

21.04.2026
Court No.7
Item No.6
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**FMA 21 of 2026
With
CAN 1 of 2026**

**P. & R. Engineering Services
Vs.
National Hydro Power Corporation Limited (NHPC
Limited)**

Mr. Suresh Kumar Mitruka
Mr. Aayush Mitruka
Mr. Sujit Swami
Ms. Shruti Yadav

...for the Appellant.

Mr. Bikramaditya Ghosh
Mr. Mayank Bhandari
Ms. Ved Rai
Mr. Vivek Saha
Mr. Binayak Bandopadhyay

...for the Respondent.

1. The short question raised in the appeal is that since the transaction between National Hydro Power Corporation Limited and the appellant was commercial in nature and the adjudicator's decision of not having awarded any further interest i.e. post lite, being challenged before this Court under Article 226 of the Constitution of India, the learned Single Judge erred in awarding further interest at the rate of 6 percent per annum.

2. This Court has carefully considered the arguments advanced by Mr. Mitruka, learned counsel for the appellant and Mr. Ghosh, learned counsel for the respondent. It is now well-settled that post lite

interest under Section 34 has to factor in several matters and award of commercial rate post facto is not mandatory but discretionary. The Single Bench in its wisdom has awarded 6 percent interest post lite. Such discretion in the facts of the case calls for no interference. We may remember that an appellate Court, especially in an intra Court Mandamus appeal from an order passed by a Single Bench in exercise of Article 226 of the Constitution of India, interferes only when the order impugned is clearly wrong and when it is not right. No such case is made out here.

3. It is, therefore, ordered that payment to the appellant as directed by the order impugned, shall be made by the respondent/employer mandatorily and positively within a period of ten days from date.

4. With the aforesaid observations, the appeal is dismissed. Consequently, all connected pending applications, if any, are also dismissed.

5. There shall be no order as to costs.

6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Om Narayan Rai, J.)