

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.239 of 2016

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Deo Kumar, son of Ram Naresh Singh, resident of Kurkuri (Phulwarisharif), P.S.-
Phulwari, District- Patna.

.... Petitioner

Versus

1. The State of Bihar, through the Secretary, Building Construction Department, Govt. of Bihar, Visheshwaraiya Bhawan, Bailey Road, Patna.
2. The Chief Engineer (South Bihar) Building Construction Department, Visheshwaraiya Bhawan, Bailey Road, Patna.
3. The Superintendent Engineer, Building Construction Department, South Bihar Circle, Punaichak, Patna.
4. The Executive Engineer, Building Construction Department, Central Division, Near High Court, Patna.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Tiwary, Adv.
Mr.Aakash Chaturvedi, Adv.

For the Respondent/s : Mr.Vikash Kumar, S.C. XI.
Mr. Sriram Krishna , A.C. to S.C. XI.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 18-07-2017

Heard Mr.Uma Shankar Tiwary, learned
counsel appearing for the petitioner and also Mr. Vikash Kumar,
learned Standing Counsel No-XI appearing for the opposite
parties.

Mr. Tiwary, learned counsel for the petitioner has
confined his challenge to the impugned award only on the issue of
rate of interest and the period to which the petitioner is legally
entitled to claim the interest. It has been submitted by learned
counsel for the petitioner that this revision application may be
disposed of in terms of the judgment and order passed by this



Court on 24.04.2017 in C.R.No.180/2016 wherein also the identical issue arose for consideration and has been determined.

In response, learned counsel for the opposite parties has expressed his agreement for disposal of this revision application by passing an order in similar line with the order dated 24.04.2017 passed in C.R.No.180/2016.

In view of the stand and the submission on behalf of the petitioner and the opposite parties as above, the present revision application is allowed in terms of the order dated 24.04.2017 passed in C.R.No.180/2016 and the impugned award is quashed, only so far as the same relates to the issue of rate of interest and the period for which the petitioner may be entitled to interest in accordance with law. The matter is remitted back to the Arbitral Tribunal for decision afresh on the aforesaid issues pertaining to interest in accordance with law after granting opportunity to the parties for fresh hearing. It is also clarified that any observation(s) made in the judgment/order dated 24.04.2017 in C.R.No.180/2016 shall not prejudice the case of either of the parties which shall be decided on its own merits in accordance with law.

(V. Nath, J)

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