

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.9 of 2017

1. The State Of Bihar through the Secretary, Road Construction Department, Vishweshwarraiya Bhawan, Bailey Road, Patna
2. The Engineer in Chief, Road Construction Department, 'Vishweshwaraiya Bhawan' Bailey Road, Patna.
3. The Chief Engineer (South Bihar Wing) Road Construction Department, 'Vishweshwaraiya Bhawan' Bailey
4. The Superintending Engineer, Road Construction Department, Magadh Road Circle, Gaya.
5. The Executive Engineer, Road Construction Department, Road Division 01 Aurangabad.
6. The Assistant Engineer, Road Construction Department, Road Sub Division No. 01, Aurangabad.

... .. Petitioner/s

Versus

M/s Rambriksha Singh, Partner Sri Sheo Shankar Prasad Singh Son of Late Ram Briksha Singh, Resident of Jaiprakash Nagar, Karma Road, Aurangabad, District Aurangabad.

... .. Opposite Party/s

with

CIVIL REVISION No. 203 of 2017

1. The State Of Bihar through the Secretary, Road Construction Department, Vishweshwarraiya Bhawan, Bailey Road, Patna
2. The Chief Engineer N.H. Wing, Road Construction Department, Govt. of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna
3. The Superintending Engineer, Road Construction Department, N.H. Circle, Vishweshwaraiya Bhawan, Bailey Road, Patna
4. The Executive Engineer, Road Construction Department, N.H. Division, Biharsharif.

... .. Petitioner/s

Versus

M/s Jai Maa Bhawani Construction Pvt. Ltd. Managing Director Sri Lalit Kumar Singh S/o Bhishm Narayan Singh R/o Devdha, P.S. - Deep Nagar, Distt. - Nalanda.

... .. Opposite Party/s

with

CIVIL REVISION No. 208 of 2017

1. The State Of Bihar through the Principal Secretary, Road Construction Department, Vishweshwarraiya Bhawan, Bailey Road, Patna



2. The Engineer-in-Chief, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna - 15
3. The Chief Engineer South wing, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna - 15
4. The Superintending Engineer, Road Construction Department, Works Circle, Ara Bhojpur.
5. The Executive Engineer, Road Construction Department, Road Division, Dehri-on-Sone.
6. Mr. Brindawan Rai, the Assistant Engineer, S.D.O., Road Construction Department, Road Sub-Division, Sasaram, Rohtas.
7. Md. Sadik Ali, the Junior Engineer, Road Construction Department, Road Division, Dehri-on-Sone.

... .. Petitioner/s

Versus

M/s Birendra Prasad Singh through its working partner Mr. Devesh Kumar, Son of Sri Birendra Prasad Singh Resident of Village + P.O. - Barki Mahuli Via Takia Bazar, P.S. - Karahgar, District - Rohtas Sasaram, Correspondence Address - Mohalla - New Bank Colony, Faizal Ganj, Kaushalya Kutir, P.O.+ P.S. - Sasaram, District - Rohtas Sasaram.

... .. Opposite Party/s

with
CIVIL REVISION No. 225 of 2017

1. The State Of Bihar through the Secretary, Road Construction Vishweshwaraiya Bhawan, Bailey Road, Patna
2. The Engineer-in- Chief, Road Construction Department, 'Vishweswaraiya Bhawan', Bailey Road, Patna.
3. The Chief Engineer (N.H. Wing), Road Construction Department, 'Vishweshwaraiya Bhawan, Bailey Road, Patna
4. The Superintendent Engineer, Road Construction Department, N.H. Circle, 'Vishweshwaraiya Bhawan', Bailey Road, Patna
5. The Executive Engineer, Road Construction Department, N.H. Division No.- 2, Biharsharif (Nalanda).

... .. Petitioner/s

Versus

Shri Shailendra Kumar Akela son of Late Keshwar Prasad resident of Quamruddinganj, P.O.- Biharsharif, P.S.- Laheri, Muradpur, District- Nalanda Bihar.

... .. Opposite Party/s

with
CIVIL REVISION No. 258 of 2017

1. The State Of Bihar through the Principal Secretary, Road Construction



Department, Govt. of Bihar, Vishweshwarraiya Bhawan, Bailey Road, Patna

2. The Engineer-in-chief, Road Construction Department, Govt. of Bihar, 'Vishweshwaraiya Bhawan' Bailey Road, Patna
3. The Chief Engineer, Road Construction Department, National Highway Wing, Campus of 'Vishweshwaraiya Bhawan' Bailey Road, Patna
4. The Superintending Engineer, Road Construction Department, National Highway Circle, Bihar, Patna.
5. The Executive Engineer, Road Construction Department, National Highway Division, Gulzarbagh, Patna.
6. The Assistant Engineer, Road Construction Department, N.H. Sub Division No. 1, Gulzarbagh, Patna.
7. The Junior Engineer, Road Construction Department, N.H. Section, Gulzarbagh-1, Patna.

... .. Petitioner/s

Versus

1. M/s Maruti Enterprises, Gudari, Rajendra Chowk, Hazipur, Vaishali-844101 through one of its partner namely, Niket Kumar Sinha, Son of Late Ashwani Kumar Verma, resident of Mohalla- Pokhara, Police Station- Town, District- Vaishali.
2. The Branch Manager, Bank of India, Hajipur Branch, Hazipur.

... .. Opposite Party/s

with

CIVIL REVISION No. 5 of 2018

1. The State Of Bihar through the Secretary, Road Construction Department, Govt. of Bihar, Vishweshwarraiya Bhawan, Bailey Road, Patna
2. The Engineer in Chief, Road Construction Department, Government of Bihar, Patna.
3. The Chief Engineer, South Bihar (Traffic) Wing, Road Construction Department, Government of Bihar, Patna
4. The Superintending Engineer, Road Construction Department, Bhojpur Road Circle, Ara.
5. The Executive Engineer, Road Construction Department, Sahabad Road Division, Ara.

... .. Petitioner/s

Versus

M/s Shaligram Singh prop. Sri Shaligram Singh, S/o Late Jadunandan Singh R/o Deokali, P.S. Daudnagar, District - Aurangabad.

... .. Opposite Party/s

with

CIVIL REVISION No. 194 of 2018



1. The State Of Bihar through the Principal Secretary, Water Resources Department, Sinchai Bhawan, Harding Road, Bihar Patna-800001
2. The Engineer in Chief, (North) Water Resources Department, Sinchai Bhawan, Harding Road, Bihar Patna
3. The Chief Engineer, Water Resources Department, Bhagalpur
4. The Superintending Engineer, Water Resources Department, Sinchai Anchal Bhagalpur
5. The Executive Engineer, Water Resources Department, Flood Control Division, Naugachia, Distt. Bhagalpur

... .. Petitioner/s

Versus

Dilip Kumar Munka, son of Late Navrang Lal Munka, resident of Ward No. 16, PO+PS Naugachia, Distt. Bhagalpur

... .. Opposite Party/s

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with

CIVIL REVISION No. 9 of 2019

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1. The State of Bihar through the Secretary, Water Resources Department, Sinchai Bhawan, Bihar Patna-800001
2. The Chief Engineer, Water Resources Dept. Dehri Rohtas
3. The Superintending Engineer, Durgawati Construction Circle Bhitari Bandh Camp Chenari, Distt. Rohtas, Sasaram
4. The Executive Engineer, Durgawati Right Bank Canal Division, Chenari, Rohtas Sasaram

The Deputy Director, Quality Control Division, Dehri, Rohtas

... .. Petitioner/s

Versus

M/s Komal Construction Chhawani Mohalla Ward No. 1 Bhabhua (Kaimur) through its Partner Komal Singh Son of late Bachnu Singh Resident of Village Ward No. 1 Chhawani Mohalla, P.S. Bhabhua, District- Kaimur,

... .. Opposite Party/s

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with

CIVIL REVISION No. 20 of 2019

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1. The State Of Bihar through the Secretary, Road Construction Department, Vishwesharraiya Bhawan, Bailey Road, Patna.
2. The Executive Engineer, Road Construction Department, N.H. West Division, Gulzarbagh, Patna.

... .. Petitioner/s

Versus



M/s Umesh Kumar and Com, Prop. Sri Umesh Kumar Roy Son of Raja Prasad Roy Resident of Ranjan Path, Near Basudeo Palace, Bailey Road, P.S. Rupaspur, District- Patna.

... .. Opposite Party/s

with
CIVIL REVISION No. 21 of 2019

1. The State of Bihar through the secretary, Road Construction Department, Vishwesharraiya Bhawan, Bailey Road, Patna
2. The Chief Engineer (N.H) Road Construction Department, Vishwesharraiya Bhawan Bailey Road, Patna Bihar
3. The Superintending Engineer, Road construction Department, N.H.Circle Patna Bihar
4. The Executive Engineer, Road Construction Department, N.H.Division Gulzarbagh, Patna Bihar

... .. Petitioner/s

Versus

M/s Saran construction, Prop. Sri Triguna Nand Singh S/o Late Baldeo Singh R/O Laxmipur, Kakadia P.S- Dighwara, Saran at Chapra

... .. Opposite Party/s

Appearance :

(In CIVIL REVISION No. 9 of 2017)

For the Petitioner/s : Mr. R.B. Prasad Yadav, AAG-11
Mr. Ashok Kumar Dubey, AC to AAG 11
Mr. Dinesh Maharaj, Advocate
Mr. Ramashray Ray, Advocate
For the Opposite Parties : Mr. Rajendra Narayan, Sr. Advocate
Mr. Raj Kishore Prasad, Advocate

(In CIVIL REVISION No. 203 of 2017)

For the Petitioner/s : Mr. Amit Prakash, GA 13
Mr. Sanjay Kumar, AC to GA 13
Mr. Ravi Bhardwaj, Advocate
For the Opposite Parties : Mr. Rajendra Narayan, Sr. Advocate
Mr. Lal Babu Singh, Advocate

(In CIVIL REVISION No. 208 of 2017)

For the Petitioner/s : Mr. Amit Prakash, GA 13
Mr. Sanjay Kumar, AC to GA 13
For the Opposite Parties : Mr. Rajendra Narayan, Sr. Advocate
Mr. Manish Sahay, Advocate
Mr. Anil Kumar Sinha, Advocate
Mr. Siddharth Aditya, Advocate
Mr. Aman Raj, Advocate

(In CIVIL REVISION No. 225 of 2017)

For the Petitioner/s : Mr. Amit Prakash, GA 13
Mr. Sanjay Kumar, AC to GA 13
For the Opposite Parties : Mr. Rajendra Narayan, Sr. Advocate
Mr. Manish Sahay, Advocate
Mr. Anil Kumar Sinha, Advocate
Mr. Siddharth Aditya, Advocate
Mr. Aman Raj, Advocate



(In CIVIL REVISION No. 258 of 2017)

For the Petitioner/s : Mr. Amit Prakash, GA 13
Mr. Sanjay Kumar, AC to GA 13
For the Opposite Parties : Mr. Rajendra Narayan, Sr. Advocate
Mr. Manish Sahay, Advocate
Mr. Anil Kumar Sinha, Advocate
Mr. Siddharth Aditya, Advocate
Mr. Aman Raj, Advocate

(In CIVIL REVISION No. 5 of 2018)

For the Petitioner/s : Mr. Ashok Kumar Dubey, AC to AAG 11
Mr. Dinesh Maharaj, Advocate
Mr. Ramashray Ray, Advocate
For the Opposite Parties : Mr. Rajendra Narayan, Sr. Advocate
Mr. Raj Kishore Prasad, Advocate

(In CIVIL REVISION No. 194 of 2018)

For the Petitioner/s : Mr. Sanjay Kumar Ac To Aag 4
For the Opposite Parties : Mr. Rajendra Narayan, Sr. Advocate
Mr. Manish Sahay, Advocate
Mr. Anil Kr. Sinha, Advocate
Mr. Siddharth Aditya, Advocate
Mr. Aman Raj, Advocate
Mr. Lal Babu Singh, Advocate

(In CIVIL REVISION No. 9 of 2019)

For the Petitioner/s : Mr. Sanjay Kumar, AC to Aag 4
For the Opposite Parties : Mr. Ram Nath Singh Yadav, Advocate

(In CIVIL REVISION No. 20 of 2019)

For the Petitioner/s : Mr. Ashok Kumar Dubey, AC to AAG 11
Mr. Dinesh Maharaj, Advocate
Mr. Ramashray Ray, Advocate
For the Opposite Parties : Mr. Lal Babu Singh, Advocate

(In CIVIL REVISION No. 21 of 2019)

For the Petitioner/s : Mr. Ashok Kumar Dubey, AC to AAG 11
Mr. Dinesh Maharaj, Advocate
Mr. Ramashray Ray, Advocate
For the Opposite Parties : Mr. Lal Babu Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
CAV ORDER

32 01-05-2025 Heard Mr. Ashok Kumar Dubey, AC to AAG-11, Mr. Amit Prakash, GA-13 assisted by Mr. Sanjay Kumar, AC to GA-13, Mr. Sanjay Kumar AC to AAG-4 and Mr. Dinesh Maharaj, learned counsel for the petitioners and Mr. Rajendra Narayan, learned senior advocate, Mr. Manish Sahay, Mr. Ramnath Singh Yadav, learned counsels for the opposite parties.

2. These Revision applications have been filed against



the separate Awards passed on different dates by the Bihar Public Works Contract Dispute Arbitration Tribunal (hereinafter referred to as 'Arbitration Tribunal') in different Reference Cases.

3. All these Civil Revision Applications have been filed much after statutory period of limitation and in the aforesaid revision applications separate interlocutory application has been filed for condoning the delay in filing the Civil Revision application which have been heard separately and are being disposed of by this common order.

Re:- I.A. No. 161 of 2017 in C.R. No. 09 of 2017

4. This application has been filed for condoning the delay of 889 days (2 years 5 months 6 days) in filing the instant application which has been filed on 12.01.2017 against the Award dated 06.05.2014 passed in Reference Case No. 85 of 2010.

5. The remedy against the Award passed by the Arbitration Tribunal is provided under Section 13 of the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008 whereby any party aggrieved by the Award may file Revision Application within three months from the date of the Award.

6. The said Award has been communicated by the



Secretary of the Arbitration Tribunal on 25.05.2014.

7. The instant interlocutory application comprises of 8 paragraphs but it does not disclose the sufficient cause of delay for filing the instant Civil Revision application. Later on, a supplementary affidavit in limitation petition has been filed on 16.05.2017 in which the petitioners have tried to explain the delay caused in filing the Civil Revision application.

8. It is contended that after the knowledge of the Award, the Superintending Engineer *vide* its letter no. 587 dated 05.06.2014 directed the Executive Engineer to ensure compliance of the Award. In compliance of the said direction, the Executive Engineer *vide* its letter no. 1093 dated 24.06.2014 requested the Superintending Engineer for guideline with respectful allotment of funds for the same. The Superintending Engineer requested the then Engineer-in-Chief to provide allotment of funds. The Executive Engineer was informed about the aforesaid facts *vide* memo no. 882 dated 26.07.2014. It is further contended that the then Engineer-in-Chief directed the Executive Engineer to assail the Award passed in Reference Case No. 85 of 2010. The Executive Engineer on 28.08.2014 was directed by the Superintending Engineer to provide the grounds of revision against Award, if any, which was received in



the office of Executive Engineer on 03.09.2014. The Executive Engineer was again directed on 13.09.2014 to provide the grounds of revision against the Award under challenge. It is further contended that the Executive Engineer requested to provide the allotment of fund *vide* letter no. 90 dated 16.01.2015. The then Engineer-in-Chief *vide* letter dated 29.01.2015 asked to provide the Award along with claim petition and counter affidavit filed in Reference case which was provided on 23.02.2015 and thereafter file of this case was sent to the Law Department on 14.05.2015 which was returned on 10.07.2015 with some queries. The queries of the Law Department was explained by the Executive Engineer *vide* letter no. 1928 dated 03.11.2015 which was received in the department on 26.11.2015. It is further pleaded that *vide* letter no. 1747 dated 08.03.2016, the Executive Engineer was directed to provide certified copy of Award which was provided by him *vide* letter dated 11.03.2016 and thereafter on 29.03.2016 the file of this case was again sent to the Law Department but again the file was returned on 22.04.2016 with further queries. The said file was produced on 18.05.2016 before the Secretary of the Department to endorse the file to the Law Department.

9. On perusal of the said file, the Secretary of the



Department approved to file revision against the Award. The Executive Engineer was directed to provide statement of facts for filing the Revision Application. Whereafter Executive Engineer was provided statement of facts by the Road Construction Department and thereafter on 11.11.2016, the said file was again sent to Law Department for filing revision application against the Award. The said file was sent by the Law Department to the office of the Advocate General for filing Revision petition. It was marked to AAG-11 for filing Revision Application thereafter, the Revision Application as well as interlocutory application for condoning the delay in filing the application was filed on 12.01.2017 before this Court.

10. Learned counsel for the petitioners has submitted that there is no deliberate laches on the part of the petitioners rather the delay has occurred because of some necessary official formalities which consumed time due to reason beyond the control of the petitioners. The petitioners should not be penalized for the fault of the individual. Reliance has been placed on the judgment in the case of *Sheo Raj Singh (d) through Lrs. & Ors. Vs. Union of India and Anr.* reported in *(2023) 10 SCC 531*.

11. In the aforesaid judgment, the Hon'ble Apex



Court has also referred the case of ***State of Manipur & Ors. Vs. Koting Lamkang*** reported in ***(2019) 10 SCC 408*** and quoted paragraph nos. 7 & 8 of the said judgment which reads as under:-

“7. But while concluding as above, it was necessary for the Court to also be conscious of the bureaucratic delay and the slow pace in reaching a government decision and the routine way of deciding whether the State should prefer an appeal against a judgment adverse to it. Even while observing that the law of limitation would harshly affect the party, the Court felt that the delay in the appeal filed by the State, should not be condoned.

8. Regard should be had in similar such circumstances to the impersonal nature of the Government's functioning where individual officers may fail to act responsibly. This in turn, would result in injustice to the institutional interest of the State. If the appeal filed by the State are lost for individual default, those who are at fault, will not usually be individually affected.”



12. The Hon'ble Apex Court considering the aforesaid judgment observed that an exercise of jurisdiction does, at times, call for liberal and justice oriented approach by the courts where certain leeway could be provided to the State. The hidden forces that are at work in preventing an appeal by the State being presented within the prescribed period of limitation so as not to allow a higher court to pronounce upon the legality and validity of an order on lower court and thereby secure unholy gains, can hardly be ignored.

13. Learned senior counsel for the opposite party vehemently submitted that the learned Arbitration Tribunal after hearing both the parties, in detail, has passed an Award dated 06.05.2014 in favour of the opposite party in presence of learned counsel for the petitioners. Immediately thereafter, the opposite party submitted an application before the Executive Engineer along with a copy of the Award and requested him to make payments as per the Award. In compliance of said Award, the Executive Engineer requested the Superintending Engineer on 24.06.2014 to make allotment of fund so that payment could be made to the opposite party. The Superintending Engineer has asked Executive Engineer to send the demand letter for sanction of fund in prescribed format. The Executive Engineer again



send the demand letter to the Superintending Engineer in prescribed format on 06.09.2014. It is further contended that Superintending Engineer *vide* its letter dated 29.09.2014 has directed the Executive Engineer to send an inquiry report in prescribed format and details of calculation of interest so that further action be taken for obtaining approval of Law Department and for allotment of fund. Again, the Superintending Engineer had requested the then Engineer-in-Chief to sanction the amount, as the enquiry report in prescribed format is being sent for obtaining approval of Law Department. It is further submitted that after the repeated request made by the Executive Engineer and the Superintending Engineer, the funds has not been allocated for payment to the opposite party in terms of the Award. Lastly, the Executive Engineer *vide* letter dated 01.01.2015, requested the Secretary of Department to make allotment of fund so that payment could be made to the opposite party. Even thereafter, no payment was made to the opposite party for want of allotment of fund by the higher authority of the department. It is further contended that after great persuasion by the opposite party, the Executive Engineer *vide* letter dated 11.05.2016 had requested the Engineer in-Chief to make allotment of required fund. Despite the request for



allotment of fund, the Engineer in-Chief *vide* letter dated 09.06.2016 had directed the Executive Engineer to file revision application before this Court with a petition for condonation of delay, if the grounds for the same exists. If no revision application could be filed, then send a reasoned and clear report from the same.

14. It is further submitted by the learned senior counsel that the petitioner has filed the present revision application just to frustrate the claim of the opposite party. There is no plausible explanation for condoning the delay in filing the limitation petition. Moreover, it has not been stated that when the advice of the Law Department was received by the petitioner and no sufficient cause for the delay has been pleaded in filing the said revision application.

Re:- I.A. No. 7500 of 2017 in C.R. No. 203 of 2017.

15. This application has been filed under Section 5 of the Limitation Act for condoning the delay of 477 days (1 year 3 months 22 days) in filing the revision application from the date of Award dated 01.03.2016 (limitation expired on 01.06.2016 during summer vacation). Stamp reporter has calculated period of limitation from 1st day of opening of the Court i.e. 20.06.2016. The Civil Revision application has been filed on 11



October, 2017 against the Award dated 01.03.2016 passed in Reference Case No. 115 of 2012 by the learned Arbitration Tribunal.

16. The requisition for obtaining certified copy of Award dated 01.03.2016 passed in Reference Case No. 115 of 2012 was filed on 02.08.2017 which was supplied on 08.08.2017.

17. Learned counsel for the petitioners has submitted that the Award dated 01.03.2016 passed in Reference Case No. 115 of 2012 was communicated to the Secretary, Road Construction Department Bihar, Patna, where it was received on 17.03.2016. The said Award was also communicated to the Superintending Engineer, Road Construction Department, Patna *vide* letter no. 21.03.2016 for its compliance.

18. The Executive Engineer also informed the Superintending Engineer for necessary guideline in response to the said letter. The Superintending Engineer on 07.04.2016 sought necessary guideline from the Engineer in-Chief, Road Construction Department. In response to the said memo no. 362, the Engineer in-Chief cum-Additional Commissioner cum-Special Secretary, Road Construction Department Bihar, Patna directed the Executive Engineer to make available grounds of



Revision Application to file Revision Application against the Award dated 01.03.2016. The then Superintending Engineer again directed the Executive Engineer on 13.05.2016 to make available grounds to file revision application against the said Award. In compliance of the said letter dated 13.05.2016, the Executive Engineer made available the grounds to the Superintending Engineer. After perusing said grounds, it was found unsatisfactory and, as such, the Executive Engineer was directed to make available grounds after getting it drafted by empaneled Advocate of the department *vide* letter dated 25.05.2016. It is further contended that the entire file of the case as well as copy of the Award dated 01.03.2016 was made available to the Panel Advocate of the Department, who received the same on 25.05.2016. It is further alleged that the Advocate of the department kept the file pending for long and did not return the same after drafting of grounds of revision and, as such *vide* letters dated 03.11.2016, 18.01.2017, 30.01.2017, 13.02.2017, 27.02.2017 and 15.04.2017, the Executive Engineer requested him to return the file. On 30.04.2017, the concerned Lawyer returned the file along with grounds of Revision Application as well as limitation petition and stay petition. It is further contended that after receiving the said file, the Executive



Engineer sent the said file to the Superintending Engineer *vide* letter dated 31.07.2017. The Superintending Engineer sent the said file to the Chief Engineer, who, in turn, sent the said file to the Engineer in-Chief cum-Additional Engineer cum- Special Secretary Road Construction Department on 18.08.2017 for its approval. On 11.09.2017, the Engineer in-Chief approved for filing Revision application against the said Award and sent the file to the Law Department on 15.09.2017. On the same day, Law Department gave the opinion for filing Revision Application against the said Award and the file was sent to the learned Advocate General on 18.09.2017 which was received in the office of learned Advocate General on 19.09.2017. It is further contended that the learned Advocate General marked the file to the concerned Law Officer for filing Revision Application on 20.09.2017. Thereafter, the concerned Law Officer filed instant Revision Application on 11.10.2017 along with limitation petition as well as stay petition. It is submitted that there is no deliberate or willful delay or laches on the part of the petitioners in filing the instant revision application rather the delay caused on account of procedural formalities.

19. Upon notice, the sole opposite party appeared and filed his rejoinder to the limitation petition bearing I.A. No. 02



of 2017. Learned senior counsel for the opposite party submitted that the Revision Application has been filed on 11.10.2017 against the Award dated 01.03.2016 passed in Reference Case No. 115 of 2012. The said Award was passed on 01.03.2016 in presence of learned counsel for the petitioner who had knowledge about the passing of the Award. It is further submitted that the explanation for condonation of huge delay does not contain acceptable and plausible reason. It appears from the pleading of the limitation petition that the petitioners have failed to explain the delay. They have also failed to give plausible and acceptable reason for the delay in filing the Revision application. It is admitted fact that the Award was pronounced in the presence of learned counsel for the petitioners. The instant revision application has been filed on 11.10.2017 after 477 days (1 year 3 months 22 days). The petitioner has failed to give sufficient explanation for condonation of delay in filing the instant Civil Revision application. It is apparent from the limitation petition, the Award dated 01.03.2016 was communicated through Secretary of the Arbitration Tribunal which was received on 17.03.2016. The file of this instant case was sent to the empaneled Advocate on 25.05.2016 and on the same day he received the file but the



instant revision application has been filed on 11.10.2017. It is further submitted that condonation of delay is an exception and should not be used as an anticipated benefit for Government departments. It is also submitted that Hon'ble Supreme Court as well as this Court have already held that *"The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few"*. It is held that the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government. It is further submitted that the petitioner again acted leisurely and claim condonation of delay as a matter of fact only because the petitioners are the officers of the Government department. The petition for condonation of delay is completely devoid of any merit without any plausible explanation.

Re: I.A. No. 7717 of 2017 in Civil Revision No. 208



of 2017

20. This interlocutory application has been filed under Section 5 of the Limitation Act for condoning of delay of 8 months 22 days (date of Award dated 25.10.2016 and the date of filing is 17.10.2017) in filing the Civil Revision application. The date of filing of requisition for certified copy of Award is 16.10.2017 and the same was supplied on the same day.

21. The instant civil revision application has been filed against the Award dated 25.10.2016 passed by the learned Arbitration Tribunal in Reference Case No. 152 of 2014. The remedy against the Award passed by the Tribunal is provided under Section 13 of the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008 whereby any party aggrieved by the Award may file revision application within three months from the date of Award.

22. From perusal of the averments made in the limitation petition, it appears that vide letter No. 736 dated 15.11.2016, under the signature of the Secretary of the Arbitration Tribunal Award dated 25.10.2016 passed in Reference Case No. 152 of 2014 was communicated which was received on 01.12.2016. After receipt of the Award, the petitioners for the first time came to know about the Award



dated 25.10.2016 passed by the learned Arbitration Tribunal in Reference Case No. 152 of 2014. It was brought to the notice to the empaneled Advocate by the Executive Engineer to prepare statement of facts to file revision application against the said Award. It is contended that the concerned Advocate of the Department prepared the statement of facts and returned the file to the Executive Engineer on 28.07.2017, who, in turn, sent the statement of facts to the Superintending Engineer on 31.07.2017 for its approval. The Superintending Engineer thereafter forwarded the statement of facts to the Chief Engineer, Patna for approval. The Chief Engineer forwarded the statement of facts to the Engineer-in-Chief cum Additional Commissioner cum Special Secretary, Road Construction Department Bihar, Patna vide letter dated 18.08.2017 for its approval. The Engineer-in-Chief gave an approval on 11.09.2017 and the file was then sent to the Law Department which was received there on 15.09.2017. The Law Department after giving its approval on 15.09.2017 sent the file to the learned Advocate General on 18.09.2017 for filing Civil Revision. Thereafter, the present revision application along with limitation petition and stay petition was filed on 17.10.2017. There is no deliberate laches on the part of the petitioners, rather, some delay has occurred in completing



necessary formalities.

