

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L) NO. 250 OF 2016

M/s. Suchetan Exports Pvt.Ltd. ...Petitioner
Versus
M/s. Noble Resources and Trading India Pvt. ...Respondent
Ltd.

Mr. Rahul Narichania, Senior Advocate, Mr. Prathamesh Kamat,
Counsel, MR. Rahul Singh, i/b Legal Catalyst, for the Petitioner.

Mr. Manoj Khatri, for the Respondent.

CORAM : S.C. GUPTE, J.
DATE : 23rd February 2016

P.C. :

1. This Petition is under Section 27 of the Arbitration and Conciliation Act, 1996 after seeking an appropriate direction from the Arbitral Tribunal. The documents for production of which the present Arbitration Petition is filed, are relevant for the purposes of the Counterclaim of the Petitioner before the learned Arbitrator. Learned Counsel for the Respondent opposes the Petition on the ground that the delivery orders have already been produced. One of the three documents referred to particularly in prayer clause (a),

namely, original delivery order issued by the Claimant to the Court, has already been produced as secondary evidence and has been exhibited and that the other two documents are not required to be tendered in evidence.

2. Anyway, relevancy of the documents is a matter for the Arbitrator to decide. The learned Arbitrator has already permitted the Petitioner to apply for process for their production presumably on the ground that they are relevant for the purposes of the enquiry before him. Production of these documents by issuance of a suitable witness summons is, thus, clearly in order.

3. Accordingly, Arbitration Petition is allowed in terms of prayer clause (a). Office to issue witness summons, accordingly, to the parties described in sub-clauses (i) and (ii) of prayer clause (a). Returnable date shall be confirmed by the Petitioner with the learned Arbitrator and thereafter, communicated to the office. The witness summons be issued accordingly.

[S.C. GUPTE, J.]