

**HIGH COURT OF TRIPURA
AGARTALA**

Arb.A. No.01 of 2024

Arb.A. No.02 of 2024

The State of Tripura represented by the Executive Engineer, PWD (R&B),
Longtharai- Valley Division, Manu, Dhalai, Tripura

.....Appellant(s);

Versus

Shri Ashes Deb, Contractor, Dhaleswar, Nutan Palli, Road No.2, Post Office-
Dhaleswar, Agartala, West Tripura

.....Respondent(s).

For Appellant(s) : Mr. Dipankar Sarma, Addl. G.A.

For Respondent(s) : Mr. Somik Deb, Sr. Advocate,
Mr. Jishan Samed, Advocate.

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

Order

02/03/2026

These two arbitration appeals have been filed under Section 37 of the Arbitration and Conciliation Act, 1996 [“the Act”, *for short*] challenging judgments delivered on 06.02.2024 and 02.03.2024 by the Commercial Court, Dhalai Judicial District, Ambassa, in respect of arbitration awards dt.04.07.2020 and 10.04.2022 of respective arbitrators in respect of disputes between the same parties arising out of different agreements/works.

2. The District Court in the respective applications filed under Section 34 of the Act, had rejected the challenge to the respective awards.

3. A reading of the judgments of the District Court in both these cases indicates that the District Court has simply extracted the issues framed by the learned Arbitrator, the conclusion and the operative part of the respective awards, the contention of the respective parties, and certain case law without discussing in any way the facts of the respective disputes, and how the principles laid down in the judgments of the Supreme Court quoted by the

District Court, are applied to the respective petitions under Section 34 of the Act.

4. It has also referred to the judgment of the Supreme Court in the *Delhi Airport Metro Express Private Limited v. Delhi Metro Rail Corporation Limited*¹ dt.09.09.2021, which judgment has since been overruled subsequently by the Supreme Court itself in a curative petition being *Delhi Metro Rail Corporation Limited v. Delhi Airport Metro Express Private Limited*².

5. It was incumbent on the part of the District Court to discuss at least some findings on the issues framed by the respective arbitrators, deal with the submissions of the respective parties on those findings, and analyze why the respective awards cannot be touched in view of the settled legal principles.

6. Therefore, the respective judgments of the District Court dt.06.02.2024 in Civil Misc. (Arbitration) 03 of 2020 and judgment dt.02.03.2024 in Civil Misc. (Arbitration) 01 of 2022 are both set aside, and the said applications are remitted to the Commercial Court, Dhalai Judicial District, Ambassa.

7. The said Court is directed to rehear the parties, and decide the same in accordance with law within 3(three) months from the date of receipt of copy of this Order.

8. The parties shall appear before the said Court on 18.03.2026.

9. Both parties shall cooperate with the Court below for early disposal of the matters.

10. Pending application(s), if any, shall stand disposed of.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)

Pijush/

¹ (2022) 1 SCC 131

² (2024) 6 SCC 357