

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NOS. 1540-1541/2020

ATLANTA LIMITED **APPELLANT(S)**

VERSUS

EXECUTIVE ENGINEER ROAD DEVELOPMENT & ANR. ETC. **RESPONDENT(S)**

WITH

CIVIL APPEAL NO. 1539 OF 2020

CIVIL APPEAL NO. 1546 OF 2020

O R D E R

CIVIL APPEAL NOS. 1540-1541/2020

We have heard learned counsel for the appellant, Atlanta Limited, and the learned counsel for respondent no. 2, State of Maharashtra.

In these appeals, the challenge pertains to the concurrent findings given by the learned single Judge and the Division Bench of the High Court of Bombay, partly allowing the application under Section 34 of the Arbitration and Conciliation Act, 1996,¹. In this appeal by Atlanta Limited we are concerned with three heads:

- (i) compensation on account of reduced productivity of plant and machinery, that is, idle plant and machinery;

- (ii) compensation/damages on account of subsequent legislation; and

1 For short, "the 1996 Act".

(iii) reimbursement of royalty charges.

We completely agree with the findings recorded by the learned single Judge and subsequently affirmed by the Division Bench. We do not think these findings, even considering the limited scope for interference in terms of Section 34 of the 1996 Act, warrant interference by this Court.

Recording the aforesaid, the appeals are dismissed.

We clarify that we have not commented on any other portion of the impugned judgment.

Pending application(s), if any, shall stand disposed of.

CIVIL APPEAL NO. 1546 OF 2020

This appeal by Atlanta Limited, the decree-holder, impugns the concurrent findings recorded by the executing Court and the appellate Court on the interpretation of the award, *inter alia*, award of interest at the rate of 20% per annum.

Atlanta Limited contends that it is entitled to interest compounded annually at the rate of 20% per annum.

We agree with the findings recorded by the High Court of Bombay interpreting the award to the contrary, and hence, the appeal is dismissed.

Pending application(s), if any, shall stand disposed of.

CIVIL APPEAL NO. 1539 OF 2020

We do not find any good ground and reason to interfere with the High Court for not accepting the challenge to the rate of interest, in exercise of power under Section 34 of the 1996 Act. The appeal is accordingly dismissed.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(SANJAY KUMAR)

.....J.
(R. MAHADEVAN)

NEW DELHI;
JULY 25, 2024.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSCIVIL APPEAL NOS. 1540-1541/2020

ATLANTA LIMITED APPELLANT(S)

VERSUS

EXECUTIVE ENGINEER ROAD DEVELOPMENT & RESPONDENT(S)
ANR. ETC.

WITH

C.A. No. 1539/2020 (III)C.A. No. 1546/2020 (III)

Date : 25-07-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE R. MAHADEVAN

For Appellant(s)

Mr. Balbir Singh, Sr. Adv.
Ms. Meenakshi Arora, Sr. Adv.
Mr. Chirag M. Shroff, AOR
Mr. Dhananjay Kataria, Adv.
Mr. Sushant Dogra, Adv.
Mr. Karan Sachdeva, Adv.
Ms. Anu Sura, Adv.
Ms. Pragya Kaushik, Adv.

Mr. Aaditya Aniruddha Pande, AOR

For Respondent(s)

Mr. Chirag M. Shroff, AOR

Mr. Rahul Chitnis, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.

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

CIVIL APPEAL NOS. 1540-1541/2020

The appeals are dismissed in terms of the signed order.
Pending application(s), if any, shall stand disposed of.

CIVIL APPEAL NO. 1546/2020

The appeal is dismissed in terms of the signed order.
Pending application(s), if any, shall stand disposed of.

CIVIL APPEAL NO. 1539/2020

The appeal is dismissed in terms of the signed order.
Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(signed order is placed on the file)