

**HIGH COURT OF TRIPURA
AGARTALA**

Arb.P. No. 05 of 2023

Shri Binode Behari Das, Contractor

.....Petitioner(s)

Versus

The State of Tripura and others

.....Respondent(s).

For Petitioner(s) : Mr. Somik Deb, Senior Advocate.
Mrs. Riya Chakraborty, Advocate.

For Respondent(s) : Mr. D. Bhattacharya, G.A.
Mr. K. De, Addl. G.A.
Mr. S. Saha, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

26/07/2023

Heard Mr. Somik Deb, learned senior counsel for the petitioner and Mr. D. Bhattacharya, learned Government Advocate for the respondent-State.

Pursuant to the order dated 28.06.2023, the proposed Arbitrator has conveyed his consent and also sent his disclosure statement in terms of Section 12(1) read with the Sixth Schedule of the Arbitration and Conciliation Act, 1996. The said order dated 28.06.2023 is reproduced hereunder:

“Heard Mr. Somik Deb, learned senior counsel for the petitioner and Mr. Karnajit De, learned Additional Government Advocate for the respondents-State.

Petitioner sought appointment of an independent Arbitrator invoking Clause 22 of the Agreement dated 08.03.2016 [Annexure-2] by this Court in exercise of powers under Section 11(6)(a) read with Section 12 of the Arbitration and Conciliation Act, 1996 with its amendment.

By order dated 03.05.2023, the learned counsel for the State was asked to seek instructions and file reply.

Today, Mr. Karnajit De, learned Additional Government Advocate, on written instructions, submits that the department is agreeable to appointment of an independent Arbitrator by this Court to decide the dispute between the parties in terms of Clause 22 contained in the agreement dated 08.03.2016 [Annexure-2].

Learned counsel for both the parties agree that Hon'ble Mr. Justice S.G. Chattopadhyay, Judge (Retired), High Court of Tripura, may be appointed as an Arbitrator to decide the dispute between the parties.

Having regard to the attendant background facts, taken note of in the previous order dated 03.05.2023, the arbitration Clause 22 contained in the Agreement dated 08.03.2016 and the agreement between the parties for appointment of an independent Arbitrator by this Court, I propose to appoint Hon'ble Mr. Justice S.G. Chattopadhyay, former Judge of this Court as Arbitrator to decide the dispute between the parties.

The proposed Arbitrator is requested to give his consent and disclosure in terms of Section 12(1) read with Sixth Schedule. Learned Registrar General, High Court of Tripura, shall seek the consent and disclosure statement of the proposed learned Arbitrator in terms of the instant order.

Learned counsel for the parties submit that parties are agreeable to pay the fees as provided under Fourth Schedule of the Act.

Let the consent of the proposed Arbitrator be placed on record and matter be listed on 18.07.2023."

Learned counsel for the parties submit that Hon'ble Mr. Justice S.G. Chattopadhyay, former Judge, High Court of Tripura may be appointed as Arbitrator to decide the dispute between the parties as his consent has also been received.

Having regard to the reasons recorded in the order dated 28.06.2023 and that the proposed Arbitrator, Hon'ble Mr. Justice S.G. Chattopadhyay, former Judge, High Court of Tripura has offered his consent with declaration in the prescribed format, I, hereby do appoint him as the Arbitrator to decide the dispute between the parties.

The learned Arbitrator would take into account the timeline indicated in Section 29-A of the Arbitration and Conciliation Act, 1996 as amended.

Let the order be communicated to the proposed Arbitrator by learned Registrar General.

The instant petition stands disposed of. Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ

