

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.91 of 2016

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The State Of Bihar Through The Secretary Rural Works Department and Ors

... .. Petitioner/s

Versus

M/s Neel Dhruv Construction Co. Proprietor Dhruv Narayan Mishra

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Sarvesh Kumar Singh, AAG-13
	Mr. Rajat Kumar Tiwari, Ac to AAG-13
For the Opposite Party/s :	Mr. Ajay Kumar Tiwari, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

11 20-02-2023 This Civil Revision Application has been filed against the award dated 18.01.2016 passed in Reference Case No. 06 of 2014 by learned Bihar Public Works Contracts Disputes Arbitration Tribunal wherein, it has been held that the sole opposite party is entitled for payment of Rs. 19,89,086/- only which relates to 01st, 02nd & 03rd running amount bill along with simple interest @ 10% per annum till the date of its realization.

Learned counsel for the petitioner submits that the work in question was neither completed by the sole opposite party within the stipulated period nor in accordance with the terms and conditions mentioned in the agreement. It is further stated that account bill in connection with the work in question was prepared in collusion with Assistant Engineer and Junior



Engineer and consequently, the cheque for part payment was issued by the Executive Engineer, Rural Works Department, in the middle of work pressure on last date of financial year i.e. 31.03.2012. It is further submitted that when petitioner no. 5 came to know about the fact, he cancelled the issued cheque immediately on the same day and referred the matter for enquiry to the higher authority.

The Superintending Engineer submitted his report on 30.05.2012 on all aspects in this regard and gave a clear and categorical finding that the work in question was not completed by the sole opposite party as per the terms and conditions mentioned in the agreement.

Learned counsel for the petitioner further stated that the sole opposite party managed for preparation of measurement in collusion with the Assistant Engineer and Junior Engineer of the department and managed to issue the said cheque.

Perused the impugned award, passed by the learned Tribunal, it has held that the opposite party is entitled for payment of Rs. 19,89,086/- only which relates to 01st, 02nd & 03rd running account bill along with simple interest @ 10% per annum on aforesaid amount with effect from date of filing of the case i.e. 21.01.2014, till the date of its realization.



Considering the aforesaid facts and circumstances and material available on record, it is evident that the claims of opposite party is admitted claim which has been not denied by the concerned authority only objection is that opposite party has not completed 01st, 700 meter from Shekhpurwa Bazar rather opposite party has completed his work after 700 meter. If the work was started after 01st 700 meter the work should have been stopped by the petitioner no. 5 (Executive Engineer).

In the aforesaid facts and circumstances, this court does not find any illegality in the impugned award of the learned Tribunal nor does it find any jurisdictional error in the same.

Accordingly, this Civil Revision is dismissed.

(Khatim Reza, J)

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