

THE HIGH COURT OF TRIPURA
AGARTALA

Arb. P. No. 09 of 2015

Applicant/Petitioners:

On the death of Lt. Tapan Kr. Datta

His legal heirs namely-

- i. Smt. Smriti Datta Biswas, W/o. Lt. Tapan Kr. Datta,
 - ii. Smt. Tapashi Datta,
 - iii. Smt. Tanusree Datta
- Both D/o. Late Tapan Kr. Datta, All are resident of Vill.-Gouranga Tilla, P.O & P.S- Teliamura, District-Khowai.

By Advocate :

Mr. A. Bhowmik, Adv.

Respondent :

1. The State of Tripura,

Represented by its Secretary to the Public Works Department (R & B), P.O: Kunjaban, P.S: New Capital Complex, District: West Tripura.

2. The Executive Engineer,

Public Works Department (R & B)
Mohanpur Division (previously Agartala Division no.II), P.O & P.S: Mohanpur, Sadar North, District-West Tripura.

By Advocate :

Mr. T. D. Majumder, G. A

B E F O R E
THE HON'BLE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order : **25th March, 2015.**

Whether fit for reporting :

Yes	No
	✓

JUDGMENT & ORDER (ORAL)

This is an application for appointment of Arbitrator under Section 11(6) read with Section 11 (8) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act').

[2] Firstly, the dispute was referred by the District Judge, West Tripura for arbitration to Sri D. P. Datta, Superintending Engineer, PWD, 4th Circle but he could not complete the arbitration. Thereafter Sri S. C. Podder was appointed as sole arbitrator but he also could not conclude the arbitration proceedings due to his retirement from service. Then the Gauhati High Court, Agartala Bench appointed Sri Dipak Chandra Das, Additional Chief Engineer, PWD (DWS), Kunjaban, Agartala as arbitrator but he also could not complete the arbitration due to his resignation as arbitrator, Lastly, Sri S.C. Das, Additional Chief Engineer was appointed arbitrator, but he has unfortunately expired.

[3] Keeping in view the aforesaid facts, Sri Alakesh Sengupta, Superintendent Engineer, Office of the Chief Engineer, PMGSY, New Secretariat Complex, Agartala is appointed arbitrator.

[4] It is made clear that he shall proceed in the arbitration from the stage where S.C. Das had left the arbitration and he does not have to start the proceeding all over again. He is also requested to complete the proceeding as early as possible and may make an endeavour to decide the same latest by **30st September, 2015**.

[5] The appointment of the arbitrator is by name and not by designation and, therefore, the arbitrator will continue the arbitration proceedings even after retirement. At the time of passing of the award, the arbitration can approach this Court for fixing his fees which shall be fixed keeping in view the nature of the work done by him.

[6] Registry is directed to send a copy of this order to Sri Alakesh Sengupta so as to reach within one week from today.

[7] The parties are directed to appear before Sri Sengupta on 20th April, 2015.

[8] The petition is accordingly disposed of.

CHIEF JUSTICE