

Jharkhand High Court

Alcast Engineering (P) Ltd. And ... vs Steel Authority Of India And Anr. on 1 February, 2001

Author: V Gupta

Bench: V Gupta

ORDER V.K. Gupta, C.J.

1. By this common order, both the Request Case No. 12/2001 and Request Case No. 16/2001 are being disposed of.
2. The parties agree that the disputes forming the subject- matter of both these petitions be referred to the arbitration of a single member Arbitral Tribunal namely G.M. Mishra, presently an advocate of this Court and former Chief of Law, TISCO.
3. Based upon the aforesaid agreement and with their consent, both the petitions are disposed of. The subject-matter of disputes in both the petitions is referred to the arbitration of Mr. G.M. Mishra, Advocate, who is appointed as a Single Member Arbitral Tribunal. The parties are at liberty to file their claims and counterclaims before the arbitrator. The parties are also at liberty to raise all pleas with respect to the non- maintainability or arbitrability of the claims-counter claims of either of the parties. The Arbitrator shall adjudicate upon the disputes and while so adjudicating, he shall also decide about the maintainability or arbitrability of the claims, of course, with reference to the scope, applicability and within the purview of the arbitration agreement between the parties. He shall complete the proceedings expeditiously and pass his award without any unnecessary delay.
4. If in the process of adjudication, the Arbitrator thinks that he requires the services of a Technical Expert he may do so. The expenses for such engagement of a Technical Expert shall be borne by both the parties in equal share.
5. Fee of the Arbitrator in both the cases is tentatively fixed at Rs. 30,000/-(thirty thousand) to be shared equally between both the parties. If the Arbitrator feels at any stage of the proceedings that he is entitled to higher fees, he may put it up to the parties for their agreement to enhance the fee structure, or else may apply to the Court for payment of higher fees.