

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.102 of 2016

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1.The State Of Bihar through the Secretary, Road Construction Department,
Vishweshwarraiya Bhawan, Bailey Road, Patna.

2.The Executive Engineer, Road Construction Department N.H. Division,
Gulzarbagh, Near R-Block in front of Telephone Bhawan, Patna.

.... Respondents/Petitioner/s

Versus

1. Sri Ramakant Singh son of Late Ram Khelawan Singh, resident of 101 Lotus
Apartment, New Patliputra, Police Station-Patliputra, Patna.

....Claimant/Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Sharma, Adv

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 19-07-2016

Heard learned counsel for the petitioners in I.A No. 4105
of 2016, which has been filed for condonation of delay of three
years, two months and 14 days in filing this revision application.

2. This revision application has been filed against the
award dated 26.11.2012 passed by the Bihar Public Works Contracts
Disputes Arbitration Tribunal. It has been stated in the limitation
petition (I.A. No. 4105 of 2016) that the Tribunal communicated the
fact of passing of the impugned award to the petitioner no. 2 on
07.12.2012. It appears from further averments made in the limitation
petition that thereafter the petitioners took a long period of nearly 4
years in taking the decision to file the present revision application
against the said award. The present revision application has been

filed on 10.05.2016.

3. Learned counsel appearing for the petitioners has submitted that the delay has occurred due to the requirement of due decision making process where the file has to move through hierarchy of the officials of petitioner no. 1. Learned counsel has also pointed out the facts in this regard as stated in the limitation petition. The learned counsel for the petitioners has however accepted that no payment of the amount of award or even the cost awarded by the tribunal in the impugned award has been made to the petitioners.

4. Considering the submissions and perusal of the averments made in the limitation petition, it is manifest that there is total absence of any averment showing due diligence or sense of promptness in the different officials including the petitioners. There is also no averment that the officials through whom the file moved as asserted by the petitioners were not aware of the prescribed period of limitation for filing revision application before this Court. Even otherwise also the facts stated in the limitation petition only lead to the inference that nobody was in urgency even after the knowledge of the award which has been passed against the petitioners. The casual manner in which the matter has been approached till filing of the revision application is explicit from the averments made in the limitation petition. Though this Court is



conscious of the delay in the decision making process in the official hierarchy of the petitioner no. 1 but even then the delay caused in this process must be reasonable and not inordinate. Significantly, there is no pleading of any extraordinary circumstance in this case. The Apex Court has already ruled that even the State as a party in a litigation cannot be treated on a different pedestal by the court as laid down in the case of *State of Uttar Pradesh & Anr vs Amar Nath Yadav* reported in *2014(2) SCC 422*. In the present case the matter is arising out of works contract where the petitioners have approached the Tribunal for payment of its dues which has still admittedly remained unpaid.

5. Considering the aforesaid facts and circumstances, this Court comes to the conclusion that the petitioners have failed to establish sufficient cause for condonation of delay in filing this revision application. Accordingly, I.A. No. 4105 of 2016 is dismissed.

6. In the result, this revision application is dismissed as barred by limitation.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.09.16
Transmission Date	N.A.