

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.46 of 2016

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1. The State of Bihar through Secretary, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna.
 2. The Engineer-in-Chief, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna.
 3. The Chief Engineer (North Zone), Road Construction Department, Darbhanga.
 4. The Superintending Engineer, Road Construction Department, North Bihar Circle, Muzaffarpur.
 5. The Executive Engineer, Road Construction Department, Road Division, Sitamarhi.

.... Petitioner/s

Versus

M/s Vatsa Construction Private Limited, Director Shri Kishore Kumar Singh, son of Late Janki Prasad Singh, resident of Kasturba Path, North S.K. Puri, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. K.P. Gupta, G.P.-10
Mr. Anwar Karim, A.C. to G.P.-10
For the Respondent/s : Mr. Manish Sahay, Adv.
Anil Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 28-03-2017

Heard learned counsel for the petitioners and learned
counsel for the respondent.

This revision application has been filed against the award
dated 16.06.2014 passed by the Bihar Public Works Contracts
Disputes Arbitration Tribunal Patna in Reference Case No. 06 of
2013. As this revision application has been filed on 31.03.2016, the
office has pointed out that there is delay of 1 year 5 months and 25



days in filing this revision application. The petitioners have filed I.A. No. 2671 of 2016 under Section 5 of the Limitation Act for condonation of delay in filing this revision application. By earlier order dated 04.07.2016, the limitation petition has been directed to be considered at the time of admission.

Learned counsel for the petitioners has made submissions on the merits of this revision application as well in order to persuade this Court that the petitioners have got prima facie good case on merits deserving liberal approach in limitation matter. The submissions have also been made in support of the prayer for condonation of delay on the ground that it was due to official exigencies that the delay has occurred in filing this revision application.

Learned counsel for the respondent, on whose behalf a counter affidavit has been filed in the interlocutory application (I.A. No. 2671 of 2016), has submitted that the petitioners have got no case on merit calling for interference in the impugned award under the revisional jurisdiction of this Court as envisaged under Section 13 of the Bihar Public Works & Contracts Disputes Arbitration Act, 2008. It has also been contended that no cogent explanation has been furnished for condonation of inordinate delay of 1 year 5 months and 25 days.



After considering the submissions and the pleadings on record, it is evident that the present revision application has been filed after delay of 1 year 5 months and 25 days. The averments made in the interlocutory application (I.A. No. 2671 of 2016) praying for condonation of delay do not enthuse this Court to come to the conclusion that inordinate delay was caused due to convincing reasons particularly when it is not the case of the petitioners that they had no knowledge of prescribed period of limitation for filing the revision application which required promptness and sense of urgency on the part of the petitioners. Coupled with this is the stand of the learned counsel for the petitioners that the challenge in this revision application is only to the part of the award whereby the difference in the carriage cost of Pakur Chips as claimed by the petitioners has been allowed by the tribunal without proper appreciation of the materials on record. However, it appears from the impugned award that while discussing point no. 4, the tribunal has elaborately considered the pleadings and evidence led on behalf of the parties on the said issue and thereafter has recorded the findings of fact. Thus keeping in view the totality of the facts and circumstances as above, this Court is not convinced that the petitioners have established sufficient cause for condonation of the inordinate delay of 1 year 5 months and 25 days in filing this revision application.



The interlocutory application (I.A. No. 2671 of 2016) is, accordingly, dismissed. The revision application is also dismissed as barred by limitation.

(V. Nath, J)

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