23. Upon summon, the sole opposite party has appeared and filed counter affidavit in the limitation matter.

24. Learned senior counsel for the opposite party has submitted that the averments made in the limitation petition are vague, misleading and incorrect. It is admitted fact that the Award dated 25.10.2016 passed in Reference Case No. 152 of 2014 was delivered in presence of both the parties. The Petitioners cannot deny that they had no knowledge about such Award dated 25.10.2016 before 01.12.2016. The Secretary of Arbitration Tribunal sent the Award dated 25.10.2016 passed in Reference Case No. 152 of 2014 for its compliance. It appears from the record that the requisition for obtaining certified copy of the same Award was filed on 16.10.2017 much after expiry of limitation period and the same was delivered on 16.10.2017. The petitioners have also failed to give the reason for the delay in obtaining certified copy while the said Award was passed on 25.10.2016 in presence of the petitioners. It is also contended that the petitioners have not given plausible explanation for the delay and the petitioners have also failed to annex the required documents in support of the averments made in the limitation petition. In the aforesaid facts, the petitioners were not serious



about filing of the present revision application within limitation period. There is no plausible explanation for delay in the said limitation petition. In the aforesaid facts and circumstances of the case, the limitation petition may be dismissed for the ends of justice.

I.A. No. 9374 of 2017 in Civil Revision No. 258 of 2017

25. This interlocutory application has been filed under Section 5 of the Limitation Act for condoning the delay of 1 year 1 month & 3 days in filing Civil Revision No. 258 of 2017.

26. This Civil Revision application has been filed on 20th December, 2017 against the Award dated 17.08.2016 passed in Reference Case No. 59 of 2015 by the learned Arbitration Tribunal. The limitation expired on 17.11.2016. However this Civil Revision application has been filed after 1 year 1 month & 3 days.

27. From the perusal of the averments made in the limitation petition, it appears that the Award was passed by the learned Tribunal on 17.08.2016 which was duly received by the Petitioners on 07.09.2016 sent by the Secretary of the Arbitration Tribunal on 06.09.2016. The main plea explaining the delay is based upon the time consumed in movement of the



file at different stages. It is contended that on 14.09.2016, the Superintending Engineer sent the file to the Chief Engineer for guidelines in view of letter dated 05.09.2016 of Executive Engineer and in turn, the Engineer-in-Chief vide letter dated 23.09.2016 sent the file to the Executive Engineer. The Executive Engineer sent the file to the panel Advocate of the Department for preparing the ground of appeal/revision for filing revision application. The said panel lawyer returned the file to the Executive Engineer on 03.10.2016 along with the grounds of revision application. The Executive Engineer sent the drafted copy of ground for revision to the Superintending Engineer vide letter dated 14.10.2016 for filing the revision application before this Court. The approval for filing of revision application was sought by the Superintending Engineer on 24.10.2017 by the Chief Engineer. On 15.12.2016, the Chief Engineer directed the Executive Engineer to obtain the certified copy of the impugned Award and send the same. In compliance of the said direction, the Executive Engineer applied requisition for obtaining certified copy of the said Award on 06.12.2016. The said Award was supplied on 07.12.2016. It is further pleaded that due to procedural formalities, the limitation period for filing of revision application has elapsed. The Executive



Engineer sent the file along with limitation petition to the Superintending Engineer on 07.11.2017, who sent the file to the Chief Engineer on 11.11.2017. The Chief Engineer sent the file to Engineer-in-Chief for approval who gave the approval on 07.12.2017 and on the same day, the file was sent to the Principal Secretary of the Department. The Principal Secretary forwarded the file to the Law Department for filing revision on the same day. Thereafter, the said file was sent to the office of the learned Advocate General on 13.12.2017. The learned Advocate General marked the file to the concerned Law Officer for filing revision application on 15.12.2017. Soon thereafter, the revision application along with limitation and stay petition was filed on 20th December, 2017. It is further contended that there is no deliberate laches on the part of the petitioners rather the delay has occurred due to some necessary official formalities.

28. On notice, the opposite parties appeared and O.P. No. 1 has filed counter affidavit in limitation petition. It is pleaded that the petitioners have not come before this Court with clean hand because they have failed to give acceptable and cogent reason for delay. From perusal of the entire pleadings of the limitation petition, it appears that they have failed to give



plausible and acceptable explanation of delay for filing the instant revision application. It is further submitted that all the authorities concerned were aware that the limitation period for filing this revision application was only three months from the date on which the Award is made, despite that after about eight (8) months, i.e. on 15.12.2016, the Chief Engineer directed the Executive Engineer to obtain the certified copy for filing the civil revision. The limitation period was expired on 17.11.2016. It is apparent from the limitation application that the petitioners failed to furnish acceptable and cogent explanation for delay in filing the revision application. In the aforesaid facts and circumstances, this limitation petition is fit to be dismissed for the ends of justice.

Re: I.A. No. 8105 of 2017 in Civil Revision No. 225 of 2017

29. This interlocutory application has been filed under Section 5 of the Limitation Act for condoning the delay of 2 years 11 months 18 days in filing the Civil Revision application.

30. This Civil Revision application has been filed on 09.11.2017 against the Award dated 21.08.2014 passed in Reference Case No. 38 of 2013 by the learned Arbitration Tribunal whereby the claim of the opposite party for payment of



interest at the rate of 10 per cent per annum with effect from 13.09.2009 till 12.09.2012 over an amount of Rs. 2,45,777/- only as also for cost was allowed.

31. In the light of the aforesaid Award, the opposite party filed representation on 08.09.2014 to the Executive Engineer, NH Division-2, Road Construction Department, Bihar Sharif and requested to make payment in view of Award dated 21.08.2014. It is further pleaded that the Executive Engineer had made a request to Chief Engineer to release the fund so that payment may be made to the opposite party in compliance of order passed by the Arbitration Tribunal. In response to that the Chief Engineer wrote a letter to the Executive Engineer on 05.11.2014 to make available grounds of review for filing the review petition against the said Award. The same was made available to the Superintending Engineer for filing review petition on 29.12.2014 and the same was sent to the Chief Engineer on 12.01.2015 for its approval. The Chief Engineer sent the file to the Engineer-in-Chief on 04.02.2015, who authorised the Executive Engineer on 20.03.2015 to file review petition before the Arbitration Tribunal. Soon thereafter, the review petition was filed on 22.04.2015 before the Arbitration Tribunal which was dismissed on 27.04.2016.



Thereafter, the Chief Engineer directed for filing revision application against the Award dated 21.08.2014 as well as order passed in Review case no. 4 of 2015 dated 27.04.2016. On the request of the Executive Engineer, the empaneled Advocate prepared grounds of revision for filing civil revision. The same was forwarded to Superintending Engineer. The Superintending Engineer sent the file to Chief Engineer on 07.12.2016 for its approval. It is further contended that the Chief Engineer directed Executive Engineer on 29.12.2016 to obtain certified copy of Award dated 21.08.2014 and order dated 27.04.2016 passed in the aforesaid review petition. However, the Executive Engineer superannuated from his service on 31.01.2017 and the present Executive Engineer took charge on 23.02.2017. It is also pleaded that after the knowledge of the said matter, the present Executive Engineer obtained certified copy from Arbitration Tribunal and sent it to Superintending Engineer on 13.07.2007. The Chief Engineer sent the file to Engineer-in-Chief on 14.07.2017 for its approval, who, in turn, sent the file to Principal Secretary of the Department on 19.07.2017. The Principal Secretary made some query and returned the file which was again submitted on 04.10.2017. The Principal Secretary gave approval on 05.10.2017 and sent it to the Law



Department for opinion/advice. The Law Department gave permission to file revision application and sent it to the office of learned Advocate General on 10.10.2017. Soon thereafter, on 09.11.2017, the aforesaid revision application was filed. There is no deliberate or willful delay or laches on the part of the petitioners in filing the revision application rather the delay has been caused on account of procedural formalities and prayed for condoning the delay in filing the civil revision application.

32. On notice in the limitation matter, the opposite party appeared and filed his counter affidavit and vehemently opposed the limitation petition. It is contended that the petitioners have failed to explain the delay. They have also failed to give plausible and acceptable explanation of huge delay in filing the present civil revision application. It is further contended that the remedy against the Award passed by the Arbitration Tribunal is provided under Section 13 of the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008 whereby any party aggrieved by the Award may file revision application within three months from the date of Award. The instant revision application has been filed on 09.11.2017 while the limitation expired on 21.11.2014 after delay of 2 years 11 months 18 days (wrongly noted as 3 years 2 months 19 days). It



is further pleaded that the petitioners have not filed any paper/documents in support of their averments. It is submitted that the petitioners themselves admit that on 08.09.2014, they have got knowledge about the Award dated 21.08.2014 and despite that they applied for obtaining certified copy of the Award on 10.07.2017 which was supplied to them on 13.07.2017 and the revision application has been filed on 09.11.2017 before this Court. It is apparent from the pleadings of the petitioners that they were fully aware about the Award dated 21.08.2014. In such view of the matter, the petitioners have failed to furnish acceptable and cogent explanation for delay in filing the civil revision application. The opposite party has relied upon the decision in the case of *Postmaster General Vs. Living Media India Ltd.* Reported in (2012) 3 SCC 563 and in the case of *State of U.P. v. Amar Nath Yadav* reported in (2014) 2 SCC 422. It is vehemently submitted that the State and its officers cannot be treated differently while considering the prayer for condonation of delay and prayed for dismissal of the limitation petition.

