

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.75 of 2022

Indradeo Prasad Yadav Son of Late Shital Prasad Yadav, Resident of near Gumti No. 6, Sandalpur, P.S. Kasim Bazar, District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Patna.
2. The District Magistrate, Munger.
3. The Works Commissioner, Building, Rural Works Department, Patna.
4. The Engineer-in-Chief, Rural Works Department, Patna.
5. The Superintending Engineer, Bhagalpur.
6. The Executive Engineer, Rural Works Department, Munger.
7. The Chief Engineer, Rural Works Department, Bhagalpur.

... .. Respondent/s

with

CIVIL REVISION No. 2 of 2023

Indradeo Prasad Yadav son of late Shital Prasad Yadav, resident of near Gumti No. 6, Sandalpur, P.S. Kasim Bazar, District Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Patna.
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5. The Superintending Engineer, Bhagalpur.
6. The Executive Engineer, Rural Works Department, Munger.
7. The Chief Engineer, Rural Works Department, Bhagalpur.

... .. Respondent/s

Appearance :

(In CIVIL REVISION No. 75 of 2022)

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Respondent/s : Mr.Kumar Alok (SC-7)

(In CIVIL REVISION No. 2 of 2023)

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Respondent/s : Mr.Kumar Alok (SC-7)

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

CAV ORDER

14 30-01-2024

I have already heard the learned counsel for the parties.



2. These civil revision applications have been preferred against the order dated 14.07.2022 passed in Reference Case Nos.169/2018 and 170/2018 by the Bihar Public Works Contracts Disputes Arbitration Tribunal, Patna (hereinafter to be referred to as ‘ the Tribunal’), whereby and whereunder the claim of the petitioner for his work in respect of Agreement Nos. 19F2/1998-99 and 18F2/1998-99 for the amounts of Rs.82,065 and Rs.1,82,431/-, along with 9 per cent interest per annum, was rejected on the ground of limitation.

3. The learned Tribunal has mentioned in the impugned order that the cause of action for the claim of the petitioner arose on 25.09.2004 on the date of submission of the bill. In 2004, the Tribunal was not in existence and only remedy available to the petitioner was to file a civil proceeding. The limitation for recovery of the amount is three years, as provided under Art.18 of the Limitation Act, 1963 (hereinafter to be referred to as ‘the Act 1963’. Since no civil proceeding was initiated by the petitioner within three years from the date of filing of bill, the claim became barred by limitation.

4. The petitioner preferred CWJC Nos. 1212 of 2005 and 1240/2005, which were disposed of on 23.08.2012 and the petitioner was directed to take appropriate steps for redressal of



his dues/grievances. Nearly after six years after the order passed by the High Court on 23.08.2012, the petitioner approached the Tribunal, as such, his case is hopelessly time-barred.

5. The learned counsel for the petitioner submitted that the learned Tribunal committed illegality in not condoning the delay. By relying upon a decision of this Court reported in the case of *Manoj Kumar Vs. State of Bihar (2017(4) PLJR page 544*, he submitted that a coordinate Bench of this Court allowed those civil revision applications on the similar ground.

6. On the other hand, the learned counsel for the respondents submitted that the Tribunal neither committed any illegality nor its order suffers from jurisdictional error, as such, the revisional interference is not required in the impugned order.

7. From perusal of the order of the coordinate Bench (*Manoj Kumar (supra)*), it appears that Art. 18 of the Act 1963 was not placed before that Bench and the attention of the learned Single Judge was only brought to the Art. 25 of the Act 1963, as such, the decision in those cases is not applicable to the present case.

8. The revisional jurisdiction of this Court is very limited. Exercising the revisional jurisdiction, this Court can only interfere with the order, if it suffers from the jurisdictional



error or any kind of illegality.

9. Section 13 of the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008 (hereinafter to be referred to as 'the Act 2008') confers revisional power to this Court which is quoted hereinbelow:-

“13. Revision.- (1) *The High Court may, suo moto at any time or on an application made to it within three months from the date on which the award or interim award is made or reviewed under this Act, by any party aggrieved by the award or interim award so made or reviewed, call for the record of any case in which an award or interim award has been made or as the case may be reviewed and if the Tribunal appears-*

(a) to have exercised a jurisdiction not vested in it by law, or

(b) to have failed to exercise a jurisdiction so vested, or

(c) to have acted in the exercise of its jurisdiction illegally or with material irregularity,

the High Court may make such order in the case as it things fit.

(2) For the purpose of exercising its powers of revision under this section, the High Court shall have the same powers as it has, and as far as may be, follow the same procedure as it follows, under the Code of Civil Procedure, 1908 while



exercising its powers of revision under section-115 of the Code and for that purpose the Tribunal shall be deemed to be a court subordinate to it.”

10. From bare perusal of clauses (a), (b) and (c) of Section 13(1) makes it clear that only a jurisdictional error or illegality occurred in the impugned order can be cured. In my view, the impugned order neither suffers from jurisdictional error, nor there is any kind of illegality in the impugned order.

11. Art. 18 of the Act 1963 provides for limitation for filing a petition for the work done by the plaintiff and the limitation is three years.

12. Admittedly, the petition for claim was filed after six years of the order dated 23.08.2012 passed in CWJC Nos. 1212 of 2005 and 1240 of 2005. It was hopelessly barred by limitation. Thus, I see no illegality in the impugned order. The order under revision does not require revisional interference.

13. The revisional applications are accordingly dismissed.

(Nawneet Kumar Pandey, J)

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