

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Arb.P.(J2) No. 1 of 2020

1. Smt. Khwairakpam Sorojini Devi, aged about 69 years, w/o (L) Thokchom Praphulla Singh, resident of Singjamei Chingamakha Kshetri Leikai, P.O. & P.S. Singjamei, District: Imphal West, Manipur – 795008.
2. Ms. Chitrani Devi Thokchom, aged about 31 years, d/o (L) Thokchom Praphulla Singh, resident of Singjamei Chingamakha Kshetri Leikai, P.O. & P.S. Singjamei, District: Imphal West, Manipur.
3. Ms. Bandana Devi Thokchom, aged about 28 years, d/o (L) Thokchom Praphulla Singh, resident of Singjamei Chingamakha Kshetri Leikai, P.O. & P.S. Singjamei, District: Imphal West, Manipur.
4. Ms. Sucherita Devi Thokchom, aged about 25 years, d/o (L) Thokchom Praphulla Singh, resident of Singjamei Chingamakha Kshetri Leikai, P.O. & P.S. Singjamei, District: Imphal West, Manipur.

...Petitioners

- Versus -

1. The State of Manipur, represented by the Commissioner/ Secretary (Works), Govt. of Manipur, P.O. & P.S. Imphal, District: Imphal West, Manipur – 795001.
2. The Chief Engineer (PWD), PWD Complex, Govt. of Manipur, Imphal – 795001.
3. The Executive Engineer, Sadar Hills Division, Public Works Deptt. Govt. of Manipur, Imphal – 795001.

...Respondents

With

MC(Arb.P.(J2)) No. 1 of 2023

1. Smt. Khwairakpam Sorojini Devi, aged about 69 years, w/o (L) Thokchom Praphulla Singh, resident of Singjamei Chingamakha Kshetri Leikai, P.O. & P.S. Singjamei, District: Imphal West, Manipur – 795008.

2. Ms. Chitrani Devi Thokchom, aged about 31 years, d/o (L) Thokchom Praphulla Singh, resident of Singjamei Chingamakha Kshetri Leikai, P.O. & P.S. Singjamei, District: Imphal West, Manipur – 795008.
3. Ms. Bandana Devi Thokchom, aged about 28 years, d/o (L) Thokchom Praphulla Singh, resident of Singjamei Chingamakha Kshetri Leikai, P.O. & P.S. Singjamei, District: Imphal West, Manipur – 795008.
4. Ms. Sucherita Devi Thokchom, aged about 25 years, d/o (L) Thokchom Praphulla Singh, resident of Singjamei Chingamakha Kshetri Leikai, P.O. & P.S. Singjamei, District: Imphal West, Manipur – 795008.

...Applicants

- Versus -

1. The State of Manipur represented by the Commissioner/ Secretary (Works), Govt. of Manipur, P.O. & P.S. Imphal, Secretariat, District: Imphal West, Manipur – 795001.
2. The Chief Engineer (PWD), PWD Complex, Govt. of Manipur, Khuyathong, P.O. & P.S. Imphal, District: Imphal West, Manipur – 795001.
3. The Executive Engineer, Sadar Hills Division, Public Works Deptt. Govt. of Manipur, Lamphelpat, P.O. & P.S. Imphal, District: Imphal West, Manipur – 795001.

...Respondents

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR

For the petitioners/ applicants	:	Mr. L. Shashibhushan, Advocate
For the respondents	:	Mr. R.K. Umakanta, GA
Date of order	:	30-01-2023

O R D E R

[1] Late Thokchom Praphulla Singh, a Special Class Contractor, was awarded the work of 'Improvement of the Road from Saikul to Hangoipat' by the State of Manipur, under Agreement dated 04-10-2013. After completing the work, the Contractor died on 04-09-2021, before settlement of his dues.

His widow and daughters filed this petition under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking appointment of an Arbitrator to settle their claims arising under the Agreement dated 04-10-2013. According to their petition averments, the principal amount of ₹. 21,39,832/- still remains due and payable along with interest thereon.

[2] An affidavit-in-opposition was filed by the State authorities, viz., respondent Nos. 2 & 3, stating that the balance amount payable for the subject work was not ₹. 21,39,832/- but only ₹. 12,61,052/-.

[3] As the amount in dispute was in the range of just a few lakhs, this Court requested the parties to resolve their differences, if possible, through amicable negotiations. On 15-12-2021, Mr. L. Shashibhushan, learned counsel for the petitioners, fairly stated that his clients would be willing to forego the interest amount along with the claimed differences in the rates of bitumen and settle for the principal amount of ₹. 12,03,823/- without interest, if it is paid within a specified time frame.

[4] Mr. R.K. Umakanta, learned Government Advocate, appearing for the State, sought time to verify whether this offer would be acceptable to the authorities. On 08-06-2022, Mr. R.K. Umakanta, learned Government Advocate, informed the Court that unless the petitioners produced a Succession Certificate from a competent Court of law, they would not be entitled to receive the payment due. However, he thereafter informed the Court that there is no rule which requires production of a Succession Certificate from a Court of law and it would suffice if the petitioners demonstrate that they are the legal heirs of the deceased Contractor.

[5] Thereupon, the petitioners filed MC (Arb.P.(J2) No. 1 of 2023 placing on record Annexure – X/1 to X/12. The miscellaneous case is

allowed and the documents are taken on record. Annexure - X/1 is the Legal Heir Certificate issued by the Sub-Divisional Officer, Lamphel, Imphal West, noting that the petitioners are the legal heirs of late Thokchom Praphulla Singh, who expired on 04-09-2021. The Pension Payment Order in favour of his widow, petitioner No. 1, is Annexure - X/2. Annexure - X/3 to X/10 are the AADHAAR Cards and Pan Cards of the petitioners, showing their relationship with late Thokchom Praphulla Singh. Annexure - X/11 (Colly) are the affidavits dated 17-01-2023 executed by petitioners Nos. 1, 2 & 4, authorizing petitioner No. 3 to receive the payment of ₹. 12,03,823/-, on their behalf, from the Public Works Department, Government of Manipur. Mr. R.K. Umakanta, learned Government Advocate, would concede that these documents would suffice to prove the claim of the petitioners that they are the legal heirs of late Thokchom Praphulla Singh. He further states that the payment of the principal sum of ₹. 12,03,823/- would be made to petitioner No. 3, the authorized representative of the petitioners, within three months from the date of receipt of a copy of this order.

[6] In the light of the amicable settlement arrived at by and between the parties, this Court finds no reason to exercise power under Section 11(6) of the Arbitration and Conciliation Act, 1996, and appoint an Arbitrator.

Arb.P.(J2) No. 1 of 2020 is accordingly disposed of, leaving it open to the petitioners to approach this Court once again, if warranted.

MC (Arb.P.(J2) No. 1 of 2023 is ordered.

CHIEF JUSTICE

Victoria