

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No. 62 of 2015

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1. The State Of Bihar through the Secretary, Road Construction Department, Vishweshwarraiya Bhawan, Bailey Road, Patna.
 2. The Engineer in Chief Road Construction Department, Vishweshwarraiya Bhawan, Bailey Road, Patna.
 3. The Chief Engineer (North Bihar Wing), Road Construction Department, Vishweshwarraiya Bhawan, Bailey Road, Patna.
 4. The Superintending Engineer, Road Construction Department, N.H. Circle, Motihari.
 5. The Executive Engineer, Road Construction Department, N.H. Division, Motihari.

.... Petitioners

Versus

Shivani Construction Private Limited, through its Managing Director, Smt. Annu Shukla, wife of Sri Vijay Kumar Shukla, resident of Naya Tola, P.S. Kaji Mohammadpur, District Muzaffarpur.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Kameshwar Prasad Gupta, G.P. 10
Deepanjali Gupta, AC to G.P. 10
For the Opposite Party : Mr. Ajay Kumar Thakur, Adv.
Mr. Imtiaz Ahamad, Adv.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR

SRIVASTAVA

ORAL JUDGMENT

Date: 04-08-2017

Heard learned counsel appearing for the petitioners as well
as learned counsel for the opposite party on limitation petition as well
as on admission matter.

The present revision petition has been filed after delay of
one year and six days as reported by the office and to condone the
aforesaid delay, I.A. No. 5736 of 2015 has been filed on behalf of the
petitioners mentioning therein that due to official process, the revision
petition could not be filed in time. However, delay in filing the



present revision petition is condoned on the grounds mentioned in I.A. No. 5736 of 2015.

The petitioners have challenged the award dated 03.04.2014 passed in Reference Case No. 82 of 2011 by learned Chairman and Member, Bihar Public Works Contracts Disputes Arbitration Tribunal, Patna by which and whereunder the learned Tribunal held that opposite party shall be entitled to payment of security amount with simple interest at the rate of 10 % per annum pendente lite and future.

The reference to the Tribunal was made by the opposite party for payment of rupees seventy lacs as well as for release of his security deposit but the Tribunal did not pass award in favour of the opposite party in respect of rupees seventy lacs but made award in favour of the opposite party regarding the security amount which had been forfeited by the petitioners.

Learned counsel appearing for the petitioners submits that the learned Tribunal failed to take note of this fact that the opposite party could not complete the work within prescribed period rather he left the work without its completion and that was the reason the security amount of the opposite party was forfeited but it would appear from perusal of the impugned award that the aforesaid fact has already been considered by the Tribunal and this Court will not



interfere into the findings given on the facts by the Tribunal.

There is no illegality, irregularity or impropriety into the impugned award and, therefore, in the aforesaid circumstance, this revision petition stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.08.2017
Transmission Date	N.A.

