

(2019) 09 DEL CK 0384

In the Delhi High Court

Case No : Original Miscellaneous Petition (E) (COMM.) No. 18 Of 2019,
Miscellaneous Application No. 13539 Of 2019

M/S Telecommunications Consultants India Ltd

APPELLANT

Vs

M/S Rajat Electricals

RESPONDENT

Date of Decision : 27-09-2019

Acts Referred:

Arbitration And Conciliation Act, 1996 — Section 27

Citation : (2019) 09 DEL CK 0384

Hon'ble Judges : Jyoti Singh, J

Bench : Single Bench

Advocate : Ratan K. Singh, Nikhilesh Krishnan, Rajeev Gurang

Final Decision : Allowed

Judgement

Jyoti Singh, J

I.A. No. 13539/2019 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

O.M.P. (E) (COMM.) 18/2019

This petition has been filed under Section 27 of the Arbitration & Conciliation Act, 1996 ('Act') seeking assistance of this Court for summoning the Executive Engineer IV, CHB, 8, Jan Marg, Sector 9D, Chandigarh Housing Board, Chandigarh to depute a responsible officer/clerk to produce original records relating to final handing over of flats to allottees maintained by Civil Division, CHB with attested/certified copy of the same and to appear before Shri Rakesh Kumar Aggarwal, Sole Arbitrator, on 27.09.2019 at 2.00 PM at TCIL Bhawan, Greater Kailash 1, New Delhi - 110048.

Learned Arbitrator, after receiving no objection from counsel for the respondent

vide email dated 19.09.2019 has, vide order dated 19.09.2019, granted approval for summoning the witness. However, the date that has been fixed for examination of the witness is 27.09.2019 at 2.00 PM, which is today. Learned counsel for the petitioner submits that the record which is now to be summoned is in Chandigarh and though the witness is appearing with some other record, but he will be unable to produce the abovementioned record today.

Since the Arbitrator has recorded in the order dated 19.09.2019 that the respondent had no objection in summoning the said witness with the relevant record, the service of notice to the respondent is being dispensed with.

At 4.30 p.m., learned counsel for the petitioner informed this Court that the Arbitrator has fixed the next date of hearing for appearance of the above witness as 5th December, 2019 at 3 p.m. at the above-mentioned address.

Let summons for appearance be issued to the above-named witness for his appearance before the sole Arbitrator on the date, time and place mentioned hereinabove.

The Diet money shall be paid to the witness for his appearance before the Arbitrator by the petitioner.

Summons be issued dasti to the petitioner for service.

The petition is allowed in the above terms.

Dasti.