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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION (LODGING) NO.227 OF 2018

Moosabhai G. Khetani	...Petitioner
V/s.	
Rahim M. Kaba	...Respondent

Mr.K.M. Bhatia i/b Mr.A.M. Rajabally for the Petitioner.

Mr.Ganesh Ambre i/b Thakore Jariwala for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 1ST MARCH, 2018.

P.C. :-

1. By this petition filed under section 27 of the Arbitration & Conciliation Act, 1996, the petitioner seeks issuance of witness summons to the Commissioner of Sales Tax or his representative directing him to remain present before the arbitral tribunal with original records of the sales tax described in prayer clause (a) of the petition.

2. Heard learned counsel for the parties and have perused the averments made in the arbitration petition. I have also perused the letter dated 31st May, 2016 addressed by the Sales Tax Department to the petitioner in response to the application made by

the petitioner under the provisions of Right to Information Act.

3. In my view, the petitioner has made out a case for issuance of witness summons as prayed in prayer clause (a) of the petition. The office is directed to issue witness summons expeditiously in terms of prayer clause (a) of the petition with a direction to the witness to remain present before the learned arbitrator on 12th March, 2018 or on such date as the learned arbitrator may direct.

4. The witness shall confirm as to whether the partnership firm is in existence and shall also disclose the names of the present partners thereof and the names of the partners as per Sales Tax records.

5. The arbitration petition is disposed of in aforesaid terms.
No order as to costs.

(R.D. DHANUKA, J.)