

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.1 of 2017

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1. The State of Bihar, through the Secretary, Road Construction Dept. Vishweshwaraiya Bhawan, Bailey Road, Patna.
 2. The Engineer-in-Chief-cum-Special Secretary, Road Construction Dept. Vishweswaraiya Bhawan, Bailey Road, Patna.
 3. The Chief Engineer (South Bihar Wing), Road Construction Dept. Vishweshwaraiya Bhawan, Bailey Road, Patna.
 4. The Superintending Engineer, Road Construction Dept. Central Road Circle, Patna.
 5. The Executive Engineer, Road Construction Dept. Patna West Road Div. Patna.

.... Petitioner/s

Versus

Bishwanath Prasad Son of Late Bandhu Mahto Resident of Kagazi, Main Road, Post Biharsharif, Police Station Biharsharif, District Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT
Date: 10-05-2017

Heard learned counsel for the parties in I.A. No. 41 of 2017 which has been filed for condonation of delay of 5 months 4 days in filing this revision application.

This revision application has been filed under Section 13 of the Bihar Public Works Arbitration Tribunal Act, 2008 challenging the award dated 05.05.2016 by which the opposite party has been held



entitled to the amount of Rs. 1,70,621/- which was deducted as time extension, along with 10% interest from the date of filing till realization has been passed.

In the interlocutory application (I.A. No. 41 of 2017) the only plea which has been raised on behalf of the petitioners for condonation of delay that after passing of the order by the tribunal, the file was sent to the law department for necessary action in the matter. There is no date disclosed nor there is any denial that the revision petitioners were not aware of the period of limitation as prescribed for filing the revision application. The casual manner in which the explanation has been furnished for condonation of delay of 5 months 4 days for filing this revision application is explicit from the averments in the interlocutory application itself. Learned counsel for the sole opposite party has referred to the order passed by this Court in C.R. No. 48 of 2015 wherein the identical issue has been decided by this Court refusing to condone the delay placing reliance on the decision of the Apex Court in the case of *State of Uttar Pradesh Vs. Amar Nath Yadav, 2014 (2) SCC 422* and in the case of *Postmaster General Vs. Living Media India Limited, 2012 (3) SCC 563*.

The principle of law in this regard has been well laid down by the Apex Court in the case **Postmaster General** (supra) that the limitation matter be seriously considered as it results in taking



away the accrued right of the other side. In view of the dictum of the Apex Court and in the facts and circumstances of the case, this Court is not satisfied that sufficient explanation has been furnished on behalf of the revision petitioners for condonation of delay in filing this revision application.

The limitation petition (I.A. No. 41 of 2017) is, accordingly, dismissed. The revision application is consequently dismissed as barred by limitation.

(V. Nath, J)

Devendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.05.2017
Transmission Date	

