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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 209/2019**

DELKON (INDIA) PRIVATE LIMITED Appellant
Through: Mr. S.N. Mitra, Advocate.

versus

BHARAT HEAVY ELECTRICALS Respondent
Through: Mr. Rajat Kumar & Mr. Vedant
Kumar, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
% **15.05.2019**

CM APPL. 23194-23195/2019 (*exemption*)

Exemption allowed, subject to all just exceptions.

The applications are disposed of.

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1. Issue notice. Mr. Rajat Kumar, Advocate accepts notice.
2. The issue arising in this petition concerns the award of interest on the appellant's claims by the learned Arbitrator. By the impugned order, the learned District Judge has held that the award of interest was contrary to a clause of the agreement which expressly prohibited it.
3. Several judgments of various High Courts and the Supreme Court are relied upon by both the parties. This include the judgment of learned Single

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Judge in *Union of India vs. N.K. Garg* 224 (2015) DLT 668. It appears that the appeal against the said judgment is pending before the Division Bench and the judgment has been stayed. That appeal has been scheduled to be listed on 29.08.2019.

4. The respondent may file an affidavit in reply prior to the next date of hearing. Both parties are also directed to file brief written submission alongwith a compilation of cases upon which they wish to rely.
5. List on 17.10.2019.

PRATEEK JALAN, J

MAY 15, 2019

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