

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No. 42 of 2015

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1. The State of Bihar, through The Secretary, Road Construction Department, Visheshwaraiya Bhawan Patna, Bihar.
 2. The Engineer-in-chief, Road Construction Department, Visheshwaraiya Bhawan, Patna.
 3. The Chief Engineer, Road Construction Department, N.H.wing Bihar, Patna.
 4. The Superintending Engineer, Road Construction Department, North Bihar N.H. Circle, Muzaffarpur.
 5. The Executive Engineer, Road Construction N.H. Division, Motihari, District- Motihari.

.... Petitioners

Versus

M/s Ram Pravesh Rai Estate Pvt. Ltd. Goharua House, Srinagar Siwan, Correspondence address 19, Patliputra Colony Patna, Police Station- Patliputra Patna- 800019 District- Patna through its Managing Director Sri Ram Pravesh Rai, son of Sri Kamla Rai, resident of 19, Patliputra Colony Patna, Police Station- Patliputra Patna 800013, District- Patna.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Sharma, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

5 17-08-2017 Heard learned counsel for the petitioners as well as learned counsel appearing for the opposite party.

The present revision petition has been filed for setting aside the award dated 14.08.2012 passed by learned Chairman and Member, Bihar Public Works Contracts Disputes Arbitration Tribunal, Patna in Reference Case No. 65 of 2011 by which and whereunder the Tribunal directed the petitioners to ensure the refund of amount of Rs. 4,57,343/- with simple interest at the rate



of 10 % to the opposite party.

The instant revision petition is barred by limitation of two years five months and three days and to condone the aforesaid delay, I.A. No. 3932 of 2015 has been filed on behalf of the petitioners. The gist of the explanation given in I.A. No. 3932 of 2015 regarding the delay in filing this revision petition is that due to office exigencies, the revision petition could not be filed in time.

Admittedly, the impugned award was passed on 14.08.2012 and after that petitioners filed Review Case No. 12 of 2013 before the Tribunal and the said Review Case No. 12 of 2013 was rejected on 25.03.2014 being time barred. However, it is averred in the I.A. No. 3932 of 2015 that petitioners got knowledge of order dated 25.03.2014 on 05.04.2014 and after that the department decided to file revision against the impugned award and the concerned file was processed. Although the petitioners have tried to explain the delay in filing this revision petition but I am not, at all, convinced with the aforesaid explanation because the petitioners have specifically averred in I.A. No. 3932 of 2015 that review petition was rejected on 25.03.2014 and even then the petitioners took more than one year time to file this revision petition. It is well settled principle of law



that the delay may be condoned in case, if there is bona fide mistake of the parties but delay due to callous and negligent approach of the parties cannot be condoned. In the present case, the petitioners have processed the concerned file for filing revision in a very casual manner and they did not take note of this fact that revision was to be filed within a prescribed period of limitation.

Therefore, I do not think it proper to condone the delay and accordingly, this revision petition stands dismissed being time barred.

(Hemant Kumar Srivastava, J)

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