

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4235 of 2013

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Ashok Singh, Son of Sri Vishwanath Singh, Resident of Village- Jalpura, P.S. Pali, P.O. Masaurhi, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary cum Commissioner, Road Construction Department, Government of Bihar, Patna.
2. The Principal Secretary cum Commissioner, Road Construction Department, Government of Bihar, Patna.
3. The Chief Engineer cum Under Commissioner cum Special Secretary, Road Construction Department, Patna.
4. The Chief Engineer (Traffic), South Bihar Sub-Division, Road Construction Department, Patna.
5. The Superintending Engineer, Kendriya Path Anchal, Patna.
6. The Executive Engineer, Patna West Road Division, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Respondent/s : Mr. S.D. Sanjay, AAG-12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 21-04-2016

Heard the parties.

The petitioner prays for issuance of a writ in the nature of certiorari for quashing the award dated 18.7.2012 passed by the Bihar Public Works Contract Disputes Arbitration Tribunal (hereinafter referred to as 'the Tribunal') impugned at Annexure-4 whereby the claim set up by the petitioner for payment of interest and cost against the respondents has been rejected, inter alia, on grounds of being barred by limitation.

Perusal of the records of the proceedings would manifest that eight agreements were executed in between the parties as discussed at page 2 of the impugned order. The details so given manifests that whereas Agreement No.1 was executed in 1992-93

and Agreement No.2 was executed in 1994-95, the remaining six agreements were executed in 1995-96. The order also reflects that payments were made in respect of four of the agreements in between 1995 and 1997. It is also mentioned that whatsoever was the balance amount, was released on 15.3.2011. The Tribunal having considered the grievance of the petitioner in the backdrop of the admitted circumstances where most of the claims were discharged by the respondents prior to 1997 and the remaining also was discharged on 15.3.2011 with no claim being set up by the petitioner for the interest and cost in between, has dismissed the claim on the law of limitation.

The claim having been rejected on grounds of limitation, I find not a single paragraph in the writ petition which discusses as to how the petitioner would meet the objection raised by the Tribunal to reject the claim. There is absolutely no error in exercise of jurisdiction by the Tribunal and even on merits, the ground assigned by the Tribunal to reject the claim of the petitioner has not been answered by the petitioner. No cause of indulgence is made out.

The writ petition is dismissed.

(Jyoti Saran, J)

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