

THE HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

Arbitration Petition No.17 of 2015

Sri Ashutosh Bandyopadhyaya, Contractor,
S/O Late Rajendra Bandyopadhyaya,
R/O Joynagar, Hari Ganga Basak Road, P.O : Agartala,
P.S : West Agartala, Dist : West 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 : Ms. A S Lodh, Addl. Govt. Advocate.

Date of hearing and
delivery of judgment : **19.11.2015.**

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.04/E-in-C/SE-III/EE(A)/2001-02 in respect of

construction of RCC Bridge over Taidubari on Khowai-Teliamura-Amarpur Road etc.

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, Superintending Engineer, P.W.D was appointed as sole arbitrator on 01.6.2009. 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, O/o the Chief Engineer, PWD(R & B), Tripura, 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