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

+ O.M.P. (E) (COMM.) 13/2017

TELECOMMUNICATIONS CONSULTANTS

INDIA LTD. (TCIL)

..... Petitioner

Through: Mr Nikhilesh and Mr Aishwary
Kumar Tiwari, Advocates.

versus

MAHESHWARI BROTHERS LIMITED (MBL) Respondent

Through: Ms Renuka Arora, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **30.05.2017**

1. This is an application under Section 27 of the Arbitration and Conciliation Act, 1996, *inter alia*, seeking assistance of this Court for summoning Mr Lajpat Dhingra or any other authorized officer from the office of the Executive Engineer, HSRDC Works, Khedar Provincial Division No.III, P.W.D. B & R Branch, Hisar (Haryana) - 125001.
2. The learned counsel for the petitioner has also drawn the attention of this Court to the order dated 15.05.2017 whereby the arbitral tribunal has allowed the petitioner's application for summoning of the said witness and permitting the petitioner to approach this Court for seeking the necessary assistance.
3. The learned counsel for the respondent has no objection to the same. She states that the witness would also be relying on the testimony of the witness sought to be summoned.
4. Accordingly, the application is allowed. It is directed that summons be issued to Mr Lajpat Dhingra or the concerned officer from the office of

the Executive Engineer, HSRDC Works, Khedar Provincial Division No.III, P.W.D. B & R Branch, Hisar (Haryana)- 125001.

5. The witness shall appear before the arbitral tribunal on 01.08.2017 at 2:30 PM, 02.08.2017 at 3:00 PM, 04.08.2017 at 3:00 PM and 05.08.2017 at 11:30 AM at Delhi International Arbitration Centre (DIAC), Delhi High Court Complex, Shershah Road, Near India Gate, New Delhi. The witness shall also bring all relevant documents including as specified below:-

1. Completion Certificate.
2. Defect Liability Certificate
3. Handling over certificate.
4. All documents including note sheets pertaining to the extension of time case.
5. Basis of rates sanctioned for non schedule items, with their justification of rates in respect of items included in 18th & Final bill.
6. Conditions on sub-contracting HSRDC.
7. Basis of reduction in quantity taken in 17th RA Bill but reduced in 18th and Final Bill.
8. Basis of reduction of HSR items rates and NS item rates taken in earlier RA Bills but reduced in 18th and Final Bill.
9. Documents showing status of security deposit.

The petition is disposed of.

VIBHU BAKHRU, J

MAY 30, 2017/MK