

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 19473/2018

(Arising out of impugned final judgment and order dated 17-11-2017 in CR No. 303/2016 passed by the High Court Of Judicature At Patna)

THE STATE OF BIHAR & ORS.

Petitioner(s)

VERSUS

M/S DAYANAND PRD. SINGH AND COMP.

Respondent(s)

(IA No. 106561/2022 - APPLICATION FOR TAGGING/DETAGGING
IA No. 29850/2019 - CONDONATION OF DELAY IN FILING
IA No. 29853/2019 - CONDONATION OF DELAY IN REFILING / CURING THE
DEFECTS; IA No. 108524/2019 - EXEMPTION FROM FILING O.T.
IA No. 29856/2019 - EXEMPTION FROM FILING O.T.)

WITH Diary No(s). 10033/2019 (XVI)

(IA No. 106542/2022 - APPLICATION FOR TAGGING/DETAGGING
IA No. 56249/2019 - CONDONATION OF DELAY IN FILING
IA No. 56250/2019 - EXEMPTION FROM FILING O.T.
IA No. 56251/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 16557/2019 (XVI)

(IA No. 106549/2022 - APPLICATION FOR TAGGING/DETAGGING
IA No. 84038/2019 - CONDONATION OF DELAY IN FILING
IA No. 84039/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT; IA No. 84040/2019 - EXEMPTION FROM FILING O.T.
IA No. 84041/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 01-05-2023 These matters were called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Saket Singh, Adv.
Mrs. Sangeeta Singh, Adv.
Mrs. Niranjana Singh, AOR

Mr. Devashish Bharuka, AOR
Ms. Sarvshree, Adv.
Mr. Shobhit Dwivedi, Adv.

For Respondent(s) Mr. Ashim Sood, Adv.
Mr. Mayank Pandey, AOR
Mr. Ekansh Gupta, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have heard Mr. Saket Singh, learned counsel appearing for the petitioner-State of Bihar, and also Mr. Ashim Sood, learned counsel appearing for the respondent.

The High Court rejected the revision application of the State, challenging the Award of the Arbitral Tribunal, on the ground that the State's application is barred by limitation as the same has been filed after two years and five months of the Award. Moreover, the limitation period for filing revision to challenge Award is 90 days.

By way of explanation for the delayed filing, State's counsel has referred to the deliberate non-information of the Award by the concerned lawyer to the State and on that basis, it is submitted that the delayed revision application should have been entertained by the High Court.

The nature of the explanation and the omnibus blame on the State's lawyer do not by itself condone the much belated revision. The concerned departmental authorities were expected to be vigilant when it was participating in an arbitral proceeding under Bihar Public Works Contract Disputes Arbitration Tribunal Act, 2008. They cannot escape their responsibility by not challenging the Award within a reasonable time.

Significantly the present special leave petitions have also been filed beyond the permitted time limit and those are filed after delay of 90, 393 and 441 days respectively.

Considering the above, the special leave petitions are dismissed both on the ground of delay as also on merit.

Pending application, if any, shall also stand closed.

(MAHABIR SINGH)
ASST. REGISTRAR-CUM-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR