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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **O.M.P. (E) (COMM.) 17/2016**

VIPUL LIMITED & ANR & ORS. Petitioners
Through Mr.Gaurav Duggal, Adv. with
Ms.Nidhi Parashar, Adv.

versus

SOLITAIRE VENTURES PTE. LIMITED & ORS. Respondents
Through Mr.Ashish Mohan, Adv. with
Mr.Chetan Wahi, Adv.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **28.04.2016**

I.A. No.5156/2016 (exemption)

Exemption allowed, subject to just exceptions.

The application is disposed of.

O.M.P. (E) (COMM.) 17/2016

The present petition has been filed under Section 27 of the Arbitration and Conciliation Act, 1996 seeking permission of the Court for summoning of witnesses.

Issue notice. Counsel appearing on behalf of the respondents No.1 and 2 accepts notice. Learned counsel for the petitioner states that the copy of the petition has been served to the respondents No.3 and 4 who are aware about the order passed by the Arbitral Tribunal. Counsel for the respondents No.1 and 2 has no objection if the prayer made in the present petition is allowed.

The present petition is disposed of with the consent of the parties. It is submitted that the petitioner had moved an application under Section 27 of the Arbitration and Conciliation Act, 1996 before the Arbitral Tribunal for its approval for summoning of the following witnesses with relevant records:

Sr.	Particulars of witnesses	To prove
1.	The Chief Manger, Indian Overseas Bank, B-2, Market Safdarjung Enclave, New Delhi- 110029	To produce the complete record including letters addressed to Citi Bank, Bank of India and RBI and letters received by Indian Overseas Bank, pertaining to the following remittances in the account of Vipul SEZ Developers Pvt Ltd. (a) Remittance dated 18/04/2006 for an amount of Rs.6,00,00,000/- (b) Remittance dated 15/05/2006 for an amount of Rs. 8,50,00,000/- (c) Remittance dated 08/06/2006 for an amount of Rs. 3,00,00,000/- (d) Remittance dated 19/6/2006 for an amount of Rs.4,50,00,000/- (e) Remittance dated 05/03/2007 for an amount of Rs.3,00,00,000/-
2.	The Chief Manager, Bank of India, Overseas Branch, Bank of India Building, Mezzanine Floor, 70-80 MG road, Hutatma Chowk, Mumbai-400023	To produce complete record available with the bank, including application for issuance of FIRC's, RTI filed by Vipul Ltd. and any correspondence in relation to the following remittances in the account of Vipul SEZ

		Developers Pvt Ltd. (a) Remittance dated 05/03/2007 for an amount of Rs.3,00,00,000/- (b) Remittance dated 15/05/2006 for an amount of Rs.8,50,00,000/- (c) Remittance dated 08/06/2006 for an amount of Rs.3,00,00,000/-
3.	Manager, Bank of India, Jeevan Bharti Building, Tower-I, Level V, 124, Connaught Circus, New Delhi - 110001	To produce complete record available with the bank, including application for issuance of FIRC's, RTI filed by Vipul Ltd. and any correspondence in relation to the following remittances in the account of Vipul SEZ Developers Pvt Ltd. (a) Remittance dated 19/06/2006 for an amount of Rs.4,50,00,000/-
4.	The Chief Manager, Citi Bank NA, Citigroup Centre, Funds Transfer Division, C-61, Bandra Kurla Complex, Bandra East, Mumbai -54	To produce complete record available with the bank pertaining to the following remittance including application for issuance of FIRC's, if any, RTI filed by Vipul Ltd. and any correspondence pertaining to the following remittances in the account of Vipul SEZ Developers Pvt Ltd. (a) Remittance dated 19/06/2006 for an amount of Rs.6,00,00,000/-

The Arbitral Tribunal allowed the said application by order dated 21st April, 2016 while rendering its approval for the same and giving liberty to the petitioner to move this Court for summoning of the above said witnesses.

Copy of the order dated 21st April, 2015 has been filed along with the present petition.

The prayer made in the present petition is allowed. The Registry would issue summons to the above said witnesses to bring records as mentioned in para 3 of the petition, before the Arbitral Tribunal. Counsel for the petitioner that the details of venue of Arbitration will be given along with process fee. He further states that the diet money as well as other actual expenses of the witnesses shall be paid at the venue of the arbitration. He states that the witnesses are to be summoned on 2nd June, 2016 at 5.00 p.m. Ordered accordingly.

Petition is disposed of accordingly.

APRIL 28, 2016/jk

MANMOHAN SINGH, J.