

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.10496-10497 OF 2017
(Arising out of S.L.P.(C) Nos.16786-16787/2016)

M/s. H.S. Tuli & Sons Builders
(P) Ltd.

Appellant(s)

Versus

Union of India

Respondent(s)

O R D E R

Leave granted.

We have heard Mr. H.S. Tuli, the appellant in-person and Mr. Maninder Singh, learned Additional Solicitor General for the Union of India.

The grievance of the appellant with regard to the judgment passed by the High Court is that the amount awarded with regard to escalation by the learned Arbitrator should not have been reduced and further there should not have been reduction of interest. Be it noted, the learned Arbitrator had awarded 12% interest, whereas the High Court has reduced it to 9%. As far as escalation is concerned, the learned Arbitrator had awarded Rs.1,20,000/- (Rupees one lakh twenty thousand only). The High Court has set it aside. We find that the reasoning ascribed by the High Court is absolutely justified and there is no reason to interfere.

As far as the reduction of interest is concerned, we are of the view that there is no warrant for reduction of interest. Accordingly, the interest granted by the learned

Arbitrator is restored. The appellant shall be entitled to 12% interest on the modified award of the High Court. The amount shall be paid to the appellant within three months hence. If any amount has already been paid, needless to say, the same shall be adjusted.

The appeals are allowed to the extent indicated herein-above. There shall be no order as to costs.

.....J.
[Dipak Misra]

.....J.
[A.M. Khanwilkar]

New Delhi,
August 14, 2017.

ITEM NO.13

COURT NO.2

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) Nos.16786-16787/2016

(Arising out of impugned final judgment and order dated 25-02-2016 in CR No. 5770/2008 23-04-2016 in RA No. 107/2016 23-04-2016 in CR0 No. 5770/2008 passed by the High Court of Punjab & Haryana at Chandigarh)

M/S. H.S. TULI

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

WITH S.L.P.(C) No.28616/2016 (IV-B)

Date : 14-08-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s)

Petitioner-in-person

Mr. Maninder Singh, ASG
Mr. Nalin Kohli, Adv.
Mr. Col. R. Bala, Adv.
Mr. Prabhas Bajaj, Adv.
Mr. Ankit Roy, Adv.
Mrs. Vishakha Ajuja, Adv.
Ms. Aarti Sharma, Adv.
Mr. Akshay Amritanshu, Adv.
Mr. Mukesh Kumar Maroria, AOR

For Respondent(s)

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

S.L.P.(C) No.28616 of 2016

Heard Mr. Maninder Singh, learned Additional Solicitor General for the appellant and the respondent in-person.

We do not find any merit in this special leave petition and it is, accordingly, dismissed.

S.L.P.(C) Nos.16786-16787 of 2016

Leave granted.

The appeals are allowed in terms of the signed order.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar

(Signed order is placed on the file)