

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 18718-18719 of 2017
(Arising out of SLP(C)No(s). 25180-25181 of 2015)

KASHMIR SINGH & ORS.

Appellant(s)

VERSUS

PUNJAB AGRO INDUSTRIES
CORPORATION LIMITED AND ANR. ETC.

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

We have heard learned counsel for the parties and perused the record.

The Arbitrator in Award dated 25th October, 2005 directed that the appellants shall be liable to pay future interest at the rate of 30% per annum with effect from 1st December, 2004. Similarly, rate of interest has been applied in making calculation of liabilities of the appellants at rate of interest as mentioned in the Award.

As per the statutory provision contained in Section 31(7) of the Arbitration and Conciliation Act, 1996, interest can be awarded at the rate of 2% higher than the current rate of interest as on the date of the Award, unless otherwise directed. No doubt the Arbitrator can award higher rate, than the rate specified in Section 31(7)(b) of the Act, the same cannot be exorbitant and specific reasons are to be given for higher rate of interest.

In the present case, no reason has been given for awarding the high rate of interest upto 30% per annum.

In view of above, rate of interest awarded by the Arbitrator will stand substituted by 12% per annum. Fresh calculation be made by the executing court in consonance with the modified rate of interest. The parties are at liberty to give their respective calculations to the Executing Court.

The appeals are accordingly allowed in above terms.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(UDAY UMESH LALIT)

New Delhi,
November 14, 2017.

ITEM NO.7

COURT NO.11

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).25180-25181/2015

(Arising out of impugned final judgment and order dated 22-09-2010 in FAO No. 3706/2009 19-12-2014 in RA No. 188/2014 19-12-2014 in FAO No. 3706/2009 passed by the High Court Of Punjab & Haryana At Chandigarh)

KASHMIR SINGH & ORS.

Petitioner(s)

VERSUS

PUNJAB AGRO INDUSTRIES
CORPORATION LIMITED AND ANR. ETC.

Respondent(s)

(FOR CONDONATION OF DELAY IN FILING ON IA 1/2015
FOR CONDONATION OF DELAY IN REFILING ON IA 2/2015)

Date : 14-11-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Vikas Mahajan, Adv.
Mr. Vinod Sharma, Adv.
Ms. Anuradha Mutatkar, AOR

For Respondent(s) Mr. Sushil K. Tekriwal, Adv.
Dr. Mamta Tekriwal, Adv.
Mr. Venkateswara Rao Anumolu, AOR

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned. Leave granted.

In terms of the signed order, the appeals are allowed.

Pending applications, if any, shall also stand disposed
of.

(MAHABIR SINGH)
COURT MASTER

(PARVEEN KUMARI PASRICHA)
COURT MASTER

(Signed order is placed on the file)