

**Government of Jammu & Kashmir
Tourism Department Civil Secretariat,
Jammu/Srinagar**

Subject: Arbitration Petition No. 55/2019 titled Jagdish Raj Shastri V/s State of J&K and others.

Government Order No. 132-JK(TSM) of 2021

Dated: 2-12-2021

Whereas, Shri Jagdish Raj Shastri S/o Shri Dhani Ram C/o Lalji Rattan Bandhar, Amar Manorath Market, Purani Mandi, Jammu entered into an agreement with Director Tourism, Jammu through Assistant Director Tourism, Katra on 30.01.2014 for a period of 05 years with respect to outsourcing of Tourist Reception Centre, Reasi;

Whereas, in terms of agreement executed by and between Director Tourism, Jammu and Shri Jagdish Raj Shastri there is an arbitration clause, which reads as under:-

"Disputes if any arises and could not be resolved mutually, the matter shall be referred to the Commissioner/Secretary to Govt. Tourism & Culture Department, J&K Govt. Civil Secretariat Jammu/Srinagar or any officer nominated by him for arbitration. The decision of the Arbitrator as above shall be final and binding on both parties to the franchisee. The necessary expenditure for the arbitration will be borne by the franchisee."

Whereas, Director Tourism, Jammu vide letter No. DTJ/AEO/legal/8583 dated 04.01.2020, had requested to consider appointment of Arbitrator in the matter to adjudicate upon the dispute;

Whereas, in pursuance of powers conferred upon the Secretary to Government, Tourism Department, in the arbitration clause Shri Naresh Kumar, Additional Secretary to Government, Tourism Department was nominated as Arbitrator vide Government Order No. 30-JK(TSM) of 2021 dated: 08.03.2021 to conduct the arbitration proceedings;

Whereas, aggrieved of the above Shri Jagdish Raj Shastri made a representation before the Department of Law, Justice and Parliamentary Affairs for appointment of an independent Arbitrator to adjudicate upon the dispute. The Department of Law,

02.12.21

Justice and Parliamentary Affairs vide their communication dated 25.03.2021 forwarded the same to this Department for taking necessary action in the matter;

Whereas, the matter was again taken up with Department of Law, Justice and Parliamentary Affairs for appointment of an independent Arbitrator to adjudicate upon the dispute; and

Whereas, in response the Department of Law, Justice and Parliamentary Affairs vide communication No. LAW-Ad/31/2021 dated 12.11.2021 has advised this Department to consider the name of Shri Soujanya Sharma or Smt. Nirmal Sharma, retired Secretaries for appointment as an Arbitrator in the matter.

Accordingly, in supercession of Government Order No. 30 JK(TSM) of 2021 dated: 08.03.2021 and in pursuance of the powers conferred upon the Secretary to Government, Tourism Department, in the arbitration clause, Shri Soujanya Sharma, retired Secretary is hereby appointed as Arbitrator to conduct the arbitration proceedings in terms of the Arbitration and Conciliation Act, 1996, in the matter.

Sd/-

(Sarmad Hafeez) IAS
Secretary to the Government,
Tourism Department.

1. Shri Soujanya Sharma, retired Secretary.
2. Director Tourism, Jammu.
3. Assistant Director Tourism, Katra.
4. Shri Jagdish Raj Shastri, S/o Shri Dhani Ram,
C/o Lalji Rattan Bandhar, Amar Manorath Market,
Purani Mandi, Jammu.

(Arshad Hussain Bhat)

Under Secretary to the Government

No. TSM.-Legl/3/2021-E-17335

Dated: 9.12.2021

Copy to the Senior Law Officer, Tourism Department.