

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.79-80 OF 2014
[ARISING OUT OF S.L.P. (C) NO. 11089-11090 OF 2012)

| DELHI DEVELOPMENT AUTHORITY | ... | APPELLANT(s) |

| Versus |

| M/S SHIV KUAMR WASSAL & CO. | ... | RESPONDENT(s) |

O R D E R

Leave granted.

2. The impugned order is a little strange one. In the appeal filed by the present respondent before the High Court, learned counsel for the respondent did not press the appeal. He, however, sought certain clarifications about the interest pendente lite on the damages assessed by the Arbitrator in the award and grant of interest by the Court post the award.

3. The Division Bench, accordingly, modified the order passed by the Single Judge by directing that the interest of 12% p.a. would run on the decretal amount and thus, 12% simple interest shall be payable as per the decree on the component of damages awarded from the date of award till date of payment.

4. We are afraid, when the present respondent in its appeal before the High Court had not pressed the appeal, in the garb of submission by way of clarification, it could not have prayed for the order of interest. The Division Bench ought to have dismissed the appeal preferred by the respondent as not pressed.

5. Consequently, the appeals are allowed. The impugned order dated 15.12.2011 is set-aside. The order of the Single Judge dated 26.3.2001 shall remain as it is and the appellant shall be liable to make payment to the respondent as per the order of the Single Judge. The due payment shall be made by the appellant to the respondent within two months from today, if not made so far. However, if the payment is not made within two months, the appellant shall be liable to pay interest @ 12% p.a. on the due amount from the date of the award until the date of payment. No costs.

.....J.
(R.M. LODHA)

.....J.
(SHIVA KIRTI SINGH)

ITEM NO.47

COURT NO.2

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).11089-11090/2012

(From the judgement and order dated 15/12/2011 in FAO No.311/2001,FAO No.357/2001 of The HIGH COURT OF DELHI AT N. DELHI)

DELHI DEVT.AUTH.

Petitioner(s)

VERSUS

M/S SHIV KUMAR WASSAL & CO.

Respondent(s)

(With prayer for interim relief and office report)

WITH

SLP(C) NO. 24638 of 2012

(With appln.(s) for c/delay in filing SLP and office report)

Date: 06/01/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s)

SLP 11089-11090/2012

Mr. Abhinav Mukerji, Adv.

SLP 24638/2012

Mr. Atul Batra, Adv.

Ms. Praveena Gautam, Adv.

For Respondent(s)

SLP 11089-11090/2012

Mr. Atul Batra, Adv.

Ms. Praveena Gautam, Adv.

SLP 24638/2012

Mr. Abhinav Mukerji, Adv.

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

S.L.P. (C) Nos. 11089-11090 of 2012:

Leave granted.

Appeals are allowed in terms of signed order. No costs.

: 2 :

S.L.P. (C) No. 24638 of 2012:

Delay condoned.

Special leave petition is dismissed.

|(Pardeep Kumar)
|AR-cum-PS

|(Renu Diwan)
|Court Master

[SIGNED ORDER IS PLACED ON THE FILE]

