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

+ O.M.P. (E) (COMM.) 31/2016

EMMAR MGF CONSTRUCTION PVT. LTD. Petitioner
Through None.

versus

DELHI DEVELOPMENT AUTHORITY Respondent
Through Mr.Ajay Verma, Adv. with Mr.Ishaan
Verma and Mr.Vaibhav Mishra,
Advs.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER
% **29.08.2016**

I.A. No.10478/2016 (for modification of order dated 1.8.2016)

The present application has been filed for modification of order dated 1st August, 2016. Advance copy of the application was served upon the petitioner. However, no one appears on behalf of the petitioner when the matter is taken up.

The prayer of the learned counsel for the respondent is pressed to the extent that while passing the order dated 1st August, 2016, the witnesses at serial No.4 has been ordered to appear before the learned Arbitrator on 6th September, 2016 along with Sanctioned Building Plan dated 11th January, 2008 (Drawing No. A-01) (s.n.19) and drawings from S.No. 20 to 23 (Annexure C-5) related to Commonwealth Games Village residential project. The said prayer of the petitioner has already been rejected by the order dated 29th October, 2015 passed by the learned Arbitrator. Relevant

para of the said order reads as under:

“The claimant in Para-1(2) of the application seeks sanctioned building plan (Sr. No. 19 dated 11.1.2008). Certain objections have been raised but we deem it unnecessary to ponder with the same because the claimant has not applied for the certified copy, if any. In the absence of the same no direction to call any such person would be proper.”

Counsel for the applicant therefore, submit that the Officer/Director (Building), DDA may not be directed to produce the said Sanctioned Building Plan dated 11th January, 2008 (Drawing No. A-01) (s.n.19) and drawings from S.No. 20 to 23 (Annexure C-5) related to Commonwealth Games Village residential project. As far as other documents are concerned, the same will be produced. There is force in the submissions of the learned counsel for the respondent. The order passed on 1st August, 2016 is modified accordingly by allowing the prayer.

The application is disposed of.

Dasti under the signatures of the Court Master.

MANMOHAN SINGH, J.

AUGUST 29, 2016/jk