Re: I.A. No. 201 of 2018 in C.R. No. 05 of 2018

33. This application has been filed under Section 5 of the Limitation Act, 1963 for condoning the delay of 10 months 9



days in filing the instant Civil Revision application.

34. The instant application has been filed against the Award dated 30.11.2016 passed in Reference Case No. 106 of 2012 by the learned Bihar Public Works Contracts Disputes Arbitration Tribunal, Patna.

35. The aforesaid revision application along with limitation petition has been filed on 09.01.2018. The period of limitation expired on 28.02.2017. The requisition for certified copy of Award was filed on 08.03.2017 which was ready for delivery on the same day. The said certified copy was obtained on 10.03.2017.

36. From perusal of the averments made in the limitation petition, it is appears that the petitioners got knowledge of the Award dated 30.11.2016 passed in Reference Case No. 106 of 2012 on 19.12.2016. Soon thereafter, the deponent sent the file to the department for necessary action.

37. In view of the legal opinion obtained from Panel Advocate of the Department, the Department had taken decision to assail the matter by filing Civil Revision application before this Court. On the direction of Engineer-in-Chief cum-Additional Commissioner cum Special Secretary of the department *vide* its letter dated 23.12.2016 for preparation of



statement of facts and grounds for Civil Revision and in compliance of the same, the Executive Engineer vide letter dated 10.02.2017 and submitted the formal draft prepared by Panel Advocate to the Superintending Engineer on 10.02.2017. Thereafter, the Chief Engineer issued letter dated 08.03.2017 with a direction to the Superintending Engineer to make available the statement of facts and grounds of Revision application. The Superintending Engineer issued letter dated 09.03.2017 to the Executive Engineer to submit the statement of facts and grounds as required. The Executive Engineer sent a letter to the Superintending Engineer on 18.03.2017 whereby the Executive Engineer has replied that the required certified copy of the Award has already been submitted in the department. The Engineer-in-Chief- cum- Special Secretary issued the letter dated 28.04.2017 to the Chief Engineer, South Bihar with specific direction to make available the grounds of revision and application for condonation of delay. A reminder was also sent by the Engineer-in-Chief to the Chief Engineer, South Bihar on 25.07.2017. It is further contended that after receiving the statement of facts and grounds for filing Civil Revision application, the same was sent for approval. The Engineer-in-Chief approved the statement of facts and grounds



for filing the Civil Revision and file was sent to the Law Department on 13.10.2017 for filing the Civil Revision application. The Law Department sent the file to the office of the learned Advocate General, Bihar, on 17.10.2017 and subsequently the present case was allotted to the learned AAG-11. Thereafter, the present Civil Revision application has been filed on 09.01.2018. It is further contended that there is no deliberate or intentional laches on the part of the petitioner rather the same has occurred due to lack of knowledge of the Award as well as due to procedural formalities.

38. Learned counsel for the opposite party appeared *suo moto* but did not file counter affidavit to the limitation petition.

Re: I.A. No. 9684 of 2018 in C.R. No. 194 of 2018

39. This application has been filed under Section 5 of the Limitation Act, 1963 for condoning the delay of 2 years 21 days (date of Award is 31.08.2016) in filing the instant Civil Revision application.

40. The present Revision application has been filed against the Award dated 31.08.2016 passed in Reference Case No. 134 of 2013 by the Arbitration Tribunal. The period of limitation for filing the instant Revision application expired on



30.11.2016 (90 days from the date of Award).

41. In the limitation petition, it is contended that the impugned Award was passed on 31.08.2016 in Reference Case No. 134 of 2018 by the Arbitration Tribunal and the same was received on 29.09.2016. It was brought to the notice of Under Secretary of the department on 24.11.2016, who placed the file before the Joint Secretary on 25.11.2016. The same was produced before the Engineer-in-chief on 04.12.2016. Thereafter, the file was placed before the Principal Secretary of the department on 05.12.2016. The Engineer-in-chief sent the file to the Law Department seeking opinion for filing Civil Revision application against the impugned Award. The Secretary-cum-Legal Remembrance, Department of Law, Bihar gave its opinion thereafter the file was sent to office of learned Advocate General on 16.12.2016. It is further contended that file was kept in the bunch of regular cases by mistake of Advocate's clerk of the concerned Lawyer due to which the present Civil Revision application could not be filed in time. It is further contended that in course of verification, the file was located by the learned AC to AAG-4 on 05.10.2018. Soon thereafter, the present Revision application along with the limitation petition has been filed on 20.12.2018. Due to mistake



of the Advocate's clerk delay has been caused in filing the Civil Revision application and there is no deliberate or intentional laches on the part of the petitioners in filing the instant Civil Revision application.

42. Learned senior counsel for the opposite party submitted that the explanation for condonation of huge delay does not contain acceptable and plausible reason. The impugned Award was passed on 31.08.2016 and the requisition for certified copy of the Award was filed on 18.12.2018, i.e. just 2 days before filing the instant Revision application and the same was delivered on the same date despite the fact that the said Award dated 31.08.2016 was pronounced in presence of both the parties. Further, it is admitted by the petitioners that the impugned Award was received on 29.09.2016 sent by the office of Arbitration Tribunal. The petitioners cannot deny knowledge of such Award within statutory period of limitation. It is apparent from the plea taken by the petitioners in its limitation petition that each and every stage of movement of file lackadaisical approach was taken for obtaining necessary approval/ formalities. From the pleading of limitation petition, it appears that the petitioners have failed to explain delay by giving plausible and acceptable reason of delay in filing the



present Civil Revision application.

Re: I.A. No. 1 of 2019 in Civil Revision No. 9 of 2019

43. This interlocutory application has been filed under Section 5 of the Limitation Act for condonation of delay of 1 year, 10 months 24 days (693 days) in filing this Civil Revision application against the Award dated 22.11.2016 passed by the learned Tribunal in Reference Case No. 110 of 2011, whereby the petitioners' Reference Case has been dismissed.

44. From perusal of the averments made in the limitation petition, it appears that the Section Officer of the Department received the copy of Award dated 22.11.2016 on 06.12.2016. The file was sent to the Superintendent Engineer and opinion was sought from the Chief Engineer of the Department through proper channel. It is further contended that statement of facts for filing Civil Revision was received from Chief Engineer on 20.12.2016. The same was forwarded to the Law Department for obtaining opinion on the same day. The file was brought to the notice of Engineer in Chief, who forwarded the same to Principal Secretary on 15.03.2017 for obtaining legal formalities and lastly Secretary-cum-Legal Remembrance, Bihar rendered its sanction and thereafter, on 28.03.2017, file



was sent to the learned Advocate General and on his advice for filing Civil Revision Application, against the said Award, the file was allotted to the AAG-4 on 30.03.2017. It is further contended that the file was locked in the Almirah and the Advocate's Clerk inadvertently kept the file alongwith other files in a bundle. The said file got tied up with other files and only in the month of September, 2018, when officer of the department approached the office of AAG-4, then on search, the file was located on 28.09.2018. Thereafter, the said file along with statement of facts was allotted to Assistant Counsel on 03.10.2018 for preparing Revision Petition and limitation petition and soon thereafter, revision application was drafted finally on 26.10.2018 the brief became ready for oath. A letter was sent to the Department for deputing the authorised person to swear the affidavit of the revision application. Lastly on 15.01.2019, the present revision application alongwith limitation petition has been filed. It is further case of the petitioners that due to mistake of the Advocate's clerk, some delay has caused in filing this revision application and there is no intentional and deliberate laches on the part of the petitioners.

45. On notice in limitation matter, opposite party



appeared and filed rejoinder to the limitation petition and vehemently opposed the prayer for condonation of huge delay of 599 days (wrongly noted as 693 days). It is contended that the explanation for condonation of delay does not contain any acceptable and plausible reason. It is further contended that it is admitted by the petitioners that the Award dated 22.11.2016 was received by the Section Officer on 06.12.2016 itself. The requisition for obtaining certified copy of Award dated 22.11.2016 passed in Reference Case No. 110 of 2011 was filed on 04.01.2019 which was ready on the same day i.e. 04.01.2019, despite the knowledge of the Award and the same was received on 06.12.2016. It is apparent from the certified copy of the Award that the requisition for obtaining certified copy was filed on 04.01.2019 much beyond the prescribed period of limitation for filing the Civil Revision application. It is apparent from the limitation petition that the petitioners have failed to furnish acceptable and cogent explanation for delay of 1 year 10 months 24 days in filing the revision application. It is further contended that it is the usual explanation that the file was kept pending for several months and time was consumed in procedural formalities and also the file was kept in the Almirah of the office of the advocates for several months. In such view



of the matter, the limitation petition may be dismissed having no acceptable explanation of huge delay.

