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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1395 OF 2003

M/S.NATIONAL BUILDINGS CONSTRUCTION
CORPN. LTD.

...APPELLANT

VERSUS

P. RADHAKRISHNA MURTHY

...RESPONDENT

O R D E R

We have heard learned counsel for the parties.

The total amount involved in this appeal is Rs.1,14,500.11/- which has been awarded by the High Court after examining the judgment of the civil court as well as the award made by the Arbitrator. After examining the record of the case, we do not see any cogent reason to entertain the appeal on this count i.e. claim in regard to a particular work.

Mr. Manoj Kr. Das, learned counsel for the appellant has submitted that the rate of interest fixed by the courts below is excessive and to fortify the same placed a heavy reliance on the judgment of this Court in Om Prakash Gita Devi & Co. & Ors. v. Food Corporation of India, 2001 (Suppl.) Arb.L.R. 4 (SC), wherein this Court itself has thought it appropriate to award the interest at the rate of 12 per cent per annum while dealing with the case of execution of work between 1981 to 1984.

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In the instant case, the work has been executed in 1985. The rate of interest awarded by the civil court at the rate of 16.5% per annum has been reduced to 12% p.a by the High Court. The same does not warrant further reduction in view of the judgment relied upon by the appellant's counsel himself.

The appeal, therefore, lacks merit and is accordingly dismissed. The interim order passed earlier stands vacated.

.....J.
[DR. B.S. CHAUHAN]

.....J.
[V. GOPALA GOWDA]

New Delhi;
February 1, 2013

ITEM NO.102

COURT NO.7

SECTION IVA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 1393-1394 OF 2003

P. RADHAKRISHNA MURTHY

Appellant (s)

VERSUS

M/S. N.B.C.C. LTD.

Respondent(s)

(With appln(s) for permission to file additional documents and office report)

WITH Civil Appeal NO. 1395 of 2003
(With office report)

Date: 01/02/2013 These Appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Appellant(s)/
Respondent(s)

Mr. G.V.R. Choudary, Adv.
Mr. K. Shivraj Choudhuri, Adv.
Mr. A. Chandra Sekhar, Adv.

Mr. Manoj Kumar Das, Adv.
Mr. Sibho Sankar Mishra, Adv.

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

C.A. Nos. 1393-1394/2003

Heard Mr. G.V.R. Choudary, learned counsel appearing for the appellant and Mr. Manoj Kumar Das, learned counsel appearing for the respondents at length.

Arguments concluded.

Judgment reserved.

Learned counsel for the parties may file written submissions, if any, by Monday, the 4th February, 2013.

Civil Appeal No. 1395 of 2003

Heard learned counsel for the parties.

The appeal is dismissed in terms of the signed order. The interim order passed earlier stands vacated.

(O.P. Sharma)	(Deepak Mansukhani)	(M.S. Negi)
Court Master	Court Master	Court Master
(Signed order is placed on the file)		