

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.129 of 2014

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1. The State of Bihar through the Secretary, Building Construction Department, 'Vishesharaiya Bhawan', Bailey Road, Patna
 2. The Engineer-in-Chief, Building Construction Department, 'Vishesharaiya Bhawan', Bailey Road, Patna
 3. The Chief Engineer (South)-cum-the President of Departmental Liability Committee, Building Construction Department, 'Vishesharaiya Bhawan', Bailey Road, Patna
 4. The Chief Engineer (South), Building Construction Department, 'Vishesharaiya Bhawan', Bailey Road, Patna
 5. The Superintending Engineer, Building Construction Department, Patna Building Circle, Rajvanshi Nagar, Patna
 6. The Executive Engineer, Building Construction Department, Patna West Building Division, Danapur, Patna

.... Petitioner/s

Versus

1. Shri Swarajya Kumar Shandilya, son of Shri Siya Ram Shandilya, resident of Shastri Nagar, P.O.+P.S.- Shastri Nagar, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL JUDGMENT

Date: 07-04-2017

Heard learned counsel for the petitioners. No one appears on behalf of the opposite party though notice has validly been served upon him.

2. The petitioners have filed this revision application against the award dated 04.04.2013 passed by the Bihar Public Works Contracts Disputes Arbitration Tribunal, Patna, in Reference Case no.93 of 2011 by which and whereunder, the learned Tribunal



directed the petitioners to make payment of simple interest at the rate of 10% per annum over the principal amount of Rs.1,98,084/- from the date of preparation of bill, i.e., 18.03.2009 till the date of realization of the aforesaid interest.

3. It would appear from perusal of the impugned award that certain works were allotted to the opposite party who completed the work to the satisfaction of the concerned authorities but his payment was delayed. However, subsequently, the payment was made but no interest was paid on delayed payment. Thereafter, the opposite party referred the aforesaid matter before the learned Tribunal and the learned Tribunal passing the impugned order, directed the petitioners to ensure the payment of interest on the principle amount of the opposite party.

4. Learned counsel appearing for the petitioners challenged the above stated finding and direction of the tribunal on two grounds. Firstly, the payment was delayed due to pendency of vigilance inquiry against some officials and, therefore, due to aforesaid bonafide cause, the payment was not made to the opposite party in time. Secondly, there was no provision in the agreement executed between the petitioners and opposite party regarding the payment of interest to the opposite party. Learned counsel for the petitioners, further, submits that the learned Tribunal failed to take



note of the aforesaid facts and, therefore, if order of the learned Tribunal is sustained, then it shall cause a heavy burden on State exchequers.

5. From perusal of the impugned award, I find that the learned Tribunal discussed both the aforesaid issues as raised by learned counsel for the petitioners before this Court. The learned Tribunal, specifically, mentioned in the impugned award that the vigilance inquiry was made against the officials of the concerned department and not against the contractors and, therefore, even if there was any vigilance inquiry against the concerned officials, the payment of contractors could not have been stopped. Furthermore, it is an admitted position that the opposite party did his work to the satisfaction of the concerned department and there was no grievance against the opposite party in respect of his work. So far as non mentioning of the provision of payment of interest in the agreement is concerned, it is not necessary to mention the factum of payment of interest in the agreement because it has not been agreed between the parties that the payment shall be made in delayed manner and interest shall be paid on the principal amount. Moreover, the learned Tribunal in its wisdom has ordered to make payment of simple interest @ of 10% per annum and, therefore, in my view, there is no illegality, irregularity or impropriety in the impugned award.



6. Accordingly, this revision application stands dismissed on Admission stage itself.

(Hemant Kumar Srivastava, J)

N.K/-

AFR/NAFR	NAFR
CAV DATE	NAFR
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