

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 15867 OF 2017
(Arising out of SLP(C) No.35657 of 2016)

M/S. MADHVA HYTECH ENGINEERS PVT. LTD. THROUGH ... Appellant(s)
ITS MANAGING DIRECTOR

Versus

SUPERINTENDING ENGINEER NH CIRCLE 10, UTTARAKHAND ... Respondent(s)
PWD

O R D E R

Inspite of service, nobody appears on behalf of the respondent.

Leave granted.

A challenge was made to an Arbitral Award dated 08.02.2013 in which there were 15 claims, claim No. 14 being a claim on account of interest. The Arbitrator awarded different rates of interest for different sets of claims, but in the challenge made under Section 34 petition before the High Court, the District Court clearly recorded that no challenge was laid to claim No. 14 which is the claim for interest. Despite that, the High Court, in appeal, by the impugned judgment dated 17.03.2016 has, interfered with interest stating that

18% was excessive and only 12% should be granted.

In view of the clear concession on facts made before the District Court, this is clearly unwarranted. The judgment of the High Court is set-aside. The appeal is allowed accordingly.

.....J.
(ROHINTON FALI NARIMAN)

.....J.
(SANJAY KISHAN KAUL)

New Delhi,
Dated: 4th October, 2017.

ITEM NO.3

COURT NO.10

SECTION X

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). 35657/2016

(Arising out of impugned final judgment and order dated 17-03-2016 in AFO No. 143/2015 passed by the High Court Of Uttarakhand At Nainital)

M/S. MADHVA HYTECH ENGINEERS PVT. LTD. THROUGH ITS MANAGING
DIRECTOR Petitioner(s)

VERSUS

SUPERINTENDING ENGINEER NH CIRCLE 10, UTTARAKHAND PWD Respondent(s)

Date : 04-10-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Dr. Amit George, Adv.
 Mr. K.Dileep, Adv.
 Mr. Dhruv Sood, Adv.
 Mr. Mayank Pandey, AOR

For Respondent(s)

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

Leave granted.

The appeal is allowed in terms of signed order.

Pending applications, if any, shall stand disposed of.

(SHASHI SAREEN)
AR CUM PS

(Signed order is placed on the file)

(SAROJ KUMARI GAUR)
BRANCH OFFICER