

**THE HIGH COURT OF TRIPURA**  
**\_A\_G\_A\_R\_T\_A\_L\_A\_**

**Arbitration Petition No.15 of 2015**

Sri Prafulla Das,  
Contractor, S/o Late Pulin Behari Das,  
Resident of Gouranga Tilla,  
P.O & P.S Teliamura, District : - Khowmai, Tripura.

..... *Petitioner.*

- Vs -

The State of Tripura,  
Represented by its Secretary-cum-Commissioner,  
Department of PWD(R & B), Government of Tripura,  
P.O : Kunjaban, P.S : New Capital Complex,  
District - West Tripura.

..... *Respondent.*

**\_B\_E\_F\_O\_R\_E\_**  
**HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA**

For the petitioner : Mr. A Bhowmik, Advocate.  
For the respondent : Mr. T D Majumder, Govt. Advocate.  
Date of hearing and  
delivery of judgment : **29.9.2015.**

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.

2. The claimant petitioner had entered into a contract being  
Agreement No.154/E-in-C/SE-II/EE/TLM/2001-02 in respect of work  
namely, construction of TSR Battalion Head Quarter in

Tripura/Construction of 6<sup>th</sup> Battalion Headquarter at Purba Ramchandraghat, Khowai.

3. This agreement contained an arbitration clause. According to the petitioner, disputes have arisen between the claimant and the State and, therefore, an arbitrator be appointed between the parties.

4. The State has not denied the fact that disputes have arisen.

5. Earlier in this case Sri Tapan Roy was appointed as arbitrator on 19.02.2009. He has attained the age of superannuation and tendered his resignation.

6. In view of the aforesaid facts, I hereby appoint Sri R L Goswami, Superintending Engineer, PWD(R & B), O/o Engineer-in-Chief, PWD(R & B), PWD(R & B) Arbitration Cell, Netaji Choumuhani PWD Complex, Agartala as arbitrator to decide the disputes which have arisen between the parties. Sri Tapan Roy is directed to hand over the entire case records of the arbitration case to the newly appointed arbitrator Sri R L Goswami.

7. The appointment of the arbitrator is by name and not by designation and, therefore, the arbitrator will continue the arbitration proceedings even after transfer/promotion/retirement.

8. Registry is directed to send a copy of this order to Sri R L Goswami so as to reach within 3(three) days from today.
9. The parties are directed to file claim and counter claim before Sri Goswami within four weeks from today and he shall decide the matter within six months of the filing of the claim and counter claim.
10. The petition is, accordingly, disposed of.

**CHIEF JUSTICE**

*Sukhendu*