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

+ O.M.P. (E) (COMM.) 41/2016

TELECOMMUNICATIONS CONSULTANTS ..... Petitioner

Through: Mr Ratan K. Singh, Mr Nikhil  
Krishnan, Mr Raghav Alok and Mr  
Nishank Tyagi, Advocates.

versus

MAHESHWARI BROTHERS LIMITED (MBL) ..... Respondent

Through: Ms Anusuya Salwan and Mr Kunal  
Kohli, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

% **03.11.2016**

1. This is a petition filed under Section 27 of the Arbitration and Conciliation Act, 1996 (hereinafter 'the Act') *inter alia*, seeking assistance of this Court in summoning a responsible officer from National Highway Authority of India (NHAI) for giving testimony and producing the documents as mentioned in para 4A of the petition.

2. The learned counsel appearing for the parties have also drawn the attention of this Court to the order passed by the Arbitral Tribunal on 25.10.2016, whereby, the Arbitral Tribunal permitted the petitioner to approach this Court for completing the process and adjourned the matter to 16.01.2017 at 3:00 PM.

3. For the reasons stated in the application, the same is allowed. Let

summons be issued to NHAI, Head Office, G-5 & 6, Sector-10, Dwarka. NHAI shall depute a responsible officer, who is aware of the contract for widening and strengthening of the existing National Highway from 2 Lane to 4 Lane from 183 KM to 163.896 of Sonapur to Guwahati Section of NH-37 in Assam on East-West Corridor under Phase-2 program of NHDP Package No.EW-2 (= Package AS-3), to give evidence and produce the documents as stated in para 4A of the petition. The said officer shall appear before the Arbitral Tribunal at Neeti Bagh Club, New Delhi on 16.01.2017 at 3:00 PM for recording of his evidence and producing the relevant documents.

4. The relevant extract of paragraph 4A of the petition is reproduced below:

“a) All IPCs- Adhoc and final with supporting documents including all Measurement Books and description covering value of work executed in BOQ items, value of work executed in Non-BOQ items, value of work under varied works (BOQ ITEMS), value of work under varied works (NON-BOQ ITEMS) & Price adjustment;

b) Status of contract for widening and strengthening of the existing National Highway from 2 Lane to 4 Lane from 183 KM to 163.896 of Sonapur to Guwahati Section of NH-37 in Assam on East-West Corridor under Phase-2 program of NHDP Package No. EW-2 (= Package AS-3) project of National Highway Authority of India (NHAI} with and details of exact work done and if work has been completed, then to file certified total cost of the project till completion.

c) Inform in writing and also give testimony regarding all deduction made by NHAI till date in respect of the subject

contract; objection if any regarding the same lodged with NHAI and status of release of the same.

d) Details of total amount paid by NHAI so far with details/documents thereof.

e) Details of the bills pending with NHAI and details of the unbilled work executed by the contractor.

f) Status of release of retention amount and withholding, if any, by NHAI with details and documents thereof.

g) Status as to whether any LD imposed by NHAI with complete details.”

5. The petition is disposed of with the aforesaid directions.

6. A copy of the order be sent along with the summons.

**VIBHU BAKHRU, J**

**NOVEMBER 03, 2016**

**MK**