

HIGH COURT OF SIKKIM
Record of Proceedings

Arbitration P. No. 01/2019

M/S ABHYUDAYA HOUSING AND
CONSTRUCTION PVT. LTD. PETITIONER (S)

VERSUS

THE BORDER ROADS ORGANISATION RESPONDENT (S)

Date: 07/03/2019

CORAM :

HON'BLE MR. JUSTICE VIJAI KUMAR BIST, CJ.

For Petitioner (s) : Mr. Jorgay Namka, Ms. Panila Theengh,
Ms. Tashi Doma Sherpa and Mr.
Abhishek Kumar, Advocates.

For Respondent (s) : Mr. Karma Thinlay, Central Government
Counsel.

...

Chief Justice

Present petition has been filed by the petitioner under section 11(6) of the Arbitration & Conciliation Act, 1996 for appointment of an arbitrator on behalf of the respondent.

The petitioner, vide letter dated 23.08.2018, nominated Mr. R.P. Indoria, Director General, Ministry of Road Transport and Highway (Retd.), Government of India, in terms of the arbitration procedure provided in Clause 3 of Special Conditions of Contract. The petitioner also requested to appoint an Arbitrator from the respondent's side. But nothing was done. Hence, this petition was filed.

In the reply filed by the respondent, it is stated that the respondent took up the case with the Indian Road Congress for

HIGH COURT OF SIKKIM
Record of Proceedings

appointment of an Arbitrator from the department side vide letters dated 16.01.2019, 29.01.2019, 06.02.2019, 13.02.2019 and 15.02.2019. Indian Road Congress has now appointed Mr. B.D. Joshi, C.E.O.-cum-Secretary (Retd.) H.P. Housing & Urban Development Authority (Engineer-in-Chief, H.P.PWD) as Arbitrator on behalf of the respondent.

Learned counsel for the petitioner submits that in view of Clause 3(b) of Special Conditions of Contract, both the Arbitrators are required to sit together and appoint the third Arbitrator. He submitted that in view of the fact that an Arbitrator has been appointed from respondent's side, he wants to withdraw this petition at this stage.

Permission is granted.

Consequently, this Arbitration Petition stands dismissed as withdrawn.

Chief Justice
07.03.2019

Index : ~~Yes~~ / No
Internet : Yes / ~~No~~

jk/bp