

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.21 of 2015

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1. The State of Bihar through the Secretary, Minor Irrigation Department, Government of Bihar, Patna.
 2. The Chief Engineer, Minor Irrigation Department, Government of Bihar, Patna.
 3. The Superintendent Engineer, Minor Irrigation Circle, Bhagalpur.
 4. The Executive Engineer, Minor Irrigation Division, Jhajha, Jamui.

.... Petitioner/s

Versus

Kumar Ram Ranjan Singh. Son of Sri Parmeshwar Singh, Government Contractor. Resident of Village - Jit Jhingoy, Police Station - Khaira, District - Jamui.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

4 02-11-2015 Heard the learned counsel for the petitioners and also the learned counsel for the opposite party.

The present revision application has been filed by the petitioners under Section 13 of the Bihar Public Works Contracts Disputes Arbitration Tribunal Act assailing the award dated 02.05.2014 passed in Reference Case No. 01 of 2012.

The issue in the aforesaid reference case was confined to the relief sought by the petitioners for payment of the extra lead items in terms of distance of 115 K.M. covered by the petitioners for bringing the materials to the construction site. It appears from the perusal of the impugned award that the tribunal



has noticed the facts and materials on record and has come to the finding that though the lead was fixed at 25 K.M, there was no quarry nearly from which the materials like boulders, stone metal and chips could be obtained and therefore the petitioners had to cover the distance of 115 K.M. for obtaining those materials from the Shaikhpura quarries. The tribunal has also taken into notice the fact that the petitioners have admitted the fact of extra lead of 115 K.M. in terms of distance covered by the respondents for bringing the above materials, and also the fact that the petitioners have voluntarily taken the benefits of the said work done by the petitioners. On the basis of the evidence on record, it has also been found that the recommendation for payment for the said extra lead was also made by the officials of the petitioners including the petitioner executive engineer. In view of the provision under Section 17 of the Contract Act and the principles laid down in that regard by the Apex Court in the case of **State of West Bengal Vs. B.K. Mandal A.I.R. 1962 SC. 779** and in the case of **Mulamchand Vs. State of M.P. A.I.R. 1968 S.C. 1218**, the tribunal has come to the conclusion that the petitioners are entitled to the payment of the amount on account of the extra lead and accordingly the impugned award has been passed.

During the course of submission, this Court has not

been persuaded to find any error of jurisdiction or material irregularity in the impugned award. The conclusion has been arrived at by the tribunal on the basis of scrutiny of evidence and materials on record and applying the correct principles of law.

The revision application, sans merit, is, accordingly, dismissed.

Devendra/-

(V. Nath, J)

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