

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.144 of 2014

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1. The State Of Bihar through the Secretary, Rural Works Department, Vishweshwarraiya Bhawan, Bailey Road, Patna.
 2. The Chief Engineer-II (Bhagalpur) Rural Works Department, Harding Road, Barrack No. 2, Patna.
 3. The Superintending Engineer, Rural Works Department, Works Circle, Bhagalpur, Mayaganj, Bhagalpur.
 4. The Executive Engineer, Rural Works Department, Works Circle, Bhagalpur, Mayaganj, Bhagalpur.

.... Petitioners

Versus

M/s Agastya Engineers Pvt. Ltd. through its Managing Director Shri Manish Singh, son of Late Ajit Kumar Singh, Resident of L-40, Road No. 20, Sri Krishna Nagar, Police Station, Buddha colony, Patna.

.... Opposite Party

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Appearance :

For the Petitioners	:	Mr. K.P. Gupta, G.P. 10 Mr. Binod Kumar, AC to G.P. 10
For the Opposite Party	:	Mr. J.S. Arora, Sr. Adv. Mr. Manoj Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL JUDGMENT

Date: 21-07-2017

I.A. No. 7193 of 2014 has been filed for condonation of delay which is allowed and accordingly, delay in filing this revision petition stands condoned.

Heard learned counsel for the petitioners as well as learned counsel appearing for the opposite party.

The petitioners have challenged the impugned award dated 14.02.2014 passed by Bihar Public Works Contract Disputes Arbitration Tribunal, Patna in Reference Case No. 77 of 2011 by which the Tribunal passed award in favour of the opposite party.



The facts are not in dispute. It is an admitted position that opposite party was appointed as Contractor to execute some work within a prescribed period of time. The opposite party did the work and subsequently after inspection, the work was not found satisfactory. However, when test report of laboratory came, the work of opposite party was found up to the mark but his payment was not made upon which the opposite party took the matter to the Tribunal.

Learned counsel for the petitioners submits that opposite party did not complete his work within a prescribed period and the quality of the work was not up to the mark. He also submitted that the department stopped the payment for verification of bank guarantee and others but the Tribunal did not take note of the aforesaid fact and passed the award in favour of the opposite party.

On the other hand, learned counsel appearing for the opposite party drew my attention towards page 10 of the impugned award and submits that in 5th supplementary counter affidavit, the claim of the opposite party was accepted by the department and the Tribunal has only released the admitted amount by passing the impugned award and therefore, there is no illegality in the impugned award.

From perusal of page 10 of the impugned award, I find that in 5th supplementary counter affidavit, the department admitted



that Rs. 36,77,750/- was due to be paid to the opposite party and it would further appear from perusal of award of the Tribunal that Tribunal released the said amount of Rs. 36,77,750/- only with interest of 10 % per annum with effect from 11.08.2011 till realization and apart from the aforesaid direction the Tribunal also directed to release the amount which had been deducted by the department in the form of time extension as well as towards security due to non performance. Therefore, it is obvious that the Tribunal has directed the department to make payment of admitted amount and I do agree with the submission of learned counsel for the opposite party that there is no illegality or irregularity in the impugned award.

Accordingly, this revision petition along with all interlocutory applications stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.07.2017
Transmission Date	N.A.

