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

+ O.M.P. (E) (COMM.) 19/2017

SANDEEP KUMAR, PARTNER M/S.SAM BUSINESS

CONTINUTY SERVICES & ORS. Petitioners

Through Mr.Vineet Sinha and Ms.Aparna
Malhotra, Advs.

versus

EMC LIMITED

..... Respondent

Through Mr. Surjendu Sankar Das,
Mr.Siddhanth Kochhar and Mr.Shivang Singh,
Advs.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **04.08.2017**

IA No.8831/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

O.M.P. (E) (COMM.) 19/2017

1. This petition is filed under Section 27 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act) seeking a direction to South Bihar Power Distribution Company Ltd. and North Bihar Power Distribution Company Ltd. to produce before the learned Arbitral Tribunal the tender documents, copy of technical bids and financial bids for the stated NITs.

2. Pursuant to the application moved by the petitioner before the learned Arbitral Tribunal on 24.07.2017, the learned Tribunal noted the submissions of the learned counsel for the respondent and allowed the application and

granted approval to the petitioner/claimant to apply to the appropriate court for assistance in taking evidence in accordance with Section 27 of the Act.

3. Learned counsel appearing for the respondent has vehemently opposed the application in the same manner as it was opposed before the learned Arbitral Tribunal. He has firstly submitted that the application is infructuous. He secondly submits that for one of the Districts he has admitted that the tender document filed by the respondent and for the other two districts for which tender documents are sought, he had never bid. Hence, no purpose is served by summoning the record. He strongly submits that the agreement relates to services that were to be provided by the petitioner which have not been provided.

4. Merely because the respondent has admitted some of the documents pertaining to one district does not mean that the petitioner cannot seek summon of the other documents. It is not for this court while adjudicating an application under Section 27 of the Act to start adjudicating on the merits of the matter

5. Keeping in view the above facts, the present petition is allowed. Summons may be issued to the concerned officials for the date that may be fixed by the learned Arbitrator for recording of evidence of the said officials/to produce the documents as mentioned in the prayer clause to the petition. The petitioner will place on record the appropriate order of the learned Arbitrator fixing the date for recording of evidence.

6. The petition stands disposed of. A copy of this order be given dasti under signatures of the Court Master.

JAYANT NATH, J

AUGUST 04, 2017/rb