

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.49 of 2018

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M/s J K M Infra Projects Limited a company registered under the companies Act having its registered office at C-84, Greater Kailash Part-I, New Delhi-110048, and its Regional Office at Flat No.403, Gorakh Nath and Leela Apartment, East Boring Canal Road, Patna- 800001 (Bihar) through its authorized signatory Mr. Ashish Jalan, Son of Late Mahavir Prasad Jalan, Presently posted at DGM, Finance, J.K.M. Infra Projects at flat No. 403, Gorakh Nath and Leela Apartment, East Boring Canal Road, Patna- 800001, Bihar.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Road Construction Department, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer, Road Construction Department, North Bihar, Patna.
5. The Superintending Engineer, Road Construction Department, North Bihar Circle, Bihar.
6. The Executive Engineer, Road Division, Motihari Road Construction Department.

... .. Respondents

with

CIVIL REVISION No. 50 of 2018

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M/s J K M Infra Projects Limited a company registered under the companies Act having its registered office at C-84, Greater Kailash Part-I, New Delhi-110048, and its Regional Office at Flat No.403, Gorakh Nath and Leela Apartment, East Boring Canal Road, Patna- 800001 (Bihar) through its authorized signatory Mr. Ashish Jalan, aged about 48 years, Son of Late Mahavir Prasad Jalan, Presently posted at DGM, Finance, J.K.M. Infra Projects at flat No. 403, Gorakh Nath and Leela Apartment, East Boring Canal Road, Patna- 800001, Bihar.

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Versus

1. The State of Bihar through Principal Secretary, Road Construction Department, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer, Road Construction Department, North Bihar, Patna.
5. The Superintending Engineer, Road Construction Department, North Bihar Circle, Bihar.



6. The Executive Engineer, Road Division, Madhubani, Road Construction Department.

... .. Respondents

with
CIVIL REVISION No. 51 of 2018

M/s J K M Infra Projects Limited a company registered under the companies Act having its registered office at C-84, Greater Kailash Part-I, New Delhi-110048, and its Regional Office at Flat No.403, Gorakh Nath and Leela Apartment, East Boring Canal Road, Patna- 800001 (Bihar) through its authorized signatory Mr. Ashish Jalan, aged about 48 years, Son of Late Mahavir Prasad Jalan, Presently posted at DGM, Finance, J.K.M. Infra Projects at flat No. 403, Gorakh Nath and Leela Apartment, East Boring Canal Road, Patna- 800001, Bihar.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Road Construction Department, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer, Road Construction Department, North Bihar, Patna.
5. The Superintending Engineer, Road Construction Department, North Bihar Circle.
6. The Executive Engineer, Road Division, Kishanganj Road Construction Department.

... .. Respondents

Appearance :

(In CIVIL REVISION No. 49 of 2018)

For the Petitioner : Mr. Prabhat Ranjan, Advocate
Mr. Rajeev Shekhar, Advocate
For the Respondents : Mr. Anjani Kumar, AAG-4
Mr. Alok Kumar Rahi, AC to AAG-4

(In CIVIL REVISION No. 50 of 2018)

For the Petitioner : Mr. Prabhat Ranjan, Advocate
Mr. Rajeev Shekhar, Advocate
For the Respondents : Mr. Anjani Kumar, AAG-4
Mr. Amit Kumar Jha, AC to AAG-4

(In CIVIL REVISION No. 51 of 2018)

For the Petitioner : Mr. Prabhat Ranjan, Advocate
Mr. Rajeev Shekhar, Advocate
For the Respondents : Mr. Anjani Kumar, AAG-4
Mr. Deepak Sahay Jamuar, AC to AAG-4

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER



7 13-08-2021

These civil revision applications have been filed under Section 13 of the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008 against the awards dated 13.02.2018 passed in Reference Case Nos. 181 of 2015, 182 of 2015 and 183 of 2015 by the Bihar State Public Works Contract Disputes Arbitration Tribunal, Patna, (hereinafter referred to as 'the Tribunal'). The impugned awards passed by the Tribunal refer to an award passed in Reference Case No. 179 of 2015, whereby Tribunal had, *inter alia*, imposed cost of Rs.2,50,000/- on the petitioner for suppressing material facts in that proceedings before the Tribunal.

A Civil Revision application was filed before this Court against the said award passed by the Tribunal on the same date in Reference Case No. 179 of 2015, which has been subsequently withdrawn by order dated 27.07.2020 passed in Civil Revision No. 41 of 2018. Since these matters have been treated by the Tribunal as identical in nature, the award passed in the said Reference Case No. 179 of 2015 has been made applicable in the orders, which are under challenge in the present proceedings. Apparently, the order imposing cost of Rs.2,50,000/- for suppressing material facts has also been made applicable in case of these petitioners.



It has been stated at the Bar that with the mutual consent of the parties, the entire matter has been referred to a learned Arbitrator.

Learned counsel appearing on behalf of the petitioners seeks permission to withdraw these applications, matter having been referred to the learned Arbitrator, with a plea that learned Arbitrator may also have the jurisdiction to go into the aspect as to whether there was any suppression of material facts before the learned Tribunal.

In the facts and circumstances, these applications are dismissed as withdrawn with a liberty to raise the aforesaid plea as to whether there was any suppression of material fact, warranting imposition of cost.

(Chakradhari Sharan Singh, J)

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