Re: I.A. No. 1 of 2019 in Civil Revision No. 20 of 2019

46. This application has been filed under Section 5 of the Limitation Act for condoning the delay of 3 years 9 months 16 days. The limitation expired on 20.04.2015 which was the last date of filing this Civil Revision.

47. The aforesaid revision application has been filed against the Award dated 20.01.2015 passed in Reference Case No. 102 of 2011 by the Arbitrator Tribunal, Patna whereby learned Arbitration Tribunal directed to refund the amount under different heads with costs.

48. From perusal of the pleadings made in the limitation petition, it appears that the petitioners came to know about the Award dated 20.01.2015 passed in Reference Case No. 102 of 2011 on 21.03.2015 on receiving the intimation from conducting lawyer of the said case. The department vide its Letter No. 652 dated 27.01.2016 requested the empaneled Advocate for drafting the statement of facts for assailing the Award dated 20.01.2015 passed in Reference Case No. 102 of 2011 by the Arbitrator Tribunal. However, the present matter



was earlier under the Road Construction Department NH Division, Aurangabad but from 22.09.2015 onwards, this matter was transferred to NH Division Gulzarbagh. It is further pleaded that the concerned advocate of the department could not prepare the grounds to file civil revision application due to paucity of time. Then, the file was sent to another counsel on 22.08.2016. The learned counsel for the department returned the file to the department on 22.09.2017 along with statement of facts for filing civil revision application. The same was sent to the department for its approval by the Executive Engineer NH Division Gulzarbagh vide Letter No. 1127 dated 21.09.2017 through the concerned Superintending Engineer. It is further contended that the said file was again sent to another advocate of the department for preparing grounds for condonation of delay on 09.11.2017. The same was returned along with the statements of facts with regard to the condonation of delay by the concerned advocate of the department on 24.11.2017. Thereafter the present revision application has been filed on 06.02.2019. Hence, there is no deliberate or intentional laches on the part of the petitioners and prayer has been made to condone the delay in the interest of justice.

49. On 17.02.2020 *suo moto* opposite party appeared



through his learned counsel by filing *Vakalatnama* on behalf of the opposite party and also filed rejoinder to I.A. No. 1 of 2019 (wrongly typed as I.A. No. 1 of 2020) and vehemently opposed the condonation of huge delay of 3 years 9 months 16 days.

50. It is contended that the work in question was under Road Construction Department, NH West Division, Patna and not under NH Division Aurangabad. The said Reference Case was filed against the State of Bihar through the Secretary, Road Construction Department, Patna and the Executive Road Construction Department, NH West Division Patna. The statement of petitioners itself stands falsified from the records. The petitioners appeared in the said Reference Case before the Arbitration Tribunal and filed their rejoinder in the Reference Case on 04.12.2013 itself. The department misled this Court by making false statements. As such, the petitioners are not entitled to equitable reliefs for condonation of delay. It is well settled that whoever has approached the court with unclean hands, as in the instant case, no equitable relief can be granted to such unfair litigants. It is also contended that the petitioners have no explanation or sufficient reason for delay in filing the present revision application except saying that delay has occurred due to movement of file from one office to another office. It is



contended that the lame excuse and reasons are not sufficient for condonation of delay. The statement made by the petitioners is totally misleading, laxity on the part of petitioner as well as casualness of the petitioners. It is further contended that the Apex Court as well as this Court has already held that “the Government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as as an anticipated benefit for Government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few”. In such view of the matter, the huge delay of 3 years 9 months 16 days cannot be condoned in the interest of justice.

Re: I.A. No. 01 of 2020 in C.R. No. 21 of 2019

51. This application has been filed under Section 5 of the Limitation Act for condoning the delay of 3 years 2 days in filing the instant Civil Revision application. The said Revision application has been filed against the judgment and Award dated 04.11.2015 passed in Reference Case No. 61 of 2012 by the learned Arbitration Tribunal whereby an Award was passed in favour of opposite party.

52. It is contended that a notice was issued by the



Executing Court which was received on 28.05.2018 and on getting the said information with regard to execution case arising out of Award dated 04.11.2015 passed in Reference Case No. 61 of 2012, the then Superintending Engineer, N.H. Division, Gulzarbagh, issued letter no. 1636 dated 30.05.2018 and directed the Executive Engineer, N.H. Division, Gulzarbagh, to appear before the learned Execution Court through Government Pleader and also directed to submit the stand of the Government in this regard and further directed that statement of facts would be prepared and the same would be sent for approval. In compliance of aforesaid letter, the Executive Engineer N.H. Division, Gulzarbagh, issued letter dated 04.06.2018 and requested the Government Pleader to make pairvi in the matter. It is further submitted that the Engineer-in-chief, Road Construction Department also issued memo No. 4131(E) dated 14.06.2018 and directed the Executive Engineer N.H. Division, Gulzarbagh, to prepare the statement of facts for filing show cause in the Execution Case No. 284 of 2017 on the direction of the superior authority of the concerned department. The Executive Engineer N.H. Division, Gulzarbagh, enquired about the Reference Case No. 61 of 2012 from the learned Arbitration Tribunal and then they learnt that



the matter has already been disposed of by order/ Award dated 04.11.2015. Thereafter, on 14.09.2018 he applied for obtaining certified copy of Award dated 04.11.2015 passed in Reference Case No. 61 of 2012. The same was supplied on the same day. After perusal of the said Award dated 04.11.2015 passed by the learned Arbitration Tribunal, it was decided to challenge the Award of Arbitration Tribunal and before this Court by way of filing Civil Revision application. Accordingly, statement of facts and grounds for filing Revision application was prepared and the same was put up before the authority concerned on 19.11.2018 for sanction. After preparation of Civil Revision application, the file along with draft was sent for vetting and after completing the procedure, the file was sent to the Secretary-cum-Legal Remembrance on 11.12.2018. The Secretary-cum-Legal Remembrance sent the file to the learned Advocate General for filing Civil Revision application against the impugned Award. Thereafter, the present Revision application has been filed on 06.02.2019. It is further submitted that petitioners had no knowledge about the Award dated 04.11.2015 passed in Reference Case No. 61 of 2012 and there is no deliberate or intentional laches on the part of the petitioners. The delay has occurred on account of complying the



procedural formalities and prayed that it may be condoned for the ends of justice.

53. Learned counsel for the opposite party appeared *suo moto* and filed his rejoinder to the interlocutory application and vehemently opposed the condonation of delay in filing the instant Revision application. It is further contended that the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008 was enacted with the object of expeditious redressal of the dispute and as such, while considering the application for condonation of delay, the object of the Act is of paramount consideration. The remedy against the Award passed by the Tribunal is provided under Section 13 of the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008 whereby any party aggrieved by the Award may file Revision application within 3 months from the date of Award while the present application has been filed after about 3 years of expiry of limitation period of 90 days. It is further contended that petitioners were party in Reference Case No. 61 of 2012 represented through the counsel and they filed their reply in the said Reference Case. Moreover, the said impugned Award was passed by the Arbitration Tribunal in presence of learned counsels for the parties after notifying the case 'For Orders' and



in such view of the matter petitioners cannot take plea that they had no knowledge about the passing of the Award. There is no plausible explanation for delay in the instant application. The said Award was passed after hearing the parties and it is not an ex parte Award. It is pertinent to mention that the petitioners have themselves stated that they had learnt about the Execution case on 28.05.2018 itself therefore their statement that they learnt about the Award on 14.09.2018 is patently false. It is further contended that the deponent in order to get order of condonation of delay in favour of petitioner, has made false statement in limitation petition and as such the petitioners are not entitled to equitable relief in the nature of condonation of delay as it is well settled that if the party approaches the Court with unclean hands, as in the present case, no equitable relief can be granted to such unfair litigants. Petitioners have not furnished sufficient cause of delay in filing of the present Revision application except saying that delay has occurred due to movement of file from one office to another. It is further contended that the State and its officers cannot be treated differently while considering the prayer of condonation of delay. The petitioners have miserably failed to give any acceptable and cogent reason which may be sufficient to condone the delay of



about 3 years.

54. In support of their cases, learned counsel for the petitioners, in all cases, submitted his common submission placing the relevant citations for consideration of condonation of delay in filing the Revision applications.

55. Learned counsel for the petitioners relied upon the decision reported in **2023 (10) SCC 531 (Sheo Raj Singh (d) through Lrs. & Ors. Vs. Union of India and Anr)** wherein the Apex Court has held in para 35.2 “*the expression “sufficient cause” is elastic enough for courts to do substantial justice.* 35.3. *It is upon the courts to consider the sufficiency of cause shown for the delay, and the length of delay is not always decisive while exercising discretion in such matters if the delay is properly explained.* 35.4. *It is further held that a distinction should be drawn between inordinate unexplained delay and explained delay, where in the present case, the first respondent had sufficiently explained the delay on account of negligence on part of the government functionaries and the government counsel on record before the Reference Court.* 41. *An exercise of jurisdiction does, at times, call for liberal and justice oriented approach by the courts where certain leeway could be provided to the State. The hidden forces that are at work in preventing an*



appeal by the State being presented within the prescribed period of limitation so as not to allow a higher court to pronounce upon the legality and validity of an order on lower court and thereby secure unholy gains, can hardly be ignored”.

