

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.114 of 2015
Arising out of
Civil Review No. 182 of 2013
Arising out of
Civil Writ Jurisdiction Case No.4064 of 2013
Along with
Interlocutory Application No.495 of 2015

- =====
1. The Central Board of Trustees, Employees Provident Fund Organization through the Assistant Provident Fund Commissioner (Legal), Employees Provident Fund Organization, Regional office, R. Block, Road No. 6, P.S. Sachivalaya, District – Patna.
 2. The Assistant Provident Fund Commissioner, Employees Provident Fund Organization through the Assistant Provident Fund Commissioner (Legal), Employees Provident Fund Organization, Regional office, R. Block, Road No. 6, P.S. Sachivalaya, District – Patna.

.... Petitioners - Appellants

Versus

M/s Bihar Police Building Construction Corporation Ltd., BMP - 5 Campus, Patna - 800014 through its Managing Director.

.... Respondent- Respondent

=====

Appearance :

For the Appellants : Mr. Prashant Sinha, Advocate
For the Respondent : Mr. Prasoon Sinha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 31-03-2016

Re.: Interlocutory Application No.495 of 2015

The application is to seek condonation of delay of 66 days in filing the present appeal.

For the reasons explained in the application, we find that sufficient cause has been shown by the appellants to seek condonation of delay. The same is condoned.

Interlocutory Application stands disposed of accordingly.

Re.: Letters Patent Appeal No.114 of 2015

The challenge in the present appeal is against an order passed by the learned Single Bench of this Court on 1st of April, 2013 and also the order in review dated 10th of September, 2014 whereby the writ application filed by the appellants was dismissed on account of delay in filing of the same.

The appellant challenged the order passed by the Employees Provident Fund Appellate Tribunal, New Delhi (for short, 'the Tribunal') dated 9th of September, 2009 by way of writ application in the year 2013. The learned Single Bench has rightly found that there is unexplained delay in approaching the Court disputing the order passed by the learned Tribunal and consequently dismissed the writ application.

The argument of learned counsel for the appellants is that it was the mistake of the counsel which led to delay in filing of the writ application. Consequences of the delay on account of the mistake of the counsel have to be borne by the appellants alone. The rights of the other party which stands crystallized with the passage of time cannot be permitted to be disputed after long lapse of time. Still further, the Tribunal in the impugned order has reduced the quantum

of damages to 10%. There is no inherent lack of jurisdiction of the Tribunal in reducing the amount of damages. Even on merits, we do not find any error in the order passed by the learned Tribunal.

For the same reason, the order passed in review also does not warrant any interference.

Consequently, we do not find any error in the orders passed by the learned Single Bench which may warrant interference in the present intra court appeal.

The Letters Patent Appeal, thus, stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sunil/-

N.A.F.R.

U			
---	--	--	--