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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P. (E) (COMM.) 7/2016, IA 2515/2016**
SUNTERA RESOURCES LIMITED

..... Petitioner

Through: Mr. Ciccu Mukhopadhaya, Sr. Adv.
with Mr. Ankit Yadav, Mr. Tuhin
Sharma & Ms. Rashmi Gogoi, Advs.

versus

OIL INDIA LIMITED

..... Respondent

Through: Mr. Navnit Kumar, Adv. with Ms.
Kankana Arandhara, Adv.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **22.02.2016**

IA 2515/2016(filed by petitioner seeking exemption from filing certified copies)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

O.M.P. (E) (COMM.) 7/2016

1. This is an application filed by the petitioner under Section 27 of the Arbitration & Conciliation Act, 1996 with the following prayers:-

“a. pass appropriate directions directing the Directorate General of Hydrocarbons, through the Director General of Hydrocarbons, or any other responsible officer, to appear before the Arbitral Tribunal on 14 March 2016, at 11 a.m.,

at a venue to be intimated by the Respondent and produce the documents mentioned in paragraph 19 of this petition in accordance with the Tribunal's order dated January 23, 2016 revised on February 9, 2016; and

b. pass such further and other orders and directions as deemed proper in the facts and circumstances of the present case.”

2. Learned Senior Counsel for the petitioner has drawn my attention to the revised order dated February 9, 2016 of the Arbitral Tribunal, wherein the Arbitral Tribunal has passed the following order:-

“1. On 28th January, 2016, the Tribunal invited the Claimant to give its comments on the communication of the Respondent dated 23rd January, 2016, pointing out some inadvertent error in the list of documents mentioned by the Tribunal in its proceedings dated January 23, 2016. The list of documents which the Tribunal had directed were detailed in Paragraph 10 of its Order of the 5th Sitting (23rd January, 2016.)

2. Both parties agree that the list of documents, for which the Respondent has craved leave to approach the Hon'ble High Court of Delhi, under Section 27 of the Arbitration and Conciliation Act, 1996 was incorrectly mentioned in the order of the Tribunal dated 23rd January, 2016.

3. The Tribunal, therefore, revises its Order dated 23rd January, 2016, and directs that the DGH may be asked to produce, as requested for by the Respondent, the following documents mentioned in the proceedings of 23rd January, 2016:

(i) The certified documents from the Chairman and MD, Director (Finance), Director (E&D) and Director (HR &

BD) authorising the Respondent's willingness to acquire Petitioner's Participating Interest in the block RJ-ONN-2000/1, annexed to a communication between the Respondent and the DGH dated 9 November 2009.

(ii) The certified documents from the Chairman and MD, Director (Finance), Director (E&D) and Director (HR & SD) authorising the Respondent's willingness to acquire Petitioner's Participating Interest in the block MZ-ONN-2004/1, annexed to a communication between the Respondent and the DGH dated 9 November 2009.

(iii) The certified documents from the Chairman and MD, Director (Finance), Director (E&D) and Director (HR & SD) authorising the Respondent's willingness to acquire Petitioner's Participating Interest in the block AA-ONN-2002/3, annexed to a communication between the Respondent and the DGH dated 9 November 2009.

(iv) The certified documents from the Chairman and MD, Director (Finance) , Director (E&D) and Director (HR & SO) authorising the Respondent's willingness to acquire Petitioner's Participating Interest in the block AA-ONN-2004/2, annexed to a communication between the Respondent and the DGH dated 9 November 2009.

4. The Tribunal, therefore, grants its approval to the Respondent to file an application under Section 27 of the Arbitration and Conciliation Act, 1996, in the Hon'ble High Court of Delhi, seeking production of the documents referred to in Para 3 (i) to (iv) (supra). ”

3. Mr. Navnit Kumar, Adv. appears for the respondent, on advance notice and states that the reference made to the respondent in para 3 of the revised order dated February 9, 2016 is to the “Oil India Limited” and the

reference to the ‘petitioners’ in para 3(ii) is to the “Suntera Resources Ltd”, the petitioner herein.

4. Noting the submissions so made before the Tribunal and the order passed by the Tribunal, let summons be issued for appearance of the concerned officer of the Directorate General of Hydrocarbons, under the Ministry of Petroleum & Natural Gas, OIDB Bhawan, Plot No 2, Sector 73, Noida for producing the following documents before the Arbitral Tribunal on March 14, 2016 at 11 am, at the venue to be informed by the respondent herein to the Directorate General of Hydrocarbons at least one week before March 14, 2016.

“(i) The certified documents from the Chairman and MD, Director (Finance), Director (E&D) and Director (HR & BD) authorising the Respondent's willingness to acquire Petitioner's Participating Interest in the block RJ-ONN-2000/1, annexed to a communication between the Respondent and the DGH dated 9 November 2009.

(ii) The certified documents from the Chairman and MD, Director (Finance), Director (E&D) and Director (HR & SD) authorising the Respondent's willingness to acquire Petitioner's Participating Interest in the block MZ-ONN-2004/1, annexed to a communication between the Respondent and the DGH dated 9 November 2009.

(iii) The certified documents from the Chairman and MD, Director (Finance), Director (E&D) and Director (HR & SD) authorising the Respondent's willingness to acquire Petitioner's Participating Interest in the block AA-ONN-

2002/3, annexed to a communication between the Respondent and the DGH dated 9 November 2009.

(iv) The certified documents from the Chairman and MD, Director (Finance) , Director (E&D) and Director (HR & SO) authorising the Respondent's willingness to acquire Petitioner's Participating Interest in the block AA-ONN-2004/2, annexed to a communication between the Respondent and the DGH dated 9 November 2009.”

Petition is disposed of.

Dasti.

V. KAMESWAR RAO, J

FEBRUARY 22, 2016/ak