

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 1303 OF 2018

Indian Oil Corporation Ltd.

..Petitioner

Vs.

M/s Kon Automobiles

..Respondent

Mr. Chirag Modi a/with Mr. Sunil Gangan, I/by RMG Law Associates
for the Petitioner.

Mr. Girish Pariyani, for the Respondent.

CORAM :- **B.P.COLABAWALLA, J.**
DATE :- **DECEMBER 10, 2018.**

P. C.:

1 This Petition has been filed under Section 27 of the Arbitration and Conciliation Act, 1996 seeking assistance of the Court for taking evidence before the arbitral Tribunal. Mr. Modi, learned Advocate appearing on behalf of the petitioner states that the petitioner needs to examine Mr. Prashant Bagal, Senior Executive, Technical Support of the MIDCO Limited as well as Mr. Sandeep Arora, Vice President Sales and Marketing of MIDCO Limited as witnesses in the arbitral proceedings. He further stated that as required under Section 27 the approval of the Arbitrator was given on 25th October, 2018 as reflected in the minutes of the meeting held

on the said date. He therefore submitted that the petition be made absolute in terms of prayer clause (a).

2 The learned Advocate appearing on behalf of the respondent does not oppose the petition. In these circumstances, the petition is allowed in terms of prayer clause (a) which reads thus :

“(a) that this Hon'ble Court be pleased to pass necessary directions to the Prothonotary and Senior Master, High Court at Bombay issuing witness summons upon witnesses Mr. Prashant Bagal, Sr.Executive - Technical Support of MIDCO Limited having his office at 39/44, Scheme 6, Road 2, Sion (E), Mumbai 400 022 and Sandeep Arora, Vice President Sales and Marketing of MIDCO Limited having his office at 39/44, Schem 6, Road 2, Sion (E), Mumbai 400 022 to produce original test reports dated 7th August, 2017 and to give their evidence in support of the test reports before the Arbitral Tribunal”.

3 The petitioner shall be at liberty to approach the Prothonotary and Senior Master High Court for issuance of the witness summons and inform the date on which the witnesses should be present before the Arbitral Tribunal.

4 There shall be no order as to costs.

(B. P. COLABAWALLA, J.)