

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.87 of 2019

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M/s Sachidanand Prasad Construction Through its Partner Manish Kumar (Male) aged about - 40 years, Son of Late Sachidanand Prasad, Resident of Village- mogalkuan, P.O. - Sohsarai, Biharsharif, District- Nalanda. Presently residing at Bye-Pass Road, Anishabad, near Vijay Petrol Pump, P.S. Gardanibagh, District and Town- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through Secretary, rural Works Department, Government of Bihar, Patna.
2. The Chief Engineer, Rural Works Department, Patna.
3. The Superintending Engineer, Rural Works Department, Work Circle, Patna.
4. The Executive Engineer, Rural Works Department, Works Division, Hilsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lal Babu Singh, Advocate
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 29-08-2023 Heard learned counsel for the parties.

2. The present Revision Petition has been preferred against the award dated 05.02.2019, passed by Bihar Public Works Contract Disputes Arbitration Tribunal, Patna in Reference Case No. 129 of 2015, whereby it has been held as follows:-

“Since all the arguments advanced by the learned counsels for both the parties have been considered and the decisions have been discussed in Batch cases the order passed in batch case i.e. Reference Case No. 50 of 2014 and other reference cases shall govern this reference case also.



In the result, the reference case is disposed off. The interim order if any regarding stay and injunction are hereby vacated.”

3. It is brought to the notice by learned counsel for the petitioner that award dated 05.02.2019, passed in Reference Case No. no. 50 of 2014 and others has been set aside by this Court in Civil Revision No. 36 of 2019 and other analogous cases vide order dated 13.01.2020, whereby it has been held as follows:-

“Accordingly, the judgment and Award passed by the Tribunal is not sustainable and is accordingly, set aside and the matter is remitted back to the Tribunal which shall enter into reference and decide the case on merit in accordance with law at the earliest.

The civil revision petitions are allowed.”

4. Learned counsel for the petitioner submits that in the light of the order dated 13.01.2020, passed in Civil Revision No. 36 of 2019, the tribunal is entertaining the reference. Hence this Revision Petition may be disposed of in terms of the said order of this Court.

5. Accordingly, the judgment and Award passed by the Tribunal is not sustainable and is, accordingly, set aside and the matter is remitted back to the Tribunal which shall enter into



reference and decide the case on merit in accordance with law at the earliest.

6. The civil revision petition is allowed.

(Jitendra Kumar, J)

Amrendra/-

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