

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1280 of 2017

In
Civil Writ Jurisdiction Case No.8921 of 2012

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- 1 The State of Bihar through the Principal Secretary, Rural Work Department, Govt. of Bihar, Patna
 2. The Principal Secretary, Rural Work Department, Govt. of Bihar, Patna
 3. The Secretary-cum-Empowered Officer, BRRDA, Bihar, Patna
 4. The Engineer-in-Chief, Rural Work Department, Govt. of Bihar, Patna
 5. The Chief Engineer, Rural Work Department, Govt. of Bihar, Patna
 6. The Superintendent Engineer, Rural Work Department, Govt. of Bihar, Patna
 7. The Executive Engineer, Rural Work Department, Govt. of Bihar, Patna

... .. Respondents/Appellants

Versus

M/s BSS Projects Private Limited, Flat No. 65, Street No.01, Sagar Society, Banjara Hill, Hyderabad (Andhra Pradesh) New Address-Pragati Nagar, Srinagar Colony, Yusufguda Post Hyderabad-500045, through its Managing Director, Shri Yudhishtir Gaddipati, son of Shri Govardhana Rao, residing at Flat No. 307, Krishe Meadows, Srinagar Colony, Main Road, Hyderabad

... .. Petitioner-Respondent

Appearance :

For the Appellant/s : Mr. Mritunjay Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

5 26-07-2018

Re: I.A. No. 6741 of 2017

Heard Mr. Pushkar Narayan Shahi, learned Additional Advocate General-6, in support of the prayer for condonation of delay of 01 year and 03 days in filing the appeal.

We have examined the reasons assigned in the limitation petition and we are not satisfied with the explanation



of delay exceeding one year which is absolutely vague. The vagueness in explanation can be gathered from the statements made in paragraph 3 to 9 of the limitation petition which are reproduced hereinbelow:-

3. That after considering the various aspects of the matter, decision was taken to file L.P.A. Relevant documents were collected.

4. That the file was sent to the Law Department for considering the matter with regarding to filing of L.P.A. on 30.10.2016.

5. That it appears that the Law Department opined for filing L.P.A. on 04.10.2016 whereafter the file was sent to the Office of the Advocate General, Bihar.

6. That the learned State Counsel to whom the file was marked asked for certain additional documents.

7. That subsequently, discussions were held with the Law Officer concerned and thereafter memorandum of appeal was prepared and the same is being filed.

8. That the delay which has occurred in filing the present L.P.A. is bona fide and is on account of furnishing of certain required documents and holding of consultations etc.

9. That the huge amount of public money is involved in the present case. The writ petitioner did not complete the work even



though time was the essence of the contract.

Even the submission of Mr. Shahi on the refund order passed by the learned Single Judge, does not appeal to us because we find that the reasons assigned by the learned Single Judge to order for refund of the security deposit finds support from the clauses of the General Conditions of Contract present in the Standard Bid Document.

In the circumstances discussed, we do not feel persuaded to condone the excessive delay of 01 year and 03 days for which no justifiable explanation for condonation, has been pressed into service by the State.

For the discussions aforesaid, I.A. No. 6741 of 2017 is rejected. Consequently, the Letters Patent Appeal is dismissed.

I.A. No. 6742 of 2017 is disposed of.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

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