

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6733 OF 2018
(Arising out of SLP(C) No. 22136/2011)

M/S.RAGHAVENDRA CONSTRUCTION CO. APPELLANT(S)

VERSUS

THE GENERAL MANAGER,
SOUTHERN RAILWAY & ANR.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. This appeal is preferred by the claimant who succeeded before the Arbitral Tribunal. The Arbitral Tribunal awarded 14% simple interest from 01.01.1999 till the date of the award, that is to say the Arbitral Tribunal awarded interest pendente lite.
3. The High Court construed Clause 16 (2) of the general conditions of contract and upheld that interest pendente lite cannot be awarded because of the aforesaid clause.
4. An identical clause fell for

consideration before this Court in the case of *M/s. Raveechee and Co. Vs. Union of India*, 2018 (8)SCALE 415 where this Court took the view that interest pendente lite can be awarded under a similar clause.

5. In these circumstances, it is not possible to uphold the judgment of the High Court and the same is accordingly, is set aside.

6. The appeal is allowed accordingly.

7. No order as to costs.

.....J.
[S.A. BOBDE]

.....J.
[L. NAGESWARA RAO]

NEW DELHI,
JULY 17, 2018

ITEM NO.10

COURT NO.6

SECTION XII

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 for Special Leave to Appeal (C) No. 22136/2011

(Arising out of final judgment and order dated 11.02.2011 passed by the Tamil Nadu High Court at Madras in Original side Appeal No. 115/2010)

M/S RAGHAVENDRA CONSTRUCTION CO.

Petitioner(s)

VERSUS

THE GENERAL MANAGER SOUTHERN RAILWAY AND ANR.

Respondent(s)

Date :17-07-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. Gaurab Banerji, Sr. Adv.
Ms. Raka Chatterjee, Adv.
Mr. Mohit Pandey, Adv.
Mr. Puneet Taneja, AOR
Ms. Laxmi Kumari, Adv.

For Respondent(s) Mr. Pranay Ranjan, Adv.
Ms. Vimla Sinha, Adv.
Mr. Raj Bahadur, Adv.
Mr. B. Krishna Prasad, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order. No order as to costs.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Indu Kumari Pokhriyal]
Asstt. Registrar

[Signed order is placed on the file]