

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. CR No.1012 of 2014
Date of decision : 20.10.2015

M/s Gupta Electric Company

...Petitioner

Versus

Haryana Warehousing Corporation, Panchkula

...Respondent

2. CR No.6010 of 2014
Date of decision : 20.10.2015

Haryana Warehousing Corporation, Panchkula

...Petitioner

Versus

M/s Gupta Electric Company

...Respondent

3. CR No.1151 of 2015
Date of decision : 20.10.2015

M/s Gupta Electric Company

...Petitioner

Versus

Haryana Warehousing Corporation, Panchkula

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see
judgment ?

2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. P.S. Rana, Advocate for the petitioner.
(In CR Nos.1012 of 2014 & 1151 of 2015)
for the respondent (In CR No.6010 of 2014)

Mr. Ashwani Talwar, Advocate for the respondent.
(In CR No.1012 of 2014 & 1151 of 2015)
for the petitioner (In CR No.6010 of 2014)

AMIT RAWAL, J. (Oral)

This order of mine shall dispose of three civil revision petitions. Two filed by M/s Gupta Electric Company i.e. CR Nos.1012 of 2014 & 1151 of 2015 and one filed by Haryana Warehousing Corporation, Panchkula i.e. CR No.6010 of 2014.

The short controversy involved in the present revision petition is that where, the award vis-a-vis grant of interest i.e. post award is silent whether, decree holder or the beneficiary of the award would be entitled to interest @ 18% p.a. as per provision of Section 31 (7) (b) of the Arbitration and Conciliation Act, 1996 or not. It is a matter of record that award has attained finality. The beneficiary of the award/Decree Holder filed execution application claiming the payment of the award plus 18% p.a. interest as per aforementioned provision. The Executing Court in CR No.1012 of 2014, dismissed the execution petition on the premise that claimant is not entitled to 18% p.a. interest whereas vide impugned order in CR No.6010 of 2014, awarded interest @ 18% p.a. It is said order which has been assailed by the Haryana State Warehousing Corporation. In third execution application, claimant claimed interest @ 18% p.a. from the date

of award till actual realization but the Executing Court restricted 18% p.a. interest only upto 05.12.2012 i.e. date of payment of principal amount.

In my view, revision petition No.6010 of 2014, whereby Executing Court has allowed interest @ 18% p.a. is in consonance with the aforementioned provision does not warrant any interference as statutorily been provided where award is silent with regard to the interest, it shall entail interest @ 18% p.a.

Accordingly, revision petition No.6010 of 2014 is dismissed.

As regards, CR No.1012 of 2014, in my view Executing Court has committed illegality and perversity in dismissing the execution application once the provision of statutory relief provided, the claimant is entitled to interest @ 18% p.a. Accordingly, impugned order is set aside. Execution Application is ordered to be restored/revived. Revision petition is accordingly allowed.

Mr. Ashwani Talwar, Advocate for respondents in CR No.1151 of 2015 submits, that payment of 18% p.a. interest would amounts interest on interest which is not permissible, I am not in agreement with the aforementioned submission.

It is now settled law that in case award vis-a-vis grant of interest, post award is silent, claimant would be entitled to interest as per provision of Section 31(7). Controversy in the present case is as to whether claimant would be entitled to interest @ 18% p.a. from the date of actual payment or till actual realisation. Since the aforementioned payment was made and has been realised by the claimant towards already awarded interest, actual realisation would amount that until and unless the entire

awarded amount containing element of interest plus 18% p.a. interest is actually paid/received.

Thus, in my view, impugned order is liable to be set aside. The matter is remitted back to the Executing Court to decide the execution afresh in view of settled law and as well as aforementioned observations.

Revision petition No.1151 of 2015 stands allowed.

20.10.2015

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**(AMIT RAWAL)
JUDGE**