56. Learned counsel for the petitioners submitted that due to special circumstances which were beyond the control of the State authorities some time was consumed in taking procedural formalities. It was further urged that delay may be condoned as the interest of State would be jeopardized and whatever be the laches were, they were neither willful nor deliberate. In this context, learned counsel for the petitioners has drawn the attention of this Court to a decision of the Apex Court reported in **2015 (3) SCC 569 (Executive Officer, Antiyur Town Panchayat vs.. G. Arumugam (D) By Lrs.**, wherein, the Apex Court condoned the delay of 1373 days in filing the appeal. Learned counsel submitted that in the interest of justice and keeping in view the larger interest, the court should take lenient view and condone the delay howsoever, the huge may be the delay. Learned counsel(s) further relied upon a decision in the case of **Maniben Devraj Shah vs. Municipal Corporation of Brihan Mumbai** reported in **2012 (5) SCC 157**. In the aforesaid decision, the Apex Court in paragraph 18 has relied upon a



decision of the Apex Court reported in **(1998) 7 SCC 123 (N. Balakrishnan v. M. Krishnamurthy)** wherein, the Apex Court has held that rules of limitation are not meant to destroy the rights of parties. They are meant to see that parties do not resort to dilatory tactics, but seek their remedy promptly. In paragraph 13 of the aforesaid judgment, the Apex Court has held that while condoning the delay, the court should not forget the opposite party altogether. It must be borne in mind that he is a loser and he too would have incurred quite large litigation expenses. It would be a salutary guideline that when courts condone the delay due to laches on the part of the applicant, the court shall compensate the opposite party for his loss.

57. Reliance has also been placed by learned counsel for the petitioners on the judgment in the case of **Lanka Venkateswarlu (D) By Lrs vs State Of A.P. & Ors** reported in **2011 (4) SCC 363** wherein the Apex Court has held that the concepts such as "liberal approach", "justice oriented approach", "substantial justice" can not be employed to jettison the substantial law of limitation. Especially, in cases where the Court concludes that there is no justification for the delay. On the similar point, reliance has been placed also on the decision in the case of **State of Nagaland v. Lipok AO and Ors.** reported



in *(2005) 3 SCC 752*.

58. Per contra, learned senior counsel appearing on behalf of opposite party has vehemently opposed the application for condonation of delay and replied the submission based on citation. Learned senior counsel submitted that the petitioners have relied upon *State of Nagaland v. Lipok AO* (supra). The said judgment arises out of a criminal appeal. The State preferred appeal against acquittal and application for grant of leave was made in terms of Section 378 (3) of the Code of Criminal Procedure, 1973 as there was delay in making the application for grant of leave in terms of Section 378(3) of the Cr.P.C., application for condoning the delay was filed. There was delay of 57 days in preferring application for grant of leave under Section 378(3) of the Cr.P.C. The High Court refused to condone the delay of 57 days on the ground that it is a duty of litigant to file appeal before expiry of limitation period. Merely because the Additional Advocate General did not file an appeal inspite of instructions issued to him that did not constitute sufficient cause and further the fact that the records were purportedly missing was not valid ground. Consequently, the application for grant of leave was rejected by the High Court. The Apex Court condoned the delay of 57 days in filing the



grant of leave and set aside High Court's judgment. In the present cases, in all the revision applications, almost same grounds have been taken by the authorities concerned with regard to movement of file for obtaining sanction and other formalities.

59. Learned senior counsel further submitted that it is apparent from the records that there was delay at every stage and there is no explanation except mentioning the dates of movement of files even according to the petitioners, they received the impugned Awards on 25.05.2014 (in Civil Revision No. 9 of 2017 which has been filed on 12.01.2017), Award dated 01.03.2016 was received on 17.03.2016 (in Civil Revision No. 203 of 2017 which has been filed on 11.10.2017), Award dated 25.10.2016 was received on 01.12.2016 (in Civil Revision No. 208 of 2017 which has been filed on 17.10.2017), Award dated 17.08.2016 was received on 07.09.2016 sent by the Secretary of the Arbitration Tribunal (in Civil Revision No. 258 of 2017 which has been filed on 20.12.2017), Award dated 21.08.2014 which was informed to the petitioners by opposite parties through his representation dated 08.09.2014 ((in Civil Revision No. 225 of 2017 which has been filed on 09.11.2017), for Award dated 30.11.2016, requisition for certified copy of Award was



filed on 08.03.2017 and on the same day, the said certified copy of Award was ready for delivery (in Civil Revision No. 5 of 2018) which has been filed on 09.01.2018, Award dated 31.08.2016 was received on 29.09.2016 by the petitioners (in Civil Revision Application No. 194 of 2018) which has been filed on 20.12.2018, Award dated 22.11.2016 was received on 06.12.2016 by the petitioners (in Civil Revision No. 9 of 2019 which has been filed on 15.01.2019), Award dated 20.01.2015 was received on 21.03.2015 (in Civil Revision No. 20 of 2019) which has been filed on 06.02.2019 after prescribed period of limitation and the impugned Award was passed in presence of the petitioners' counsel (in Civil Revision No. 21 of 2019 which has been filed on 06.02.2019 after about 3 years of expiry of limitation period of 90 days).

60. Reliance has been placed in the case of ***Postmaster General and Others Vs. Living Media India Ltd. And Another*** reported in ***(2012) 3 SCC 563***. The Hon'ble Apex Court in order to emphasize that the State and its officers cannot be treated differently while considering the prayer for condonation of delay has held in the aforesaid judgment as follows:-

“27. It is not in dispute that the person(s) concerned were well aware or conversant



with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us.

28. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government.

29. In our view, it is the right time to inform all the government bodies, their agencies



and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.

30. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.”

61. Learned senior counsel replied upon the decision relied by the petitioners in the case of **Maniben Devraj Shah (Supra)** and has placed paragraph nos. 18 & 19 of the said



judgment. Learned senior counsel also placed paragraph 28 & 29. The Apex Court has held that the learned single judge of the High Court altogether ignored the gaping holes in the story concocted by the Corporation about misplacement of the papers and total absence of any explanation as to why nobody even bothered to file applications for issue of certified copies of the judgment for more than 7 years. It has been further held that the reason assigned by the learned single judge be treated as poor apology for exercise of discretion by the Court under Section 5 of the Limitation Act and dismissed the appeal filed by the respondent against the judgment of the trial court.

62. Further, reliance has also been placed on the judgment passed in the case of *State of Bihar and Others Vs. Santosh Kumar* in Civil Revision No. 109 of 2018, whereby this Court after considering the judgment of Apex Court as well as this Court dismissed the application holding that the petitioners have miserably failed to give any acceptable and cogent reason which may be sufficient to condone the delay of 1 year 3 months 20 days in filling the instant revision application. Further reliance has been placed in the case of *State of Bihar & Others Vs. M/s Trimurti Construction* passed by this Court in Civil Revision No. 48 of 2015 on 23.09.2015. This Court has



held that the petitioner had failed to furnish acceptable and cogent explanation for delay of 9 months 26 days in filing the revision application. Accordingly, the said revision application was dismissed on the point of delay of 9 months 26 days without any cogent explanation.

63. Shorn of unnecessary details, it may be stated that the instant applications have been filed on behalf of the petitioners against the impugned Award and in each of the aforesaid Civil Revision applications, prayer has been made to condone the delay of 2 years 6 months 16 days in Civil Revision No. 09 of 2017, 1 year 3 months 22 days in Civil Revision No.203 of 2017, 8 months 22 days in Civil Revision No. 208 of 2017, 1 year 1 month 3 days in Civil Revision No. 258 of 2017, 2 years 11 months 18 days in Civil Revision No. 225 of 2017, 10 months 9 days in Civil Revision No. 5 of 2018, 2 years 21 days in Civil Revision No. 194 of 2018, 1 year 10 months 24 days in Civil Revision No. 9 of 2019, 3 years 9 months 16 days in Civil Revision No. 20 of 2019 and 3 years 2 days in Civil Revision No. 21 of 2019. The Award dated 06.05.2014 passed in Reference Case No. 85 of 2010 (Civil Revision No. 9 of 2017), Award dated 01.03.2016 passed in Reference Case No. 115 of 2012 (Civil Revision No. 203 of 2017), Award dated 25.10.2016



passed in Reference Case No. 152 of 2014 (Civil Revision No. 208 of 2017), Award dated 17.08.2016 passed in Reference Case No. 59 of 2015 (Civil Revision No. 258 of 2017), Award dated 21.08.2014 passed in Reference Case No. 38 of 2013 (Civil Revision No. 225 of 2017), Award dated 30.11.2016 passed in Reference Case No. 106 of 2012 (Civil Revision No.05 of 2018), Award dated 31.08.2016 passed in Reference Case No. 134 of 2013 (Civil Revision No. 194 of 2018), Award dated 22.11.2016 passed in Reference Case No. 110 of 2011 (Civil Revision No. 9 of 2019), Award dated 20.01.2015 passed in Reference Case No. 102 of 2011 (Civil Revision No. 20 of 2019) and Award dated 04.11.2015 passed in Reference Case No. 61 of 2012 (Civil Revision No. 21 of 2019) have been challenged separately in the aforesaid revision applications filed under Section 13 of the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008 which provides for revision application to be filed within three months from the date on which the Award is made. The limitation for filing of the Revision Applications expired on 06.08.2014, 20.06.2016, 25.01.2017, 21.11.2014, 17.11.2016, 28.02.2017, 30.11.2016, 22.02.2017, 20.04.2015 & 04.02.2016 respectively.

