

**HIGH COURT OF TRIPURA**  
**AGARTALA**  
**MFA(EC) NO.09 OF 2025**

Sri Birinchi Mohan Goswami,  
S/o Late Kokil Kantha Goswami,  
R/o Vill: Paschim Batarashi,  
P.O. Rajbari, P.S.- Dharmanagar,  
District- North Tripura, Pin-799253

..... The Appellant

1. Sri Sushil Pal,  
S/o- Late Sukhamoy Pal,  
R/o- Vill- Madhya Tongibari,  
East Kameswar, P.S.- Dharmanagar,  
District- North Tripura, PIN-799253.

2. Smt. Sima Paul,  
W/o: Sushil Paul,  
R/o- Vill: Madhya Tongibari,  
P.O.- East Kameswar, P.S: Dharmanagar,  
District- North Tripura, PIN-799253.

3. Md. Badsha Mia,  
S/o- Late Tahir Mia,  
R/o- Vill- Paschim Batarshi,  
P.O.- Rajbari, PS.- Dharmangar,  
District-North Tripura,PIN-799253.

.....The Respondents.

---

|                  |                                                                                                                           |
|------------------|---------------------------------------------------------------------------------------------------------------------------|
| For Appellant(s) | : Mr. P. Roy Barman, Sr. Advocate.<br>Mr. S. Bhattacharjee, Advocate.<br>Mr. K. Nath, Advocate.<br>Mr. D. Paul, Advocate. |
|------------------|---------------------------------------------------------------------------------------------------------------------------|

|                   |                                                                                                                                                                 |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For Respondent(s) | : Mr. P.K. Biswas, Sr. Advocate.<br>Mr. P. Biswas, Advocate.<br>Mr. R. Nath, Advocate.<br>Mr. J. Rahaman, Advocate.<br>Mr. C. Mog, Advocate.<br>Mr. S. Tripura. |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                       |               |
|-------------------------------------------------------|---------------|
| Date of hearing and delivery<br>of judgment and order | : 16.01.2026. |
|-------------------------------------------------------|---------------|

|                           |           |
|---------------------------|-----------|
| Whether fit for reporting | : YES/NO. |
|---------------------------|-----------|

---

**HON'BLE JUSTICE DR. T. AMARNATH GOUD**  
**JUDGMENT & ORDER(ORAL)**

1. This present appeal has been filed against the judgment dated 26.05.2025 passed by the learned Commissioner, Employees' Compensation, North Tripura, Dharmanagar, in Case No. T.S. (EC) 06/2022.

2. The brief facts of the case are that the present appeal has been preferred by the appellant, Sri Birinchi Mohan Goswami, assailing the judgment and order dated 26.05.2025 passed by the learned Commissioner, Employees' Compensation, North Tripura, Dharmanagar, in Case No. T.S. (EC) 06/2022. The said case arose out of a claim filed by the respondent-claimants seeking compensation for the death of their son, Suman Pal @ Ripan Pal, who allegedly died due to an accident that occurred at a construction site. The claimants asserted that the deceased was working as a helper under one mason, Md. Badsha Mia, at the said construction site. The appellant contested the claim by specifically denying any employer-employee relationship with the deceased and asserted that he had neither engaged the deceased nor had any knowledge of his presence at the site. It was further contended that the construction work was being executed through an independent contractor, namely respondent No. 3, who had engaged his own labourers and was solely responsible for them.

Despite such pleadings and the admissions made by the claimants during cross-examination regarding the employment of the deceased, the learned Commissioner, by the impugned judgment, held the appellant liable and directed payment of compensation amounting to Rs. 20,96,860/-. Hence, the appellant has filed the present appeal seeking to set aside the impugned judgment dated 26.05.2025.

3. When the case is called, Mr. P. Roy Barman, learned Senior Counsel assisted by Mr. S. Bhattacharjee, learned counsel, and Mr. K. Nath, learned counsel, appears for the appellant and Mr. P.K. Biswas, learned Sr. counsel assisted by Mr.P. Biswas, learned counsel, Mr. J. Rahaman, learned counsel, Mr. R. Nath, learned counsel, Mr. C. Mog, learned counsel and Mr.

S. Tripura, learned counsel appears for the respondent No.3. Despite service of notice, there is no representation on behalf of respondent Nos. 1 and 2.

4. Heard and perused the evidence on record.

5. It is seen from the record that the Trial Court has not framed any issue with regard to the question of fastening liability either upon the owner of the house, who had invited the contractor to perform the work, or upon the contractor, who had engaged the services of the deceased to perform the civil works along with other labourers.

6. It has also become necessary to consider the evidence of P.W.-1, the father of the deceased, who deposed that he was not aware whether on the fateful day the deceased was working at the said accident site either under the house owner, whose house was under construction, or under the contractor who had engaged his services.

7. In view of the above gaps and to clear the ambiguity, this Court finds that the matter is a fit case for remand by framing additional issues, and to decide the case after giving opportunity to both sides to place any documentary or oral evidence before the Court, and thereafter to proceed with the matter in accordance with law and decide the same as expeditiously as possible.

8. Learned counsel for the appellant submits that the appellants have already deposited the awarded amount before the learned Commissioner and Sessions Court and that the same need not be disbursed. This Court considers the said submission to be reasonable, and accordingly, till the matter is adjudicated by the Trial Court, the amount of compensation so deposited shall not be disbursed to the claimants.

9. With the above observations and directions, the present appeal stands disposed of, the impugned order passed by the Trial Court is set aside, and the matter is remanded back for fresh consideration in accordance with law.

**DR. T. AMARNATH GOUD, J**

Suhanjit

RAJKUMAR  
SUHANJIT SINGHA

Digitally signed by RAJKUMAR  
SUHANJIT SINGHA  
Date: 2026.01.20 15:59:21 +05'30'