

SUPREME COURT OF INDIA

M.L. Dalmiya & Co. Ltd.

Vs.

International Airport Authority of India

C.A.No.2563 of 2000

(S. B. Majmudar and Y. K. Sabharwal JJ.)

10.04.2000

ORDER

S.B. MAJUMDAR, J.

1. Leave granted.

2. We have heard learned Counsel for the parties finally by their consent.

3. The short question involved in this appeal is about the pendente lite interest. The appellant contends that he was entitled to grant of the said interest. Learned Counsel for the respondent pointed out that against the main award the appeal is already pending in the High Court and which is in the daily list. In our view, this question also can be linked up with the question in the main appeal so that the High Court can have comprehensive view of all relevant aspects.

4. Only on this short ground this appeal is allowed. The order of the High Court rejecting claim for pendente lite interest is set aside. F.A.O. No. 28 of 1995 is directed to be restored only for reconsideration of the question of grant of pendente lite interest. The said remanded appeal should be heard along with the cross appeal being F.A.O. No. 287 of 1994 and both the appeals may be conveniently disposed of by the High Court , after hearing the parties.

5. We make no observations on the merits of this limited controversy between the parties which is posed for consideration before us.

6. We also make it clear that the order in writ appeal granting 12% interest is obviously not touched by the present order and will remain operative as there is no cross appeal by the respondent to this extent.

7. No costs.