64. The details of the each case has been mentioned in



the following table.

SI No.	No. of Civil Revision	Date of Award	Date of knowledge/communication of Award	Date of requisition for C.C. of Award	Award ready for delivery	Date of supplied	Date of filing Civil Revision	Delay in filing Civil Revision
1.	9/2017	06.05.2014	25.05.2014	-----	----	----	12.01.2017	2 years 5 months 6 days
2.	203/2017	01.03.2016	17.03.2016	02.08.2017	02.08.2017	08.08.2017	11.10.2017	1 year 3 months 22 days
3.	208/2017	25.10.2016	01.12.2016	16.10.2017	16.10.2017	16.10.2017	17.10.2017	8 months 22 days
4.	258/2017	17.08.2016	07.09.2016	06.12.2016	06.12.2016	07.12.2016	20.12.2017	1 year 1 month 3 days
5.	225/2017	21.08.2014	08.09.2014	10.07.2017	12.07.2017	13.07.2017	09.11.2017	2 years 11 months 18 days
6.	5/2018	30.11.2016	19.12.2016	08.03.2017	08.03.2017	10.03.2017	09.01.2018	10 months 9 days
7.	194/2018	31.08.2016	29.09.2016	18.12.2018	18.12.2018	18.12.2018	20.12.2018	2 years 21 days
8.	9/2019	22.11.2016	06.12.2016	04.01.2019	04.01.2019	04.01.2019	15.01.2019	1 year 10 months 24 days
9.	20/2019	20.01.2015	21.03.2015	09.10.2017	09.10.2017	09.10.2017	06.02.2019	3 years 9 months 16 days
10.	21/2019	04.11.2015	28.05.2018	14.09.2018	14.09.2018	14.09.2018	06.02.2019	3 years 2 days



65. In all cases, the requisitions for certified copy of Awards have been filed by the petitioners after long delay of the prescribed period for filing the revision applications. It is apparent from the limitation petitions filed in the aforesaid revision applications that there was delay at every stage and there is no plausible explanation except mentioning the dates of movement of files. The matter has been dealt with by the Hon'ble Apex Court in detail in the case of ***Government of Maharashtra (Water Resources Department) represented by Executive Engineer Vs. Borse Brothers Engineer and Contractors Pvt. Ltd.*** reported in ***(2021) 6 SCC 460***. The Hon'ble Supreme Court has held that the object of speedy disposal sought to be achieved both under the Arbitration Act and the Commercial Courts Act, that is, the speedy resolution of disputes, the expression "sufficient cause" is not elastic enough to cover long delays beyond the period provided by the appeal provision itself. Besides, the expression "sufficient cause" is not itself a loose panacea for the ill of pressing negligent and stale claims. The Apex Court has relied upon the decision in the case of ***Basawaraj Vs. LAO*** reported in ***(2013) 14 SCC 81***. The expression "sufficient cause" should be given a liberal interpretation to ensure that substantial justice is done, but only



so long as negligence, inaction or lack of bona fides cannot be imputed to the party concerned, whether or not “sufficient cause” has been furnished, can be decided on the facts of a particular case and no straitjacket formula is possible.

66. The Hon’ble Apex Court further quoted policy of Limitation Acts and unlimited limitation would lead to a sense of insecurity and uncertainty, and therefore, limitation prevents disturbances or deprivation of what any have acquired in equity and justice by long enjoyment or what may have been lost by a party’s own inaction, negligence or laches. It has been further held in the case of ***P. Ramachandra Rao Vs. State of Karnatka*** reported in ***(2002) 4 SCC 578***, by the Hon’ble Apex Court held that judicially engrafting principles of limitation amounts to legislating and would fly in the face of law laid down by the Constitution Bench in ***Abdul Rehman Antulay Vs. R.S. Nayak*** reported in ***(1992) 1 SCC 225***. It has been further quoted that law on the issue can be summarized to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the “sufficient cause” which means an adequate and enough reason which prevented him to approach the Court within limitation. In case a party is found to be negligent or for want of bona fide on his



part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be justified grounds to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The Hon'ble Apex Court in number of cases particularly in the ***Postmaster General (Supra)*** in paragraph no. 27, 28 & 29 has observed that merely because the Government is involved, a different yardstick for condonation of delay cannot be laid down.

67. The decision in the **Postmaster General (supra)** has been followed in the following subsequent judgment of the Hon'ble Apex Court.

(i) The State of Rajasthan Vs. Bal Kishan Mathur reported in (2014) 1 SCC 592 -at paras 8-8.2.

(ii) The State of U.P. Thr. Exe. Engineer & Anr. Vs. Amar Nath Yadav reported in (2014) 2 SCC 422 – paras 2-3.

(iii) The State of M.P. & Ors. Vs. Bherulal reported in (2020) 10 SCC 654 – at paras 3-4.

68. In a recent decision, the Hon'ble Supreme Court has laid down principles in the case of ***Pathapati Subba Reddy (died) by Lrs. And Ors. Vs. The Special Duty Collector (LA)*** in



Special Leave Petition (Civil) No. 31248 of 2018 decided on 08.04.2024 reported in ***2024 SCC OnLine SC 513*** and has held that while condoning the delay or refusing to condone the delay, the principles laid down in the said judgment has to be considered and discussed in Paragraph no. 26 of the judgment as under:-

“26. On a harmonious consideration of the provisions of law, as aforesaid, and the law laid down by this Court, it is evident that:

(i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;

(ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;

(iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;

(iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;



(v) Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;

(vi) Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;

(vii) Merits of the case are not required to be considered in condoning the delay; and

(viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.

69. Having considered the judgment of the Hon'ble Apex Court and materials on records, it is apparent that there is no sufficient explanation except mentioning the movement of files from one stage to another and a lame excuse. In limitation petitions filed in Civil Revision Nos. 194 of 2018 & 9 of 2019. Same grounds have been taken for explaining the delay in filing the aforesaid two civil revision applications in which the



deponents stated that files were sent to the office of learned Advocate General on 16.12.2016 and 28.03.2017 respectively. The said files were kept in the bunch of regular cases by mistake of Advocate's Clerk of the concerned panel lawyers due to which the said civil revision applications could not be filed in time. The said revision applications were filed on 20.12.2018 and 15.01.2019. It is pertinent to mention that the said files were located on 05.10.2018 and 28.09.2018 respectively while both the revision applications were filed after 2 months 14 days and 3 months 16 days respectively. In another revision application i.e. Civil Revision No. 20 of 2019, the plea has been taken that the petitioners were not dealing with the matter in Reference Case. The said work was being carried out by Road Construction Department, NH Division, Aurangabad, and on 22.09.2015, the work was handed over to NH Division, Gulzarbagh. This plea is apparently false and misleading. It is apparent from the Award dated 20.01.2015 passed by the Arbitration Tribunal in Reference Case No. 102 of 2011 that the petitioners were one of the opposite parties of the Award under challenge. Moreover, the petitioners also filed rejoinder to the claim of the opposite party in the said Reference case. The said petitioners have not come with clean hand.



70. In other cases, the petitioners had knowledge about the cases through communication made by the Secretary of the Arbitration Tribunal, who sent the copy of Award about one month of passing of the aforesaid Awards. In all Awards, the learned Arbitration Tribunal has passed the order in presence of the petitioners. No *ex parte* order or Award was passed. In such view of the matter, it is apparent that there was lack of bona fide effort. The petitioners filed the revision applications after inordinate delay i.e., much after the prescribed time and there was complete lack of due diligence by the petitioners in taking steps for filing the aforesaid revision applications.

71. Having considered the judgments of the Apex Court as well as the principles laid down by the Hon'ble Supreme Court and materials on record of the case, it is apparent that there was delay at every stage and there is no explanation except mentioning the dates of movement of files. Even according to the petitioners, due information and copy of the Award was sent by the Arbitration Tribunal within prescribed period. Further, all the petitioners were represented through their learned counsels before the Tribunal and the Awards of the said cases were passed in presence of the counsels of the petitioners. The petitioners have miserably failed



to give any acceptable and cogent reason to condone such a huge delay of 2 years 5 months 8 days, 1 year 3 months 22 days, 8 months 22 days, 1 year 1 month 3 days, 2 years 11 months 18 days, 10 months 9 days, 2 years 21 days, 1 year 10 months 24 days, 3 years 9 months 16 days & 3 years 2 days respectively.

72. Accordingly, the limitation petitions bearing I.A. Nos. 161 of 2017 in C.R. No. 9 of 2017, 7500 of 2017 in C.R. No. 203 of 2017, 7717 of 2017 in C.R. No. 208 of 2017, 9374 of 2017 in C.R. No. 258 of 2017 , 8105 of 2017 in C.R. No. 225 of 2017, 201 of 2018 in C.R. No. 05 of 2018 , 9684 of 2018 in C.R. No. 194 of 2018, 1 of 2019 in C.R. No. 09 of 2019, 1 of 2019 in C.R. No. 20 of 2019 & 1 of 2020 in C.R. No. 21 of 2019 are dismissed having no merit in it.

73. Consequently, upon the dismissal of limitation petitions, Civil Revision Nos. 09 of 2017, 203 of 2017, 208 of 2017, 258 of 2017, 225 of 2017, 05 of 2018, 194 of 2018, 9 of 2019, 20 of 2019 & 21 of 2019 are dismissed.

(Khatim Reza, J)

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