

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.54 of 2012

1. The State of Bihar through the Commissioner-cum-Secretary, Road Construction Department, Government of Bihar, Patna
2. The Chief Engineer, Road Construction Department, South Bihar C Wing, Patna.
3. The Superintending Engineer, Road Construction Department, Central Circle, Patna.

... .. Petitioner/s

Versus

ASHOK SINGH, S/O Sri Vishwanath Singh Resident Of Village Jalpena, P.S. Pali, District Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dinesh Maharaj, A.C. to A.A.G.11
For the Respondent/s	:	Mr. Vitesh Kumar Singh Mr. Sanjeet Kr. Tiwari, Advocates

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 07-11-2019

I.A. No. 2172 of 2012:

Heard.

This interlocutory application has been filed for condoning the delay 322 days in preferring the present application.

For the reasons mentioned in this interlocutory application, this Court is satisfied that the appellants were prevented for sufficient reasons from preferring this civil revision within time.

As a result, this interlocutory application is allowed and the delay in filing this civil revision is hereby condoned.

M.A. No.54 of 2012:



Heard parties.

This revision application has been filed on behalf of the State of Bihar against the order dated 16.12.2010 passed by the Bihar Public Works Contracts Disputes Arbitration Tribunal passed in Review Case No.02/2010 by which award dated 7.7.2010 has been passed in favour of claimant by way of interest.

Earlier the claims tribunal has allowed the claim application filed by the claimants with interest @9% per annum from 01.03.2007 holding that cause of action had arisen on 01.03.2007 on the date of filing of writ application instead of 22.08.1994, 23.08.1994 and 14.02.1994 when the works were completed and bills were prepared but payment could not be made for want of fund.

Claimant/opposite party was allotted three works contract under agreement No.158H of 1993-94, agreement No.181 H of 1994-95 and agreement no.185 H of 1994-95 by the Public Works Department, Government of Bihar and after completion of work, he submitted his final bill but same was not paid and he represented before Debt Liability Committee and Debt Liability Committee decided on 10.09.2005 and found claimant/opposite party entitled for payment of Rs.1,84,306/-



with respect to three claims and approved said amount to be paid to the claimant/opposite party on 10.09.2005, however, in spite of approval by the Debt Liability Committee, the money was not paid.

Claimant/opposite party approached this Court in C.W.J.C. No.1736 of 2007 which was disposed of on 22.08.2008 directing the respondent-authorities to enforce the order of their own Committee constituted by them. However, same was not paid to the petitioner then he approached the Contract Tribunal and vide order dated 07.07.2010 the tribunal granted the principal amount along with interest for the last three years from the date of filing of writ application, i.e., 09.02.2007, however, petitioner being not satisfied with the order of the Tribunal again filed a writ petition for payment of interest from the date of completion of the contract which was disposed of by order dated 17.08.2009 passed in C.W.J.C. No.9256/2009 and pursuant to said order, petitioner approached the Contract Tribunal and review case was instituted giving rise to Review Case No.02/2010 which was decided on 16.12.2010 and the Tribunal directed the respondent-authorities to pay claimant/opposite parties simple interest of 9% per annum on admitted amount arising out of agreement no.158H of 1993-94



from 10.05.1995 on the amount of Rs.84,847/-, for Agreement No.181 H of 94-95 from 22.08.1994 on amount of Rs.49,989/- and for agreement no.185 H of 94-95 on an amount of Rs.49,477/- from 22.08.1994.

It is an admitted fact that the contract was awarded to the claimant/opposite party for the financial year 1994 and when the contract was completed, he submitted his final bill but same remained pending before the authorities and the Debt Liability Committee decided the claim of claimant/opposite party in the year 2005 and found that he is entitled for payment of Rs.1,84306/-, however, even after decision of Debt Liability Committee said amount was not paid to the claimant/opposite party. He approached this Court in writ jurisdiction upon which a direction was issued to place his case before the Contract Tribunal and in previous litigation, Contract Tribunal directed the payment of original Award and granted interest for 3 years from the date of filing of writ petition. It has been submitted on behalf of the claimant/opposite party that said amount has already been paid to him. However, against the order passed by the Contract Tribunal in review petition No.2/2010 directing to pay the interest from the year 1994-95, the State has preferred this civil revision against the order of review passed by the



Contract Tribunal.

It is an admitted fact that contract was awarded to opposite party in the year 1994 and after completing the work, bill was raised and settled and opposite party raised his grievances before the Debt Liability Committee who on 10.9.2005 found the opposite party entitled for payment of Rs.1,84,306/- and even thereafter, said amount was not paid, he had to approach Hon'ble High Court and, thereafter, Bihar Public Works Contract Disputes Arbitration Tribunal for payment of principal amount with interest and, thereafter, interest amount was directed to be paid on the principal amount which became due in 1995 itself and, accordingly, tribunal directed for payment of interest on the principal amount from the date it became due. After completion of work and submission of bill, same was settled but payment could not be made for want of fund as such, principal amount and interest became due from said date and accordingly the tribunal has granted interest as claimed by opposite party from the date when principal amount became due till the date of payment of principal amount.

After hearing the parties and considering the materials available on record, this Court does not find any



material irregularity or jurisdictional error in the order passed by the Tribunal as such, civil revision petition filed by the State is dismissed.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.12.2019
Transmission Date	NA

