

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.39 of 2017

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1. The State Of Bihar, through the Secretary, Road Construction Department, 'Vishwesharraiya Bhawan' Bailey Road, Patna.
 2. The Chief Engineer (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 Prd Sinha & Com, Partner Sri Dayanand Prasad Sinha, Son of Sri H.B. Lal, Resident of Janta Path, Kankarbagh Road, Police Station Kankarbagh, District- Patna.

.... Respondent/s

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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: 18-04-2017

Heard the learned counsel for the petitioner in the interlocutory application (I.A.No.1633/2017) which has been filed for condonation of delay of 2 years 6 months 28 days in filing this revision application.

This revision application has been filed questioning the award dated 05.05.2014 passed in Reference Case No.119/2010 by Bihar Public Works Contracts Disputes Arbitration Tribunal, Patna. It is evident from the materials on record that the award had been passed on 05.05.2014. It is not the case on behalf of



the petitioners either in the revision application or in the interlocutory application that they were not aware of proceeding before the Tribunal. Instead, it is transparent from the impugned award that the petitioners participated in the proceeding and were heard by the Tribunal before passing the award in question. The plea has been raised by the petitioners that they came to know of the award for the first time when they received the notice from the executing court where the said award was put to execution. It has been stated that the said notice was received on 30.07.2016. There is no averment in the limitation petition that any effort was made by the petitioners to enquire regarding the result of the reference case where the arguments were completed and the matter was posted for passing the final order/award. During the course of submission, this Court has not been persuaded to hold that the petitioners have been precluded by sufficient cause in not preferring this revision application within time. It is not the averment on behalf of the petitioners that the learned counsel for the petitioners had kept the petitioners in dark for long 2 years 6 months 28 days regarding the award. To the contrary, learned counsel for the petitioners has accepted that the provisional bill to the learned counsel who appeared before the Tribunal has been paid.

The plea as raised by the petitioners for condonation of delay in the present revision application is definitely a



specious plea which cannot be accepted. The explanation has been furnished in a casual manner and this Court is not inclined to accept the same for the purpose of condonation of the inordinate delay in filing this revision application, in view of the principles laid down by the apex court in the case of ***Esha Bhattacharjee v. Raghunathpur Nafar Academy, (2013) 12 SCC 649*** .

In result, the interlocutory application (I.A.No.1633/2017) is dismissed and consequently the revision application is also dismissed as barred by limitation.

(V. Nath, J)

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