

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1170 OF 2009

(@SPECIAL LEAVE PETITION (CIVIL)NO.28485 OF 2008)

The Superintending Engineer

Appellant(s)

VERSUS

E.R.Sundaram

Respondent(s)

O R D E R

Leave granted. Heard both sides.

2. The respondent was a contractor engaged to do some work at Periyar Dam, Tamil Nadu and the work was alleged to have been interrupted because of the intervention of some Kerala Forest Officials and ultimately in the arbitration proceedings an Award was passed on 19.1.1998 for a sum of Rs.2,22,54,301/-. We are told that the principal amount has been paid and the Execution Court has directed that the interest shall be payable @18% p.a. from the date of the arbitration till the amount is paid and @ 10% p.a. interest prior to the award. Learned counsel for the respondent waives awarding of interest prior to the award. We record the same. The appellant is directed to deposit interest @ 18% p.a. from the date of the award in the Execution Court. Respondent herein is permitted to file a petition for withdrawal of the same before the said Court.

3. Learned counsel for the appellant point out that already an application has been filed to set aside the arbitration award and the same is pending before the District Court. The said application shall be disposed of by the District Court at an early date. With the above direction the appeal is disposed of. No costs.

.....CJI.
(K.G. BALAKRISHNAN)

.....J.
(P.SATHASIVAM)

NEW DELHI;
23RD FEBRUARY, 2009.