
(2022) 07 OHC CK 0031
In the Orissa High Court
Case No : ARBA No.42 Of 2012

State Of Odisha

APPELLANT

Vs

M/s. P.S. Construction And Another

RESPONDENT

Date of Decision : 07-07-2022

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 31(7)(a), 34

Citation : (2022) 07 OHC CK 0031

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Tarun Patnaik, Jitendra Nayak

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Pattnaik, learned advocate, Additional Standing Counsel appears on behalf of appellant (State). He submits, State suffered award dated 31st August, 2004. There was, inter alia, award of pre and post award interest. State took several grounds in the petition filed under section 34, Arbitration and Conciliation Act, 1996 in challenging the award. The Court below by order dated 17th August, 2012 erred in not setting aside the pre award interest. His client being aggrieved is urging this appeal for interference on this part of the award.

2. On query from Court Mr. Pattnaik submits in fairness that clause (a) in sub-section (7) of section 31 gives discretion to the arbitral tribunal to include in the award interest on such rate as it deems reasonable, on the whole or any part of the money, for the whole or any part of the period between the date on which the cause of action arose and the date on which the award is made.

3. Mr. Nayak, learned advocate appears on behalf of respondent and submits, the arbitrator had only awarded 12% pre award interest though it should have been at least, 15%.

4. Having heard submissions made on behalf of appellant Court does not find any reason to interfere with impugned order.

5. It is confirmed and the appeal is disposed of.

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