



19.09.2000

Present : Mr. Sohan Lal for the petitioner.  
Mr. Jagjit Singh for the respondent.

IA 10067/98 & AA 390/98

This application u/S 11 of the Arbitration and Conciliation Act, 1996 has been filed by the petitioner for appointment of an Arbitrator to decide the disputes between the parties.

The plaintiff was awarded a civil work "namely, Zone III of civil works like earth works, in filling/cutting with contractor/ railway earth in embankment to the required profile, constn./extn. of hume pipe bridges of 1 x 0.4 mtr. span boxes bridges of 0.61 mtr. span, RCC slab bridges of size varying from 0.915 mtr. to 2.44 mtr. including slabs, sub structures of bridges of span 3.05 mtr. and above and other allied works between km. 126.300 and km. 120.00 in connection with 2nd line works of Gzb.-Hapur B.G. doubling vide letter No. 74-W/13/35/Gzb-MB/D/WA/Zone III dated 4.3.97."

An agreement was signed between parties. The petitioner carried out the work in terms of the contract. However, disputes arose between the parties which are enumerated in Annexure-A to the petition.

The contract is governed by Arbitration Clause being Clause No. 64 of the General conditions of contracts.

Since the claim is above Rs.5,00,000/-, two



Arbitrators are to be appointed by the General Manager pursuant to the Arbitration Clause. The Arbitrators shall be Gazetted Railway Officers or officers of equal status.

In the circumstances the General Manager, Northern Railway is directed to appoint two Arbitrators in terms of Clause 64 of the Arbitration Agreement. It is made clear that the claim 1 in Annexure-A shall only relate to the measured quantities items under the agreement. The Arbitrators shall be appointed within eight weeks from today.

Learned counsel for the plaintiff states that there are two items which are yet to be measured.

- It is left to the discretion of the Arbitrator to issue directions to the respondent to record measurements in respect of two items where measurements have not been recorded and then to consider the admissibility of the claim in relation to these two items.

The petition stands disposed of.

Dasti.

September 19, 2000  
ns

*Ch Mahajan*  
C.K. Mahajan, J.