

**GOVERNMENT OF TRIPURA
PUBLIC WORKS DEPARTMENT**

NO.F. 6(28)/ PWD (GE)/ 2018/ 7349-448

Dated, 09/08/2019, 2019

MEMORANDUM

As per Arbitration and Conciliation Act, a number of cases are being disposed by the Ld. Arbitrators with direction to comply the order within prescribed time. Once such order is issued, the option left with the department is either to comply with the order or to appeal before the Hon'ble Court.

2. A standard procedure is followed in the department, and on receipt of the views from the dealing Advocate, the file is sent to the Chief Engineer for valued opinion from Law Department. On the basis of the merit of the case and its findings, the law department disposes the file with direction either to comply with the order or to appeal before the Hon'ble Court.
3. As per Section 34 of the Arbitration and Conciliation Act, 1996 and Limitation Act, a fixed time is allowed for such appeal which is 90 days and further period of 30 days is also allowed on special ground with condonation petition.
4. It has been observed that after award / order given by the Arbitrators, a reasonable time is lost in processing the file mainly by the Division Offices resulting no option to the department to appeal before the Hon'ble Court. In spite of having genuine ground(s) with the department, only due to failure on the part of the officials at the subordinate offices, the department is left with no option but to comply with the order of the arbitrator(s), which in many cases inviting huge loss to the public exchequer.
5. In view of that, all concern officials are requested to give proper attention in dealing with the arbitration cases and to be more vigilant after receipt of the award from the arbitrator(s) for disposal of the concern files without further loss of time for decision. Any failure to make delay at any level without justified reasons; may invite serious action against defaulting officials.

(Susanta Dutta)

Deputy Secretary, PWD

To:

1. All Executive Engineers, PWD(R&B)/ WR/ DWS/ NH/PMGSY /Buildings

Copy to:

1. PS to Principal Secretary, PWD, Govt. of Tripura
2. Chief Engineer, PWD(R&B)/ WR/ DWS/ NH/PMGSY /Buildings
3. CEO, THCB, Agartala, Tripura
4. All Additional Chief Engineers, PWD(R&B)/ WR/ DWS/ NH/PMGSY /Buildings
5. All Superintending Engineers, PWD(R&B)/ WR/ DWS/ NH/PMGSY /Buildings
6. Nodal Officers (Legal), PWD(R&B)/ WR/ DWS
7. Works & Budget Section/Legal Cell, Office of CE, PWD (R&B)
8. ITCC, PWD(R&B), Netaji Chowmuhani, Agartala