

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.57 of 2017

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1. The State of Bihar through the Secretary, Road Construction Department, 'Vishwesharaiya Bhawan' Bailey Road, Patna.
 2. The Chief Enginner, (N.H.), Road Construction Department, 'Vishwesharraiya Bhawan' Bailey Road, Patna.
 3. The Superintending Engineer, Road Construction Department, N.H. Circle, 'Vishwesharraiya Bhawan' Bailey Road, Patna.
 4. The Executive Engineer, Road Construction Department, N.H. Division, Biharsharif.

.... Petitioner/s

Versus

M/s Dayanand Prasad Sinha & Co., Partner – Shri Dayanand Prasad Sinha, S/o Shri H.B. Lal, R/o Janta Path, Kankarbagh Road, P.S.-Kankarbagh, District-Patna.

.... Opposite Party

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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 CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 17-11-2017

Heard the parties.

2. This civil revision application has been filed by the State of Bihar under Section 13 of the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008, which is directed against the Award, dated 13.05.2014, passed in Reference Case No. 163 of 2010 (M/s. Dayanand Prasad Sinha Vs. The State of Bihar & Ors.).



3. This civil revision application is barred by limitation inasmuch it has been filed on 04.04.2017, *i.e.*, near about three years from the date of the Award. The period of limitation, under the Limitation Act, is of 90 days for filing of civil revision application against an Award.

4. I.A. No. 2495 of 2017 has been filed seeking condonation of delay. The reason, which has been assigned in the application, seeking condonation of delay, is that the petitioners did not have any knowledge about the Award, dated 13.05.2014, till 30.07.2016, when the notices, issued by the learned Sub-Judge-I, Patna, in Execution Case No. 271 of 2015, were issued.

5. There is no averment in the application, seeking condonation of delay, as to why the petitioners did not have any knowledge about the passing of Award, particularly when it was not an *ex-parte* Award and was duly contested by the parties.

6. A supplementary affidavit has also been filed on behalf of the petitioners, explaining the reason as to why the petitioners could not acquire knowledge about passing of the Award.

7. It is the case of the petitioners-State of Bihar that the Award, under challenge, was not communicated to the Road Construction Department, Bihar, Patna, either by the claimant or the State counsel as well as the Secretary of the Tribunal. From the



tenor of the statements made in the said supplementary affidavit, it appears that, according to the petitioners, the respondent-claimant was instrumental in ensuring that passing of the Award is not made known to the Department.

8. The stand, so taken, in my view, preposterous and cannot be accepted. The reasons which have been assigned in the application, seeking condonation of delay read with the supplementary affidavit filed thereto, do not make out a case for condonation of delay of nearly three years in filing of civil revision application, as no sufficient cause has been shown, which could have prevented the petitioners from filing the civil revision application within time.

9. I.A. No. 2495 of 2017, seeking condonation of delay, is dismissed.

10. Consequently, the civil revision application stands dismissed as hopelessly time barred.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.11.2017
Transmission Date	N/A

