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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB. A. (COMM.) 17/2016, CAV 421/2016, IAs 6112-6113/2016**

DELHI TRANSPORT CORPORATION Petitioner
Through: Ms.Avnish Ahlawat, Ms.Latika
Chaudhary, Advs.

versus

ASHOK LEYLAND LIMITED Respondent
Through: Mr.Gopal Jain, Sr. Adv. with Mr.Amir
Singh Pasrich, Mr.Kalyan Arambam, Ms.Priyanka
Raj, Advs. with Mr.S.Venkataraman, Legal
Advisor, Mr.Mahesh Gautam, DGM Sales

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **25.05.2016**

This appeal is filed against the order dated 1st February, 2016 of the Arbitral Tribunal. The challenge is only to the direction given by the Tribunal to make the payments to the claimant within 15 days, otherwise, the interest of 15% p.a. need to be paid by the appellant from the date from which payment became due till the date of actual payment.

I note the relevant paragraph wherein the Tribunal has directed payment of interest of 15% p.a. against the payment made beyond a period of 15 days and I reproduce the same as under:-

“We, therefore, direct that the Respondent must make all

payments to the Claimant in terms of the aforementioned order dated 8th April, 2015 within a period of 15 days from the date (s) of receipt thereof, without prejudice to its rights and contentions and subject to the ultimate determination of the claims and counter-claims of the parties and on its failure to do so, it would be liable to pay interest at the rate of 15% per annum, from the date from which payment becomes due, till the date of actual payment.”

Mr. Gopal Jain, learned senior counsel for the respondent states that the aforesaid conclusion of the Tribunal is without prejudice to the rights and contentions of the parties before the Arbitral Tribunal and subject to ultimate determination of the claims and counter claims of the parties including the aspect of interest. If that be so, the appellant cannot have any grievance as issue of payment of interest @ 15% shall be decided by the tribunal.

In view of the aforesaid statement of Mr. Jain, nothing survives in this appeal. Learned counsel for the petitioner wishes to withdraw the same. The appeal is dismissed as withdrawn.

V. KAMESWAR RAO, J

MAY 25, 2016
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