

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 821 of 2022**

Shri Sambhuti Ranjan Bhattacharjee,
Son of late Rebati Raman Bhattacharjee,
17, Jagaharimura, P.O. Agartala College,
P.S. East Agartala, District- West Tripura,
PIN 799004.

--- Petitioner(s)

Versus

1. The State of Tripura,

Represented by the Secretary to the Government of Tripura,
Public Works Department, New Capital Complex,
P.O. Agartala Secretariat, District- West Tripura, PIN 799010.

2. The Chief Engineer,

Public Works Department (NH)
Government of Tripura, Pandit Nehru Complex,
Agartala, West Tripura, PIN 799006

3. The Executive Engineer (Sonamura Division),

PWD, R&B, P.O. Sonamura,
District- Sepahijala Tripura, PIN 799131

---Respondent(s)

For Petitioner(s)	:	Mr. SM Chakraborty, Sr. Advocate. Ms. Mampi Chakraborty, Advocate.
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For Respondent(s)	:	Mr. M. Debbarma, Addl. GA.
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Date of hearing and delivery of judgment and order	:	14.12.2023
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Whether fit for reporting	:	No.
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HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & order (Oral)

This writ petition has been filed under Article 226 of the Constitution of India for issuance of writ of certiorari cancelling/quashing the order of the respondent No.2 contained in the Memorandum No. F.5(53)/CE/PWD(NH)/Estt./2322-27 dated 16.09.2020 and also for issuance of a writ of mandamus or in the nature thereof commanding upon the respondents

to pay 50% of the Arbitral fees to the petitioner as worked out in accordance with the fourth Schedule of Arbitration and Conciliation Act, 1996.

[2] The brief facts of the case of the petitioner is that he is a practicing Advocate of the High Court of Tripura and was appointed as sole arbitrator by a memorandum dated 03.12.2019 issued by the respondent No.2, i.e. the Chief Engineer, Public Works Department (NH), Government of Tripura in arbitration case between Coal Mines Associated Traders Private Ltd. and the State of Tripura. In the said memorandum, it was mentioned that the petitioner shall be entitled to fees as per the Arbitration and Conciliation (Amendment) Act 2015 and the same will be borne equally by both the parties. After the said appointment, the petitioner entered into reference on 16.12.2019 registering the said reference case as Case No.ARB/SRB/2019(7) and informed both the parties to the said proceeding by a memorandum dated 16.12.2019. Both the parties appeared before the arbitrator and contested the case on different dates.

[3] The arbitration fees so determined by the petitioner herein was paid in full by the claimant but the respondent No.1 represented by the respondent No.3 [*the Executive Engineer (Sonamura Division) PWD, R&B, P.O. Sonamura, Sepahijala, Tripura*] did not deposit its share of fees despite different reminders were made from the side of the petitioner. The petitioner passed the award on 18.09.2020 and the same was sent to the parties by post on the same date and in the afternoon, the petitioner found a mail showing the termination of his appointment by the respondent No.2 requesting not to proceed further and not to give any award in respect of the proceeding. According to the petitioner, after purported letter of termination dated 16.09.2020, he initially protested against the said action by various correspondence made with the respondents but of no result, except an

information given by the respondent No.3 by a letter dated 28.12.2020 that the matter has been processed to Law Department and nothing has been done thereafter. Being aggrieved, the petitioner has preferred this writ petitioner before this Court seeking for payment of the admissible arbitral fee to which he is entitled to as the same was not paid to him.

[4] Heard Mr. SM Chakraborty, learned senior counsel assisted by Ms. M. Chakraborty, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned Addl. GA representing State-respondents.

[5] When the matter was taken up for hearing, Mr. M. Debbarma, learned Addl. G.A. for the State submits before this Court that the admissible fee as per the Act and Rules available under law shall be paid to the petitioner within a period of two months from today.

[6] Having heard the submission of the learned counsel representing the parties and on perusal of the material evidence on record, respondents are directed to pay the arbitral fee to the petitioner as per Arbitration and Conciliation Act within a period of 2(two) months from today.

Resultantly, the writ petition filed by the petitioner is allowed to the extent as indicated above. Miscellaneous application(s) pending, if any, shall also stand closed.

JUDGE

Sabyasachi G.

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Date: 2023.12.21 12:56:55 +05'30'