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

+ O.M.P. (E) (COMM.) 27/2016

BHAYANA BUILDERS PVT. LTD Petitioner
Through Ms.Manmeet Kaur, Adv. with
Mr.Manan Chadha, Adv.

versus

ERA INFRA ENGINEERING PVT LTD. Respondent
Through Mr.Divij Kumar, Adv.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER
% **03.06.2016**

Issue notice. Learned counsel appearing on behalf of the respondent accepts the notice.

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 Arbitrator for his approval for summoning of the following witnesses with relevant records:

Mr. Sutanu Ganguly,
Branch Manager
Indian Overseas Bank
Defence Colony Branch,
A - 19 DDA Shopping cum office complex,
Ring Road, New Delhi – 110024

The said official be summoned to bring relevant records relating to Bank records pertaining to certain transactions dated 23rd July, 2011, 2nd

November, 2011 and 17th March, 2012 whereby certain amounts were credited into the petitioner's current account No.3856, whereby the payment was made by the respondent. The exact description of the abovementioned transactions have been detailed herein below:

Date of Credit	Date of Credit	Date of Credit
23.7.2011	by CLG 74601	Rs. 5,00,000/-
17.3.2012	by CLG 540185	Rs. 5,00,000/-
02.11.2011	by CLG 282026	Rs. 10,00,000/-
02.11.2011	by CLG 282027	Rs. 10,79,085/ -

The Arbitrator allowed the said application by order dated 12th May, 2016 while rendering his approval for the same and giving liberty to the petitioner to move this Court for summoning of the above said witness. Copy of the said order dated 12th May, 2016 has been filed along with the present petition. It is submitted that despite the orders passed by the Arbitrator vide order dated 12th May, 2016 for summoning of the witnesses, none of the witnesses came forward to appear before the Arbitrator nor did they respond before him.

The prayer of this application is not opposed by the counsel for the respondents. Hence, the prayer is allowed. The Registry would issue summons to the above said witnesses to bring records as mentioned in para 7 of the petition, before the Arbitrator at the venue of arbitration being Delhi International Arbitration Centre, Delhi High Court, Sher Shah Suri Gate, Mathura Road, Atul Grove Road, Bapa Nagar, India Gate, New Delhi - 110003 on 18.7.2016 at 11.00. AM.

The petition stands disposed of.

Dasti, under the signatures of the Court Master.

MANMOHAN SINGH, J.

JUNE 03, 2016/vp