

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.7864 OF 1996

M/s Rohtak & Hissar District .. Appellant(s)
Electricity Company Ltd.

Versus

U.P. Power Corporation Ltd. .. Respondent(s)

O R D E R

We have heard learned counsel for the parties.

We do not find any merit in the application challenging the impugned award. However, Mr. Santosh Krishnan learned counsel appearing for the applicant fairly brought to our notice an interim direction issued while appointing the Arbitrator in the order dated 19th September, 1996 wherein the applicant was permitted to withdraw 50% of the amount awarded earlier which was the subject matter of consideration in Execution Case No.2/87. Pursuant to the said direction the applicant was allowed to withdraw a sum of Rs.24,08,818/-. It must be stated that the said order came to be made pursuant to earlier award which no longer survives. Since we have now held that there is no scope to interfere with the present award wherein no relief has been granted to the applicant, it is imperative that the applicant refund the tune of Rs.24,08,818/- withdrawn by it from the deposit made vide Execution

Case No.2/87. Learned counsel for the applicant also came forward to refund the same directly to the respondent within eight weeks. We permit the applicant to refund the said amount by way of demand draft in favour of the respondent within eight weeks. Subject to compliance of the said condition, the bank guarantee furnished by the applicant pursuant to the interim direction dated 19.9.1996 shall also be returned to the applicant. We make it clear that if the applicant refund the sum of Rs.24,08,818/- no interest need be charged on that amount.

The appeal stands disposed of.

.....J.
[FAKKIR MOHAMED IBRAHIM KALIFULLA]

.....J.
[C. NAGAPPAN]

NEW DELHI,
FEBRUARY 18, 2016.

ITEM NO.102

COURT NO.6

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCivil Appeal No.7864/1996

M/S ROHTAK & HISSAR DIST. ELECT. CO. LTD

Appellant(s)

VERSUS

THE U.P. POWER CORPORATION LTD.

Respondent(s)

(With appln.for bringing on record the additional facts and setting
aside the arbitral award and office report)

Date : 18/02/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE C. NAGAPPAN

For Appellant(s) Mr. Santosh Krishnan, Adv.
Mr. Nikhil Goel, Adv.
Ms. Naveen Goel, Adv.
Mr. Marsook Bafaki, Adv.

For Respondent(s) Mr. Pradeep Misra, Adv.
Mr. Suraj Singh, Adv.

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

The appeal is disposed of in terms of the signed order.

(USHA BHARDWAJ)
AR-CUM-PS(SHARDA KAPOOR)
COURT MASTER

Signed order is placed on the file.