

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

+ **EFA(OS) 6/2015 & CM No.5890/2015**

% **Date of decision : 28th October, 2015**

VICHITRA PRESTRESSED CONCRETE UDYOG (P) LTD

..... Appellant

Through: **Mr. Bharat Bhushan Bhatia and
Ms. Dimple Chauhan, Adv.**

versus

DELHI JAL BOARD & ORS

..... Respondent

Through: **Mr. Siddhartha Nagpal for
Mr. Sumeet Pushkarna, SC for R-1 with
Mr. D.P. Semwal, Asstt. Engr.from
Delhi Jal Board**

CORAM:

HON'BLE MS. JUSTICE GITA MITTAL

HON'BLE MR. JUSTICE I.S.MEHTA

JUDGMENT (ORAL)

GITA MITTAL, J.

CM No. 5890/2015

1. By this application, the appellant has prayed for condonation of delay in filing the present appeal.
2. The application is allowed and the delay is condoned.

EFA(OS) 6/2015

3. The appellant before us has assailed an order dated 6th January, 2015 passed in Execution Petition No. 85/2012 on the ground that it has

claim nos. 1, 2 and 3 in the arbitration proceedings. It is submitted on behalf of the appellant that during the pendency of the arbitration proceedings, the respondent/judgment debtor herein made payments of the amounts due towards claim nos. 1, 2 and 3. Consequently, while making the award of 31st January, 2006, the Arbitrator awarded interest on the principal amounts till the date the payments were made. So far as claim no.1 is concerned, interest was awarded from 24th May, 1999 up to the actual date of payment on 23rd January, 2004. On claim no. 3, the Arbitrator awarded interest with effect from 24th May, 1999 till 23rd January, 2004 when the amounts were paid by the respondent. On claim no.2, the interest was awarded on the amount of Rs.5,71,375/- from 24th May, 1999 till 31st August, 2004 when the amount was paid and on the sum of Rs.1,85,661/- interest was awarded from 24th May, 1999 till 11th March, 2005 when the amounts were paid. On the remaining amount awarded also, interest has been awarded till the date the payment was made by the decree holder.

4. The award was assailed by way of objections under Section 34 of the Arbitration & Conciliation Act, 1996 before the learned Single Judge by way of OMP No. 216/2006 by the respondent. The objections were rejected by the order dated 27th April, 2011. However, there was a modification in the rate of interest awarded which was reduced from 16.5% awarded by the Arbitrator to 12% per annum.

The learned Single Judge maintained the direction that the interest was payable upto the date of payment.

5. Before us, the appellant does not dispute that the respondent has paid the amount in terms of the award dated 31st January, 2006 as modified by the order dated 27th April, 2011. Despite this position, the present appeal has been filed contending that irrespective of the dates appointed by the Arbitrator, the respondent is liable to pay interest up to the date of the award. This submission is completely misconceived and untenable. Interest is liable to be paid only for the period that the amount remained due and payable. Upon payment of the amounts by the respondent, there was no further liability to pay interest.

The appeal is devoid of any merit and is hereby dismissed.

GITA MITTAL, J

I.S.MEHTA, J

OCTOBER 28, 2015

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