

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 S

Civil Appeal No(s). 3209/2007

INDIAN RARE EARTHS LTD.

Appellant(s)

VERSUS

UNIQUE BUILDERS LTD.

Respondent(s)

(with appln. (s) for directions and office report)

WITH

C.A. No. 3210/2007

(With appln.(s) for directions and Office Report)

Date : 10/03/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL

HON'BLE MR. JUSTICE AMITAVA ROY

For Appellant(s)

CA 3209/2007

Mr. Vinoo Bhagat, Adv. (Not present)

CA 3210/2007

Mr. Arunav Patnaik, Adv.

Mr. D.B. Ray, Adv.

For Mr. Shibashish Misra, Adv.

For Respondent(s)

CA 3209/2007

Mr. Arunav Patnaik, Adv.

Mr. D.B. Ray, Adv.

For Mr. Shibashish Misra, Adv.

Mr. Vinoo Bhagat, Adv. (Not present)

UPON hearing the counsel the Court made the following
O R D E RCivil Appeal No. 3210 of 2007 is dismissed in terms
of the signed order.Civil Appeal No. 3209 of 2007 is dismissed for non
prosecution.

(Sukhbir Paul Kaur)

Court Master

(Indu Pokhriyal)

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3209 OF 2007

INDIAN RARE EARTHS LIMITED

APPELLANT (S)

Versus

UNIQUE BUILDERS LIMITED

RESPONDENT (S)

W I T H

CIVIL APPEAL NO. 3210 OF 2007

M/S UNIQUE BUILDERS LIMITED

APPELLANT (S)

Versus

INDIAN RARE EARTHS LIMITED AND OTHERS

RESPONDENT (S)

O R D E R

These two appeals have been filed against the order dated 5th August, 2005 passed by the High Court of Orissa at Cuttack dismissing Arbitration Appeal No. 9 of 2002 and C.R.P. No. 42 of 2002.

It appears that the appellant - M/s. Unique Builders Limited in Civil Appeal No. 3210 of 2007 entered into an agreement with the respondents for execution of certain works. Some dispute arose between the parties and finally the matter was

referred to Justice K.P. Mohapatra, retired Judge of the Orissa High Court with the consent of both the parties. The said arbitrator entered into the reference and gave an Award of Rs.19,55,368/- together with pendente lite interest at the rate of 15% per annum from the date of institution of the suit till the date of Award .

Aggrieved by the non grant of future interest, the appellant challenged the Award before the Additional Civil Judge (Senior Division), Cuttack who dismissed the application for setting aside the Award.

Aggrieved thereby, the appellant challenged the said order under Section 39((1)(vi) of the Arbitration Act, 1940 before the High Court. By the impugned order, the High court dismissed the appeal of the appellant. Hence Civil Appeal by special leave.

We have heard learned counsel appearing for the appellant in Civil Appeal No. 3210 of 2007. No one appears for the respondent.

After giving our anxious consideration in the matter, we do not find any reason to interfere with the impugned order passed by the High Court holding that the grant of 15% pendente lite interest

will meet the ends of justice. No direction can be issued for grant of future interest. We do not find any merit in Civil Appeal No. 3210 of 2007. The same is, accordingly, dismissed.

However, the appellant shall proceed to execute the decree for recovery of the Award amount together with interest as awarded by the Arbitrator.

So far as Civil Appeal No. 3209 of 2007 is concerned, no one appears on behalf of the appellant to press this appeal. Learned counsel for the respondent is present in the Court. Hence Civil Appeal No. 3209 of 2007 is dismissed for non prosecution.

.....J.
(M.Y. EQBAL)

.....J.
(AMITAVA ROY)

New Delhi,
March 10, 2015