

HIGH COURT OF CHHATTISGARH, BILASPUR**Civil Revision No.121 of 2015**

M/s Shri Rani Sati Granite Co. Contractors, Near Gurudwara, Manendragarh, District Korea (CG)

---- Applicant

Versus

1. The Secretary to Government of Chhattisgarh, Water Resources Department, Mantralaya, Naya Raipur, District Raipur (CG)
2. The Executive Engineer, Water Resources Department Jashpurnagar, District Jashpurnagar (CG)

---- Respondents

For Applicant	:	Mr. Prateek Sharma, Advocate
For Respondents	:	Mr. Sameer Behar, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/07/2016

1. The applicant has filed the reference petition under Section 7 of the Chhattisgarh Madhyastham Adhikaran Adiniyam, 1983 (henceforth 'the Act of 1983') before the Tribunal against the respondents, which was registered as Reference Petition No.8/2016, which was dismissed for want of prosecution vide order dated 28.2.2013.
2. The applicant came to know about the dismissal of the reference petition on 28.6.2013 and he has filed the application for restoration on 5.8.2013, in which objection was taken that the

reference petition has wrongly been mentioned, therefore, he withdrew the application for restoration on 2.1.2014 with liberty to file a fresh.

3. Thereafter, on 23.1.2015 the applicant filed second restoration application along with application for condonation of delay, which was rejected on the ground of delay on 4.9.2015 by the order impugned.
4. Against which, the present civil revision has been filed.
5. Learned counsel appearing for the applicant would submit that sufficient cause has been shown by the applicant for condoning the delay in filing the application for restoration, but the Tribunal is absolutely unjustified in rejecting the application holding that no sufficient cause has been shown.
6. On the other hand, learned Panel Lawyer for the respondents/State support the order impugned.
7. I have heard learned counsel for the parties and perused the order impugned.
8. Taking into consideration the grounds urged in the application particularly the first application, which was withdrawn with liberty to file a fresh and the grounds shown in the application, I am of the opinion that the applicant has succeeded in showing the sufficient cause and finding

recorded by the Tribunal is absolutely perverse.

9. Accordingly, the civil revision is allowed and the order impugned is hereby set aside. Reference Petition No.8/2006 is restored to its original number before the Tribunal for hearing and disposal in accordance with law. The Tribunal is directed to conclude the reference petition within a period of four months from the date of receipt of certified copy of this order.

Sd/-

(Sanjay K.Agrawal)

Judge

B/-