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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P. (E) (COMM.) 10/2016**
SAPTRISHI BUILDERS PVT. LTD.

..... Petitioner

Through: Mr.Sunil Narula, Adv.

versus

VEG.SANCHAR VIHAR COOPERATIVE GROUP HOUSING

..... Respondent

Through:

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

ORDER
% **08.03.2016**

This is a petition under Section 27 of the Arbitration and Conciliation Act, 1996 for summoning of the three witnesses before the learned Sole Arbitrator, the witnesses being Mr. I.K.Bhatia, Mr. Babulal and Eish Taneja and Associates-Chartered Accountant.

Mr. Sunil Narula, learned counsel appearing for the petitioner states that the learned Sole Arbitrator has granted permission to seek assistance of this Court for summoning two witnesses namely Mr. I.K.Bhatia & Mr. Babulal.

Insofar as the Chartered Accountant is concerned, the learned Sole Arbitrator was of the following view:

“So far Chartered Accountant is concerned the audit report of the society are supposed to be with the society and not with the Chartered Accountant. There is no document relating to the account filed by the Respondent society on record in Arbitration proceedings.

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So far as Chartered Accountant is concerned, since the dispute in question is with regard to the extent of work done and payments made to the claimant by the society for which the two witnesses as mentioned above would be relevant and not the Chartered Accountant as the Chartered Accountant had no role in checking, verifying and passing the bills of the contractor. However, it is open to the Respondent to seek permission from the Hon'ble Court, so far as the Chartered Accountant is concerned if and when his relevancy is proved to the satisfaction of the Hon'ble Court”.

Mr.Sunil Narula would submit that let summons be issued to the two witnesses namely Mr. I.K.Bhatia, Mr. Babulal, for the time being. He submits, if the summoning of these two witnesses would not suffice the requirement, steps shall be taken to summon the Chartered Accountant in future in accordance with law. If that be so, let dasti summons be issued to the two witnesses i.e. (a) Sh. I.K. Bhatia, House No. 502, Green Valley Apartment, Plot No. 18, Sector-22, Dwarka, New Delhi-75 & (b) Sh. Babulal, B-105, Aastha Apptt., Plot No.-19-B, Sector-6, Dwarka, New Delhi-75, for their appearance before Mr.Vivekanand, learned Sole

Arbitrator on April 13, 2016 at Chamber No. 493, Chamber Block-II, Delhi
High Court, Sher Shah Road, New Delhi at 11.00 A.M.

The petition stands disposed of.

V. KAMESWAR RAO, J

MARCH 08, 2016/akb