

**HIGH COURT OF TRIPURA
AGARTALA**

Arb.P. No.11 of 2025

M/s. J.C. Nath and Sons, represented by one of its partner, namely Priyatosh Nath, Class-I Contractor, son of Lt. J.C. Nath, resident of village- Madhu Bari Road, Padmapur, Dharmanagar, District- North Tripura, Pin- 799250.

.....Petitioner(s)

Versus

1. The State of Tripura represented by the Secretary, Tourism Department, Government of Tripura, having his office at Secretariat Building, PO- Kunjaban, PS- New Capital Complex, District- West Tripura, PIN-799006.
2. The Secretary, Tourism Department, Govt. of Tripura, having his office at Secretariat Building, PO- Kunjaban, PS- New Capital Complex, District- West Tripura, PIN-799006
3. Tripura Tourism Development Corporation Limited, a Government of Tripura undertaking, represented by its Managing Director, having office at Swetmahal, Palace Compound, Agartala, West Tripura.
4. The Director, Tourism, Govt. of Tripura, Swetmahal, Palace Compound, Agartala, West Tripura
5. The Executive Engineer, Tripura Tourism Development Corporation Limited, Agartala, West Tripura.

.....Respondent(s)

For Petitioner(s) : Mr. Somik Deb, Sr. Advocate,
Mr. Haradhan Sarkar, Advocate.

For Respondent(s) : Mr. Kohinoor Narayan Bhattacharyya, G.A.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO

Order

21/11/2025

This application has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator to decide the dispute between the parties arising out of an agreement in furtherance of a work order dt. 21.07.2020 [Annexure-1]. The agreement is filed at Annexure-2.

2. Clause 22 of the said agreement contains an arbitration clause for claims above Rs.50,000/-, and states that the arbitrator will be the competent

Engineering authority of Chief Engineer level of the State Government or Arbitrator appointed by the Managing Director, Tripura Tourism Development Corporation Limited, and that the arbitration would be conducted in accordance with the Arbitration and Conciliation Act, 1996.

3. Petitioner had issued letters dt. 19.10.2023 and 20.11.2023 claiming certain amount from the Corporation, which the Corporation had denied in its letter dt. 01.11.2023. Thereafter the petitioner gave a notice on 16.04.2025 invoking the arbitration clause, and making a claim for Rs.1,07,26,229/-.

4. There was no reply from the respondents-Corporation to this notice.

5. Therefore the applicant was forced to file this application seeking appointment of an arbitrator through Court.

6. In the Counter Affidavit filed by the respondents, it is contended in para 11 that the Corporation can appoint an arbitrator from the panel of arbitrators curated by the High Court.

7. The fact remains that both parties wish that the matter be decided through arbitration, but they are unable to agree on who shall be the arbitrator.

8. Therefore, Sri Swapan Bhattacharjee, a retired Grade-I Officer of Tripura Judicial Service is hereby appointed as an arbitrator to adjudicate the dispute between the parties subject to submission of his consent and a declaration in terms of Section 12 read with Schedule VI of the Arbitration and Conciliation Act, 1996.

9. Learned Arbitrator is requested to take into consideration the Schedule of Model Fee prescribed under Schedule IV and the timeline prescribed under Section 29-A of the Arbitration and Conciliation Act, 1996 as amended.

10. Registry is directed to communicate the instant order along with a copy of the entire pleadings of the instant application to the learned Arbitrator forthwith.

11. The instant petition is disposed of. Pending application(s), if any, shall also stand disposed of.

(M.S. RAMACHANDRA RAO, CJ)



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