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

+ **EFA(OS) 6/2019**

M/S NATIONAL HIGHWAY AUTHORITY OF INDIA

..... Appellant

Through: Mr.Manish K.Bishnoi & Mr. Archit
Gupta, Advocates

versus

M/S KNR PATEL (JV)

..... Respondent

Through: Dr. Amit George, Mr. Amol Acharya
& Mr. Swaroop George, Advocates

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

% **03.04.2019**

CM Appl.Nos. 15632-15633/2019 (Exemption)

1. Exemption allowed subject to all just exceptions.

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2. The present appeal is directed against an order dated 17th January, 2019 passed by the learned Single Judge in Execution application (OS) No. 422/2018 in a disposed of Execution Petition No. 310/2015. The aforementioned application was filed by the present Appellant seeking a clarification on the future interest payable by the Appellant in terms of the Award dated 8th August, 2013 passed by the Arbitral Tribunal in the disputes between the parties.

3. The submission on behalf of the Appellant is that the Tribunal had awarded future interest at the rate of 12% p.a. on “the entire amount

awarded in respect of claims 1,2,3, 5 & 6 from the date of the award till the date of the payment” and that the said expression ‘entire amount’ would imply only the principal amount and not the interest awarded for the pre-award period. The learned Single Judge has after discussing in detail the judgment of the Supreme Court in *Hyder consulting (UK) Limited vs. Governor, State of Orissa (2015) 2 SCC (Civ.) 38* ejected the above plea of the Appellant.

4. Having heard learned counsel for the Appellant, the Court is unable to come to a different conclusion. The expression ‘in respect of’ that follows the words ‘entire amount awarded’ is an indicator that the interest payable on the principal sum is also included in the ‘entire awarded amount’.

5. The Court also notes that in para 9 of the impugned order, the learned Single Judge has recorded the statement made on behalf of the Respondent (Decree Holder) (DH) that the additional amount by way of interest as directed to be paid should be factored in as of 3rd March, 2017 which is the date of disposal of the contempt petition filed by the DH in the Supreme Court of India. Nothing further requires to be said in that regard.

6. The appeal is accordingly dismissed.

S. MURALIDHAR, J.

I.S. MEHTA, J.

APRIL 03, 2019/mw