

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

EC/465/2019
IA NO: GA/2/2022

M/S. MOHANLAL ROONGTA AND ANR
VS
UNION OF INDIA AND ORS

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date: 25TH SEPTEMBER, 2023.

Appearance:
Mr. Pradeep Kumar, Adv.
For the Decree holder

Ms. Aparna Banerjee, Adv.
For Union Of India

The Court : This is an application for execution of an award dated 2nd June, 2006, as corrected on 13th June, 2006.

Column 7 of the Tabular Statement specifies that the decree-holder is entitled to an aggregate sum of Rs.1,52,89,620.66/-. Pursuant to an order dated 28th January, 2020, the award debtor being the Union Of India was directed to deposit the entirety of a sum of Rs.1,52,89,620.66/- being the entire decretal dues inclusive as interest as alleged in the Tabular Statement. Accordingly, the judgement debtor had duly deposited the entire amount of Rs. 1,52,89,621.66/- with the Registrar, Original Side. Thereafter, various orders have been passed from time to time. Ultimately, pursuant to an order dated 12th July, 2021, the Registrar, Original Side had released the entirety of the awarded amount in favour of the award holder and the award holder had duly received the same.

The application has been necessitated for an amount of Rs.2,37,829/- on account of alleged interest for approximately 145 days at the rate of 15%. The particulars of the alleged interest being Annexure L is shown on a principal amount of Rs. 39,91,156.00/-. The award holder is unable to substantiate as to how and why the interest has been calculated on an amount of Rs.39,91,156.00/-. This is also not borne out from the Tabular Statement. The pleading that the petitioner is entitled to the interest for the period from 27th September, 2019 till date of actual payment at the rate of 15% is unsubstantiated. There is no question of re-writing the award.

Admittedly, the amount deposited in terms of the order dated 28th January, 2020 has been duly received and appropriated (after necessary charges) by the award holder. In such circumstances, there is no question of any further payment either on account of principal or interest. The claim for further interest is neither borne from the award nor the Tabular Statement nor from the submissions of the award holder.

GA/2/2022 stands dismissed. However, there shall be no order as to costs.

EC/465/2019 stands disposed of by recording satisfaction of the entire decretal dues.

(RAVI KRISHAN KAPUR, J.)