I am not considering the objections raised by the respondents at this stage. I think it proper to direct the concerned respondent to name an Arbitrator in terms of Clause 25(2) of the agreement, to

decide the disputes between the parties.

4. I, therefore, allow this application and direct respondent No. 3 to name an Arbitrator in terms of Clause 25(2) of the agreement between the parties within one month of receipt of a copy of this judgment or on production of the same before him by the petitioner. The arbitration will there upon proceed in terms of the agreement between the parties. The arbitrator or arbitrators will be bound to consider all the objections sought to be raised by the respondents.