

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.83 of 2016

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1. The State Of Bihar Through The Secretary Rural Works Department ,
“Vishwesh Warriaya Bhawan” Bailey Road, Patna.
 2. The Engineer-in-Chief, Rural Works Department, Vishweshwarraiya Bhawan”
Bailey Road, Patna.
 3. The Chief Engineer-01, Rural Works Department, Vishweshwarraiya Bhawan,
Bailey Road, Patna.
 4. The Superintending Engineer, Rural Works Department Works Circle Sasaram
at Rohtas.
 5. The Executive Engineer, Rural Works Department, Works Division, Buxar.

.... Petitioners

Versus

M/s Bambam Construction Prop. Shri Bam Bahadur Singh, Son of Sri Rangjee
Singh, Resident of Village-Amirchand Kothi Pakari, Ara Town, P.S.-Ara Nawada,
District-Bhojpur.

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 09-01-2017

Heard the learned counsel for the petitioners in
the limitation petition (I.A.No.3667/2016) which has been filed for
condonation of delay of 1 year 1 month and 13 days.

This revision application has been filed under
Section 13 of the Bihar Public Works Contract Dispute Arbitration
Tribunal Act against the award passed by the Tribunal.

The learned counsel for the petitioners while
supporting the prayer for condonation of delay has fairly submitted
that the petitioners have no grievance against the award except to the



extent of grant of interest at the rate of 10%.

After considering the submissions and the facts and circumstances of this case, this Court has not been persuaded to find that a sufficient cause has been made out by the petitioners for condonation of delay. From the averments made in the limitation petition, it does not appear that it is the case on behalf of the petitioners that they were not aware of the award under revision. Further also it is not their case that the petitioners were not aware of the prescribed period of limitation. The general statement as made in the revision application does not enthruse this Court to come to the conclusion that the sufficient cause has been made out for condonation of inordinate delay of 1 year 1 month and 13 days in filing this revision application. This consideration is further strengthened in view of the stand on behalf of the petitioners that the present revision application is confined only to the prayer for revising the award of interest at the rate of 10 % per annum. However, no principle of law or precedent could be cited on behalf of the petitioners to prima facie persuade this Court that the Tribunal has acted with material irregularity or has committed error of jurisdiction in granting the interest at the rate of 10% per annum.

Considering the facts in totality, this Court is not persuaded to hold that the petitioner has been prevented by sufficient



cause in not filing this revision application within prescribed period.

The interlocutory application (I.A. No. 3667/2016) is accordingly dismissed. Consequently , this revision application is dismissed as barred by limitation.

(V. Nath, J)

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