

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 700 of 2017**

K. C. Agrawal A - V Class Contractor, Lakhanpur, Tehsil
Ambikapur District Surguja Madhya Pradesh Now Chhattisgarh ,
Chhattisgarh

---- Applicant

Versus

1. State Of Madhya Pradesh Now Chhattisgarh Through
Secretary Government Of Madhya Pradesh Now Chhattisgarh
Irrigation Department Bhopal Now New Raipur, District Raipur
Chhattisgarh. ,
2. Superintending Engineer, Rehar Kanhar Circle, Ambikapur
District Sarguja Chhattisgarh
3. Executive Engineer, Barnai Canal Division Ambikapur District
Surguja Chhattisgarh.

---- Respondent

For Applicant : Shri Rahul Jha, Advocate
For State : Shri Y.S. Thakur, Additional Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****Order On Board****Per Thottathil B. Radhakrishnan, Chief Justice****27/02/2018**

1. This application is one filed seeking restoration of a Civil
Revision Petition challenging the decision of the State Arbitration
Tribunal under the Chhattisgarh Madhyastham Adhikaran
Adhiniyam, 1983. It is accompanied by an application seeking
condonation of delay of more than 7 years and 4 months. We
were not impressed by the statements in the affidavit filed in
support of that application. Therefore, we granted time for the

applicant to place a better affidavit. He has now stated that he came to know about the dismissal of the Civil Revision Petition only on 21/08/2017 when he enquired about it personally at Bilaspur. The Civil Revision petition was dismissed on 29/04/2010. The learned Advocate who was appearing for him in Civil Revision petition was sworn as a Judge of this Court on 10/12/2009. The applicant cannot feign ignorance of the elevation of an Advocate as a Judge of this High Court, which has hardly less than dozen Judges even now. However, the delay is attributed to the applicant not being aware of the dismissal of the Civil Revision Petition. We have looked into the Civil Revision Petition as well. Ends of justice require that the delay in instituting this MCC is condoned and the MCC is allowed thereby paving way to hearing of the Civil Revision Petition on merits.

2. On the facts and circumstances of the case, we accept the explanation offered by the applicant as sufficient cause to condone the delay and to grant the MCC as prayed for.
3. In the result, I.A. No. 1 of 2017 is allowed. MCC No. 700 of 2017 is allowed. The order dated 29/04/2010 dismissing Civil Revision Petition No. 1426 of 2000 is set-aside and Civil Revision No. 1426 of 2000 is restored to file. Let that be listed, as per roster, at the earliest for final hearing.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge