

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.158 of 2018

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Dinesh Kumar Yadav, Son of Sri Rajendra Prasad Yadav, Resident of
Mohalla- Azad Nagar, Ward No. 09, P.O. and P.S.- Madhepura, District-
Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Road Construction Department,
“Vishweshwaraiya Bhawan”, Bailey Road, Patna- 15.
2. The Engineer-in-Chief, Road Construction Department, “Vishweshwaraiya
Bhawan”, Bailey Road, Patna- 15.
3. The Chief Engineer (North Bihar Wing), Road Construction Department,
“Vishweshwaraiya Bhawan” Bailey Road, Patna- 15.
4. The Superintending Engineer, Road Construction Department, Road Circle,
Saharsa.
5. The Executive Engineer, Road Construction Department, Road Division,
Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Sahay
For the Respondent/s : Mr.Uday Shankar Sharan Singh Gp 19

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
Date : 08-08-2019

Heard the parties.

2. This civil revision has been filed for setting aside the Award dated 08.08.2019 passed by Bihar Public Works Contracts Disputes Arbitration Tribunal, Patna, passed in Reference Case No. 138 of 2013.

3. Petitioner is aggrieved by that part of the order by which the Tribunal has refused to grant interest upon the admitted bill from the date of submitting all the bills. However, Tribunal has granted interest for three years prior to filing of the claim petition.

4. Earlier also petitioner had approached this court and after hearing the petitioner the matter was remanded to the Tribunal for re-considering the grant of interest and the only issue framed by the Tribunal was whether the petitioner is entitled to the interest as provided under the law. The tribunal has held that petitioner is entitled to get interest on the amount which was admittedly payable by the respondents and interest is payable for last three years from date of payment of principal amount and held that State Bank of India is granting 6.50 % interest and same rate of interest is payable, as such, respondents



were directed to pay the interest on the principal amount as paid in the year 2010 with interest @ 6.50 % per annum for three years prior to date of payment till the payment is made.

5. Article 25 of the Limitation Act reads as follows:-

Part-II SUITS RELATING TO CONTRACTS

Description of suit	Period of limitation	Time from which period begins to run
For money payable for interest upon money due from the defendant to the plaintiff	Three years	When the interest becomes due.

6. The Tribunal has rightly granted interest for last three years from the date principal amount was paid to petitioner in the year-2010. Petitioner could not claim any arrears of interest of more than three years from the date of institution of claim for recovery of principal amount with interest which was claimed by the petitioner for the first time by filing a writ petition in the year-2009, when claim for the principal amount which was due to petitioner in the year 1994-95 itself was time barred.

7. This Court does not find any infirmity or jurisdictional error in the order passed by the Bihar Public Works Contracts Disputes Arbitration Tribunal, Patna, in



Reference Case No. 138 of 2013, requiring any interference by this Court.

8. Accordingly, this appeal is disposed of.

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

