

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
ARB.P No.08 of 2025

Bhartia Infra Projects Limited, a company incorporated under the Companies Act 1956, formerly known as Bhartia Associates Private Limited having its registered office at 201 Royal Arcade, 2nd Floor, Dr. B. Baruah Road, Ulubari, Guwahati-781007.

..... *Petitioner(s)*

V E R S U S

1. The State of Tripura, represented by the Secretary to the Government of Tripura, Public Works Department (PWD), Agartala.
2. The Chief Engineer, PWD (R&B), Government of Tripura, New Secretariat Complex, Agartala.
3. The Executive Engineer, PWD (R&B), Kumarghat Division, North Tripura.

..... *Respondent(s)*

For Petitioner(s) : Mr. Soumendu Roy, Advocate.

For Respondent(s) : Mr. Kohinoor N Bhattacharya, G.A.

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

=O=R=D=E=R=

22/08/2025

Heard counsel for the petitioner as well as counsel for the respondent.

[2] This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator to decide the dispute between the parties arising out of a contract agreement dt.05.05.2004 which had been terminated on 10.01.2012 by the respondent.

[3] Previously, Arbitration Petition No.01 of 2013 had been filed in this Court for appointment of an Arbitrator and a learned Arbitrator was appointed, who was a Senior Advocate. He passed an award on 25.06.2017 and an additional arbitral award on 01.06.2018.

[4] Thereafter, an application under Section 34 of the Arbitration and Conciliation Act, 1996 was filed to set aside the said awards in Civil Misc.(Arbitration) No.12 of 2018. The said awards were set aside by the District Commercial Court, West Tripura, Agartala on 17.02.2022 and the matter was remitted back to the same Arbitrator with a direction to hear fresh argument and to pass award afresh.

[5] There was an appeal, being ARB.A No.02 of 2022 filed before the High Court under Section 37 of the Act against the judgment dt.17.02.2022 of the District Commercial Court, Agartala.

[6] On 10.01.2024, the said appeal was allowed and it was held that claim under Item 5 has to be remitted to the learned Arbitrator to be decided afresh.

[7] Subsequently, the said Arbitrator sent a letter on 01.12.2024 saying that he was appointed as an Advocate General for the State of Tripura and, therefore, he cannot continue unless the parties' consented for continuation of the proceedings.

[8] The petitioner contends that the learned Arbitrator became ineligible to conduct the arbitration proceedings since one of the parties was the State of Tripura in view of Section 12(5) of the Arbitration and Conciliation Act, 1996 and, therefore, moved the instant petition for appointment of an arbitrator to decide the claim under Item 5 afresh.

[9] Though the respondent-State had given no objection for the continuance of the Advocate General as an Arbitrator, counsel for the petitioner is not agreeable for the same.

[10] In this view of the matter, Sri Subhash Sikdar, Grade-I Officer of Tripura Judicial Service (retired) is appointed as an Arbitrator to adjudicate the claim under Item 5 afresh as per law 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. The 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.

[11] Registry is directed to communicate this order along with the copy of the entire pleadings of the instant petition to the learned Arbitrator *forthwith*.

[12] The instant petition is disposed of.

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

(M.S. RAMACHANDRA RAO, CJ)