

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Arbitration Application No. 37 of 2023

SMS Paryavaran Ltd, a company incorporated under the Companies Act, 1956, having its registered office at SH-2, Vardhman Grand Plaza, Plot 7, Mangalam Place, Sector-3, Rohini, P.O. & P.S. Rohini, District New Delhi through its authorized signatory Suresh Digamber Harne, son of Digamber Harne, aged about 70 years, resident of Enclave Road No. 44, Near Ashiyana Road, Pitampura, Saraswati Vihar, S.O. North West Delhi P.O & P.S. Pitampura, District New Delhi.

... .. Petitioner

Versus

1. State of Jharkhand through Secretary, Drinking Water and Sanitation, having its registered office at Project Bhawan, Dhurwa, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi.
2. Engineer- in- Chief, Drinking Water & Sanitation Department having its registered office at Nepal House, P.O. & P.S. Doranda, District Ranchi.
3. Superintending Engineer, Drinking Water and sanitation having its registered office at Hazaribagh, P.O., P.S. and District Hazaribagh.
4. Executive Engineer, Drinking Water & Sanitation Division having its registered office at Hazaribagh, P.O., P.S. and District Hazaribagh.

... .. Respondents

WITH

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 - 4. Executive Engineer, Drinking Water & Sanitation Division having its registered office at Garhwa, P.O., P.S. and District Garhwa.
- Respondents

CORAM: **HON’BLE THE CHIEF JUSTICE**

For the Petitioner/s: Mr. Vibhor Mayank, Advocate
For the Respondents: Mr. Sachin Kumar, A.A.G.-II
Mr. Ashutosh Anand, Addl. A.G.-III
Mr. Sahbaj Akhtar, A.C. to A.A.G.-III

15/Dated: 19.09.2025

- 1. Heard both sides.
- 2. These Arbitration Applications have been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator and for reference of the disputes arising out of Clause 2.34 of the Agreement dated 21.01.2010 and Clause 23 of the Agreement dated 13.02.2013 respectively between the parties for adjudication.
- 3. Learned counsel for the petitioner has submitted that in view of the Arbitration and Conciliation (Amendment) Act, 2015, an independent Arbitrator has to be appointed in the event of any dispute being raised between the parties.
- 4. In view of the aforesaid submissions and that since there is an arbitration clause in the agreements dated 21.01.2010 and 13.02.2013 respectively which is admitted by both parties, therefore, Hon’ble Mr. Justice Dilip Kumar Sinha, retired Judge of High Court of Jharkhand, presently residing at D/401, Green Residency, Nalanda

Colony, Budha Vihar, Tetar Toli, Bariatu, Ranchi, is appointed as the Sole Arbitrator to adjudicate upon the disputes between the parties in both the cases.

5. All contentions available to the parties are left open.
6. Learned Arbitrator would be free to lay down the fees and other expenses towards conduct of the arbitration proceedings, however, while doing so he shall take into account the ceiling prescribed under Schedule IV of the Act of 1996 as amended.
7. Learned Arbitrator would endeavor to conclude the proceedings expeditiously by taking into regard the mandate of the Legislature under Section 29-A of the Act of 1996.
8. Accordingly, these applications are allowed.
9. The Registry is directed to intimate the Arbitrator so appointed with a request to take up the arbitration proceedings and shall also provide photocopy of the entire pleadings along with copies of the entire order sheets to the learned Arbitrator.
10. Urgent Certified Copies as per Rules.

(Tarlok Singh Chauhan, C.J.)

September 19, 2025

N.A.F.R.

Manoj/Pramanik/Cp.2.