

## IN THE SUPREME COURT OF INDIA

## CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1170 OF 2009  
 (@SPECIAL LEAVE PETITION (CIVIL)NO.28485 OF 2008)

The Superintending Engineer Appellant(s)

VERSUS

E.R.Sundaram Respondent(s)

## ORDER

Leave granted. Heard both sides.

2. The respondent was a contractor engaged to do some work at Periyar Dam, Tamil Nadu and the work was alleged to have been interrupted because of the intervention of some Kerala Forest Officials and ultimately in the arbitration proceedings an Award was passed on 19.1.1998 for a sum of Rs.2,22,54,301/-. We are told that the principal amount has been paid and the Execution Court has directed that the interest shall be payable @18% p.a. from the date of the arbitration till the amount is paid and @ 10% p.a. interest prior to the award. Learned counsel for the respondent waives awarding of interest prior to the award. We record the same. The appellant is directed to deposit interest @ 18% p.a. from the date of the award in the Execution Court. Respondent herein is permitted to file a petition for withdrawal of the same before the said Court.

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3. Learned counsel for the appellant point out that already an application has been filed to set aside the arbitration award and the same is pending before the District Court. The said application shall be disposed of by the District Court at an early date. With the above direction the appeal is disposed of. No costs.

.....CJI.  
 (K.G. BALAKRISHNAN)

.....J.  
 (P. SATHASIVAM)

NEW DELHI;  
23RD FEBRUARY, 2009.

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ITEM NO.24

COURT NO.1

SECTION XII

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).28485/2008  
(From the judgement and order dated 08/08/2008 in CRP No. 1734/2007 of The  
HIGH COURT OF JUDICATURE AT MADRAS)

SUPERINTENDING ENGINEER

Petitioner(s)

VERSUS

E.R.SUNDARAM

Respondent(s)

(With prayer for interim relief and office report )

Date: 23/02/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE P. SATHASIVAM

For Petitioner(s) Mr.E.Padmanabhan, Sr.Adv.

Mr. R. Nedumaran,Adv.

Mr.P.Soma Sundaram, Adv.

For Respondent(s)

Mr.P.L.Narayanan,Adv.

Mr.R.Ananda Padmanabhan, Adv.

Mr.Vinod Khanna, Adv.

Mr. Krishna Kumar,Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

Heard both sides.

Appeal is disposed of, in terms of the signed order. No costs.

(G.V.Ramana)

Court Master

(Veera Verma)

Court Master

(signed order is placed on the file)