

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1597 OF 2020
(@ SLP(C) No(s). 27528/2019)

SOUTH EASTERN COALFIELDS LIMITED

Appellant(s)

VERSUS

BIRLA CORPORATION LIMITED & ORS.

Respondent(s)

O R D E R

Leave granted.

The respondent filed a Writ Petition before the Calcutta High Court aggrieved by the invocation of the bank guarantee given by the appellant. The writ petition was allowed vide judgment and order dated 23.08.2001 by the learned single judge of the High Court and the appellant was directed to refund the amount of Rs.48,33,223/- .

An appeal was preferred before the Calcutta High court against the order of the learned Single Judge by both sides. Both appeals were disposed of by the Division Bench of the High Court vide judgment dated 13.01.2010. The Division Bench directed the appellant to deposit an amount of Rs.48,33,223/- in a fixed deposit and liberty was granted to the respondent to file an appropriate Civil Suit in respect of any

unresolved claim. The appellant deposited the amount of Rs.48,32,223/- with the Registry of the High Court on 8.2.2010.

The respondent approached the High Court by filing a civil suit bearing No. 54 of 2010 seeking various reliefs including the interest to be payable on the amount of Rs.48,33,223/-. The appellant did not enter appearance in the suit.

By a Judgment dated 8.9.2017, the learned single judge of the High Court passed a decree in favour of the respondent for recovery of Rs.48,33,223/- with interest at the rate of 12% p.a. from 3rd August, 1999 till 8th March, 2010. The respondent was held to be entitled for interest pendente lite at the rate of 12% from the date of institution of the suit till the date of judgment and decree and also for interest at the rate of 12% from the date of judgment till the date of payment of decretal dues .

The appellant filed an appeal against the judgment dated 8.9.2017 passed by the learned single judge of the High Court with the delay of 710 days. While condoning the delay of 710 days, the Division Bench of the High Court of Calcutta by the impugned judgment directed that the respondent shall be entitled for interest at

the rate of 10.50% p.a. from 3rd August, 1999 to 8th March, 2010. The Division Bench further directed that for the balance period from 9th March, 2010 till the date of actual payment, the respondents are entitled for payment of interest at the rate of 9% p.a.

This appeal is filed as the appellant is aggrieved by the direction for payment of interest of 9% p.a. from 9th March, 2010 onwards.

Admittedly, the amount of Rs.48,33,223/- has been deposited in the High Court on 8th March, 2010. We see no fault with the judgment of the High Court in granting interest at the rate of 10.50% from 3rd August, 1999 till 8th March, 2010. However, the appellant cannot be made liable for payment of any further interest on the amount which has already been deposited in the court. Therefore, the direction given by the High Court for payment of interest at the rate of 9% for the balance period is set aside.

The appeal is accordingly disposed of.

.....J.
(L. NAGESWARA RAO)

.....J.
(HEMANT GUPTA)

ITEM NO.46

COURT NO.9

SECTION XVI

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). 27528/2019

(Arising out of impugned final judgment and order dated 27-09-2019 in APDT No. 6/2019 passed by the High Court At Calcutta)

SOUTH EASTERN COALFIELDS LIMITED Petitioner(s)

VERSUS

BIRLA CORPORATION LIMITED & ORS. Respondent(s)

Date : 14-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Ajit Kumar sinha, Sr. Adv.
Mr. Ashwarya Sinha, AOR
Ms. Priyanka Sinha, Adv.
Mr. Ivan, Adv.
Ms. Shubhi Sharma, Adv.
Mr. Alok K. Singh, Adv.

For Respondent(s) Mr. Sanjeev Sen, Sr. Adv.
Mr. Sanjay Ginodia, Adv.
Mr. Mayank Mishra, Adv.
Ms. Pallavi Kumar, Adv.
Mr. Sayan Ray, adv.
Ms. Soumo Palit, Adv.
Mr. Sidharth Sethi, AOR

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

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending applications, if any, are disposed of.

(NEELAM GULATI)
AR CUM PS

(ANAND PRAKASH)
BRANCH OFFICER

(Signed Order is placed on the file)