

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21859 of 2014

=====

M/s Piramal Agarwal Railway & Civil Contractors through its Proprietor Priamal Agrawal @ Piramal Agarwal, S/o late Jee Sukhram Agrawal, resident of Salmari, P.O. & P.S. Salmari, Dist. Katihar (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sinchai Bhawan, Harding Road, Patna.
2. The Engineer-in-Chief cum Additional Commissioner, Water Resources Department, Sinchai Bhawan, Harding Road, Patna.
3. The Superintending Engineer, Water Resources Department, Flying Squard Circle No.02, Bihar at Patna.
4. The Superintending Engineer, Water Resources Department, Mahananda Flood Control Circle, Katihar.
5. The Executive Engineer, Water Resources Department, Flood Control Division, Salmari, Katihar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Mohan Murari, Adv.

For the Respondent/s : Mr. Praveen Kumar, AC to GP22

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 07-01-2015

Heard learned counsel for the parties.

The petitioner is aggrieved by an order dated 18.7.2014 passed by the Bihar Public Works Contracts Disputes Arbitration Tribunal, whereby and whereunder, the claim of the petitioner for payment of contractual amount has been rejected on the ground of its being barred by limitation.

From perusal of the writ application, it would transpire that the petitioner's work was in respect of an agreement executed in the year 1985 and the work was completed on 31.3.1986 as per his own application filed before the Liability

Committee. Thus, if the Tribunal has held such claim of the petitioner to be time barred, no flaw can be said to have been committed by it, inasmuch as, a cause of action which the petitioner had in terms of the agreement of the year 1986 as also on account of completion of the work in the year 1986, could not have been raised by the petitioner in the year 2013 when he had filed the Reference Case No. 151 of 2013. That being so, this Court does not find any error in the order of the Tribunal.

In the result, this application fails and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Rishi/-

U			
---	--	--	--