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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ O.M.P. (COMM) 160/2016

JAGDAMBA SINGH

..... Petitioner

Through: Mr. Sandeep Bajaj, Adv.

versus

MUNICIPAL CORPORATION OF DELHI Respondent

Through: Ms. Manjira Dasgupta, Proxy Counsel
for Mr. Shyel Trehan, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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31.05.2016

IA 4841/2016

This is an application filed by the petitioner seeking rectification in the order dated 17th March, 2015, more specifically in Para 5, wherein this Court has recorded “*The petitioner would at least be entitled to future interest from the date of award till the date of payment. I order accordingly. The petitioner would be entitled to pay interest @ 9% p.a on Rs.2,99,032/- till the date of payment.*”

It is the submission of learned counsel for the petitioner that in Para 5 of order dated 17th March, 2015, this Court had granted interest in favour of the petitioner and the petitioner is entitled to be paid interest @ 9% per annum. Ms. Manjira Dasgupta, learned counsel for the respondent states

that she has no objection if the clerical error is rectified.

Accordingly, Para 5 of the order dated 17th May, 2015 shall be read as under:

*On reading of Section 31(7)(b), it is clear that the learned Arbitrator in its discretion could have directed payment of interest @ 18% p.a., as there was no agreement between the parties on interest. Even otherwise I note that the arbitral proceedings which started on the filing of claim on January 25, 2005 culminated on May 02, 2007 after almost 2 years. Surely if the petitioner was not entitled to pendent-lite interest for those two years, the learned Arbitrator could have awarded the future interest from the date of award till the date of payment. Regrettably the same was also not done on the ground that no foundation has been laid for the purpose. This is clearly untenable. The petitioner would at least be entitled to future interest from the date of award till the date of payment. I order accordingly. The petitioner would be entitled to **be paid** interest @ 9% p.a on Rs.2,99,032/- till the date of payment.”*

Accordingly, the application is disposed of.

V. KAMESWAR RAO, J

MAY 31, 2016

jg