

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.303 of 2016

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1. The State of Bihar, through the Secretary, Road Construction Department, “Vishwesharraiya Bhawan”, Bailey Road, Patna.
 2. The Chief Engineer (N.H.), Road Construction Department, “Vishwesharraiya Bhawan”, Bailey Road, Patna.
 3. The Superintending Engineer, Road Construction Department, N.H. Circle, Dehri-on-Sone.
 4. The Executive Engineer, Road Construction Department, Kochas at Mohania.

.... Petitioner/s

Versus

M/s Dayanand Prd. Sinha & Com., Partner Sri Dayanand Prasad Sinha; Son of Sri H.B. Lal; Resident of Janta Path, Kankarbagh Road, P.S.-Kankarbagh, District-Patna.

.... 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 CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 17-11-2017

Heard the parties.

2. This civil revision application has been filed under Section 13 of the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008, which is directed against the Award, dated 11.07.2014, passed in Reference Case No. 67 of



2011 (M/s. Dayanand Prd. Sinha & Co. Vs. The State of Bihar & Ors.).

3. This civil revision application is barred by limitation inasmuch it has been filed on 16.12.2016, *i.e.*, more than two years and five months from the date of the Award. The period of limitation, under the Limitation Act, is of 90 days for filing of civil revision application against an Award.

4. I.A. No. 9795 of 2016 has been filed seeking condonation of delay. The reason, which has been assigned in the application, seeking condonation of delay, is that the petitioners have no knowledge about passing of the said Award, dated 11.07.2014, as there is no communication received to them in this regard.

5. A supplementary affidavit has also been filed in support of the said limitation petition, stating that Mr. Keshav Srivastava was the 'panel counsel' for the Department at the Tribunal and the instant matter was allotted with him, but for some personal reason the above named counsel left the work of the Department, without assigning any reason/notice to the Department. It has further been stated that the above named counsel has not returned the office file of the Department, which is still lying with him and as such, the Department was under



impression that the matter would be pending there.

6. In my view, the petitioners have failed to make out a case that there existed sufficient reasons, which prevented them from filing of civil revision within stipulated time.

7. I.A. No. 9795 of 2016, seeking condonation of delay, is dismissed.

8. Consequently, the civil revision application stands dismissed as hopelessly time barred.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.11.2017
Transmission Date	N/A

