

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.72 of 2016

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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 Zone), Road Construction Department, Darbhanga.
 4. The Superintending Engineer, Road Construction Department, North Bihar Circle, Muzaffarpur.
 5. The Executive Engineer, Road Construction Department, Road Division, Sitamarhi.
- Petitioners

Versus

M/s Vatsa Construction Private Ltd., Director Shri Kishore Kumar Singh, Son of Late Janti Prasad Singh, Resident of Kasturba Path, North S.K.Puri, Patna.

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Kameshwar Prasad Gupta, G.P.-X.
Mr.Binod Kumar , A.C. to G.P.-X.

For the Opposite Party : Mr. Manish Sahay, Adv.
Mr.Anil Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 09-01-2017

Heard the learned counsel for the parties in the limitation matter (I.A.No.3601/2016) for condonation of delay 1 year 8 months and 25 days.

The learned counsel for the petitioners has also made submissions on merits of the case as well in order to persuade this Court that this revision application has got merits. As such, the learned counsel for the opposite parties has also been heard on merits for the said limited purpose.

This revision application has been filed under Section 13 of the Bihar Public Work & Contracts Disputes Arbitration



Act, 2008. The office has pointed out that there has been delay of 1 year 8 months and 25 days in filing this revision application. From the averments made in the interlocutory application (I.A.No.3601/2016), it does not appear that any plea has been raised on behalf of the petitioners that they were not aware of the impugned award. However, a general plea has been raised that as the opinion was to be taken at several stages and by different authorities before filing the revision application, the delay has occurred.

A counter affidavit has been filed on behalf of the opposite parties denying the assertions made by the petitioners in the petition for condonation of delay.

The learned counsel for the petitioners while supporting the prayer for condonation of delay has further however submitted that the plea on behalf of the petitioners is confined to the modification of the impugned award only to the extent of the rate of interest. It has been pointed out that the simple interest at the rate of 10% per annum has been granted which is not permissible in the facts and circumstances of the case. The learned counsel for the petitioners, however, has not produced any principle of law or precedent in support of his submissions.

The learned counsel for the opposite party has pointed out that the amount which has been directed to be paid to the



opposite party by the impugned award as well as the amount of security deposit are both admitted. It has further submitted that the award of simple interest at the rate of 10% in the facts and circumstances is reasonable and does not deserve interference.

After considering the submissions and the facts and circumstances of the case, this Court finds that there has been inordinate delay in filing the present revision application and the petitioners have failed to make out sufficient cause for condonation of the said delay. Further in view of the fact that the amount of award which has been directed to be paid to the opposite party by the impugned award are admitted and no principle of law or precedent could be cited on behalf of the petitioners to show that the award of simple interest at the rate of 10% per month is either arbitrary or excessive, this Court does not find that the petitioners have got any chance of success in this revision application.

As such, this Court comes to the conclusion that the present revision application is barred by limitation and is dismissed as such.

(V. Nath, J)

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