

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.115 of 2016

=====

Dinesh Kumar Yadav Son of Sri Rajendra Prasad Yadav Resident of Mohalla : -
Azad Nagar, Ward No. 09, P.O. + P.S. - Madhepura, District : - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, " Vishweshwaraiya Bhawan", Bailey Road, Patna - 15.
2. The Engineer-in-Chief, Road Construction Department, " Vishweshwaraiya Bhawan". Bailey Road, Patna - 15.
3. The Chief Engineer (North Bihar Wing), Road Construction Department, "Vishweshwaraiya Bhawan", Bailey Road, Patna - 15.
4. The Superintending Engineer, Road Construction Department, Road Circle, Saharsa.
5. The Executive Engineer, Road Construction Department, Road Division, Madhepura.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Sahay, Adv.

Mr. Anil Kumar Sinha, Adv.

For the Respondent/s : Mr. Binod Kumar Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 10-05-2017

Heard learned counsel for the parties.

The present revision application has been filed against the award passed by the Bihar Public Works Contracts Disputes Arbitration Tribunal under Section 13 of the said Act refusing to grant the relief to the petitioner as prayed in the reference case.

The petitioner approached the tribunal for payment of



interest over the amount for which the payment was delayed. However, the tribunal has turned down the prayer of the petitioner and dismissed the reference case on the ground that as the payment to the petitioner was made by the order of this Court (High Court) where there was no direction for payment of interest, therefore the petitioner ought to have approached the High Court in the payment of interest. In the opinion of this Court, the tribunal has failed to exercise its jurisdiction in the facts and circumstances of the case in not deciding the claim of the petitioner on merit and on the basis of the materials available on record. The reasoning that the petitioner ought to have made the prayer for payment of interest on delayed payment of amount before the High Court is not legally tenable.

The revision application is, accordingly, allowed and the impugned order is quashed.

The matter is remitted back to the tribunal for passing fresh order in accordance with law. It is expected that the tribunal shall pass the order expeditiously and preferably within a period of four months from the date of receipt/production of this order.

(V. Nath, J)

Devendra/-

U			
---	--	--	--

