IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.189 of 2016

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Anil Singh Son of late Yogeshwar Prasad SIngh resident of village- Mirpur Athamal Fola, P.S. Athamal Gola, District- Patna

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Building Construction Department, Visheshwariya Bhawan, Bailey Road, Patna
2. The Chief Engineer (South Bihar) Building Construction Department, Visheshwariya Bhawan, Bailey Road, Patna
3. The Superintending 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 Tiwar, Adv.
For the Respondent/s : Mr.K.P.Gupta, G.P.X.
: Mr.Binod Kumar A.C. to G.P.X.

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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. K.P.Gupta, learned Government Pleader No-X 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

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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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