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

+ O.M.P. (E) (COMM.) 44/2016

GARG AUTOMATION & CONTROLS Petitioner

Through: Mr Neeraj Kumar, Advocate.

versus

TRI NET SOLUTIONS PVT. LTD. Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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09.12.2016

The petitioner has filed the present petition under Section 27 of the Arbitration and Conciliation Act, 1996, *inter alia*, praying as under:-

“b). Direct for summoning of witness/ concerned clerk from the Post Office, Defence Colony, New Delhi alongwith the copy of the record containing the Postal receipt bearing no. 04569 dated 10.03.2012 as well as concerned/authorized officer from the DTDC Courier and Cargo Ltd., SF-174, Defence Colony, New Delhi alongwith the record pertaining to the Courier receipt No. Z57130277 dated 10.03.2012, directly before the Ld. Arbitral Tribunal, Delhi International Arbitration Centre, Delhi High Court, New Delhi on 12.01.2017 at 3.00 PM and on such further dates as may be directed by Ld. Arbitral Tribunal.”

The petitioner has also drawn the attention of this Court to an order dated 26.08.2016 wherein the Arbitral Tribunal had permitted the petitioner to approach this Court for summoning of the said witnesses.

The next date of hearing before the Arbitrator is now fixed on 12.01.2017 at 3:00 PM.

Accordingly, the Registry is directed to issue summons to (i) the concerned official of the Post Office, Defence Colony to produce the relevant record relating to the Postal receipt bearing No. 04569 dated 10.03.2012; and (ii) the concerned employee of DTDC Courier and Cargo Ltd, SF-174, Defence Colony, New Delhi to produce the record pertaining to the Courier receipt No. Z57130277 dated 10.03.2012.

The witness shall appear before the Arbitrator, Delhi International Arbitration Centre, High Court of Delhi, New Delhi on 12.01.2017 at 3:00 PM.

Insofar as the summoning of the record of this Court are concerned, the petitioner would be at liberty to apply for certified copies of the same and, therefore, there is no requirement for directing any officer of this Court to produce the records before the Arbitral Tribunal.

The petition is disposed of.

VIBHU BAKHRU, J

DECEMBER 09, 2016
MK