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

+ O.M.P. (E) (COMM.) 24/2017

STCI FINANCE LIMITED

..... Petitioner

Through

Mr.Abhinav Mukhi and Ms.Shruti  
Pandey, Advs.

versus

LT. COL. (RETD.) H.S. BEDI & ANR.

..... Respondents

Through

Mr.Vaibhav Dabas, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

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**27.11.2017**

**IA No.13972/2017 (Exemption)**

Allowed, subject to all just exceptions.

**O.M.P. (E) (COMM.) 24/2017**

This is an application under Section 27 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') praying for assistance of this Court in summoning the following witness along with details of the record sought to be produced:-

|                                 |                                                                                                                                              |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Name and address of the witness | Branch Manager (through concerned official),<br>HDFC Ltd,<br>Capital Court,<br>Munirka, Outer Ring Road,<br>Olof Palme Marg,<br>New Delhi-67 |
| Description of record Documents | 1. The Letter Dated 27.09.2013 wherein the Claimant apprised HDFC Ltd. that the Respondents                                                  |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>have requested for grant of Loan Facility offering second charge on the Mortgaged Property.</p> <p>2. The letter dated 30.09.2013 from HDFC in response to Claimant's letter dated 27.09.2013, confirmed and extended the second charge (ceded vide letter dated 03.01.2013 for a loan of 100 Crores) on the Mortgaged Property.</p> <p>3. The letter dated 17.10.2012 issued by HDFC Ltd. to the Petitioner/ Claimant laying down terms and conditions of the second charge.</p> <p>4. The letter dated 03.01.2013 issued by the HDFC Ltd. to the Petitioner/ Claimant confirming second and subservient charge over the mortgaged property.</p> <p>5. The letter dated 01.01.2013 issued by the Respondents to HDFC Ltd confirming of consenting to cede second charge.</p> <p>6. Declaration dated 01.01.2013 executed by the Respondents herein.</p> |
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Learned counsel for the respondent has entered appearance. He has no objection if the application is allowed.

In view of the above, let summon be issued to the above mentioned witness for production of the record mentioned hereinabove to appear before the Sole Arbitrator Hon'ble Mr. Justice R.C. Chopra (Retd.) on 19<sup>th</sup> December, 2017 at 5.00 p.m. at A-384, Defence Colony, New Delhi-110024.

Summons be served *dasti* by the petitioner. Diet money would be paid to the witness on his appearance before Sole Arbitrator.

The petition is allowed in the above terms.

**NAVIN CHAWLA, J**

**NOVEMBER 27, 2017/vp**