

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.5 of 2017

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1. The State of Bihar through the Secretary, Road Construction Department, 'Vishweshwaraiya Bhawan', Bailey Road, Patna.
 2. The Engineer-in-chief-cum-Additional Commissioner-cum-Special Secretary, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna.
 3. The Chief Engineer (N.H.), Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna.
 4. The Superintending Engineer, Road Construction Department, N.H. Circle, Dehri-on-Sone.
 5. The Executive Engineer, Road Construction Department, N.H. Division, Dehri-on-Sone.
 6. The Executive Engineer, Road Construction Department, N.H. Division, Gaya.

.... Petitioners

Versus

M/s Rao Construction, Managing Partner Shri Jagdevan Rai Son of Late Balgovind Rai Resident of Rai Niwas, Near SBI Rajbanshi Nagar Branch, New Punaichak, Police Station Shashtri Nagar, District - Patna.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 04-04-2017

Heard the learned counsel for the petitioners in

I.A.No.81/2017 which has been filed for condonation of delay of 1 year 11 months 14 days in filing this revision application.

This revision application has been filed against the award dated 27.10.2014 passed in Reference Case No.114/2011 by Bihar Public Works Contracts Disputes Arbitration Tribunal, Patna.

It is not the case on behalf of the petitioners that they were not aware of the requirement of filing this revision application within the prescribed period of limitation as envisaged in



the aforesaid fact. The only plea has been made in support of the prayer for condonation of delay that the time of 1 year 11 months 14 days was consumed by the petitioners due to official exigency where the file was required to move at different stages. However, in order to establish sufficient cause for condonation of the inordinate delay, the required promptness or urgency on the part of the petitioners is not reflected from the averments made in the limitation petition. It is now well settled that the petitioners even if it is the State cannot be treated on a different pedestal. Even otherwise also, the delay is not small one but inordinate delay nearing two years and the explanation appears to have been furnished in casual manner. Keeping in view the principles, in this regard as laid down by the apex court in ***Esha Bhattacharjee Vs.Raghunathpur Nafar Academy,(2013)12 SCC 649***, this Court is not satisfied that the sufficient cause has been made out for condonation of delay.

The interlocutory application is accordingly dismissed and the revision application is consequently dismissed as barred by limitation.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.04.2017
Transmission Date	

