

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**Arb. Appeal No.5 of 2011**

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Eastern Coalfields Limited & Anr. ... Appellants  
Versus  
M/s Satish Constructions .... Respondent

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**CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

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For the Appellants : Mr. P.P.N. Roy, Sr. Advocate  
For the Respondent : Mr. Prashant Pallav, Advocate

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**Order No.30 Dated- 29.06.2020**  
**I.A. No.2332 of 2014**

Learned Senior Advocate appearing for the appellants prays for time to file reply to the interlocutory application.

Prayer for time is allowed to file reply to the interlocutory application.

List this interlocutory application after four weeks.

**(Anil Kumar Choudhary, J.)**

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Heard the parties through video conferencing.

This appeal is fixed to today for hearing on the merits of the appeal for its final disposal as the last chance with the consent of both the parties. Mr. P.P.N. Roy, the learned senior Advocate appearing for the appellants submits that one of the grounds agitated by the appellants in this appeal is that notice of the arbitration proceeding was not properly served upon the appellants, by the learned Arbitrator, though they were the parties to the Arbitration proceeding and for that portion of the record of the learned Arbitrator is required to be placed before this Court for

appreciation of the said grounds raised by the appellants. It is further submitted that the copy of the entire order sheet of the Arbitrator in respect of the arbitration proceeding and copy of the claim petition is essential to be placed before this Court for appreciation of said grounds agitated by the appellants. It is next submitted by Mr. P.P.N. Roy, learned Senior Advocate appearing for the appellants by drawing attention of this Court to the order no.8 dated 09.11.2012 passed in this appeal which reads as under:-

*"1. Learned counsel for both the sides submitted that despite the order passed by this Court dated 19<sup>th</sup> August, 2011, the records and proceedings of arbitration proceeding between the parties before Late Sateswar Roy, Former Judge of Hon'ble Patna High Court has not yet reached to this Court.*

*2. In view of this submission and looking to the earlier order, I hereby direct the Registry of this Court to get the records and proceedings of arbitration proceeding, on or before the next date of hearing. A report shall be called for from the concerned officer, on failure of production of the document.*

*3. The matter is adjourned to be listed on 7<sup>th</sup> December, 2012."*

that though the direction has been made by this Court to the Registry of the Court to get the records and proceeding of Arbitration proceeding on or before 07.12.2012 but the Registry has not complied the same.

I find force in the submission of Mr. P.P.N. Roy, learned Senior Advocate appearing for the appellants.

The Registrar General of this Court is directed to submit a report before this Bench after conducting enquiry and fixing the responsibility as to for whose laches the order to get the record and proceeding of the Arbitration proceeding before learned sole Arbitrator Late Sateswar Roy, Former Judge of Hon'ble Patna High Court, has not been brought on record and the Registrar General of this Court is further directed to take urgent steps to bring on record of this appeal, the record and proceeding of Arbitration proceeding of the learned sole Arbitrator appointed vide order dated 30.03.2005 in Arbitration Application No.42 of 2003.

The report must be submitted by the Registrar General, within three weeks.

Mr. Prashant Pallav, learned counsel for the respondents submits that he will also file the copies of entire order sheet of the learned Arbitrator as well as the copy of the claim application if available with

him, after supplying the same to Mr. Rajesh Lala, learned counsel for the appellant within two weeks.

List this appeal after four weeks or receipt of the record of the arbitrator, whichever is earlier.

**(Anil Kumar Choudhary, J.)**

Sonu-Gunjan/-