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

+ O.M.P. (E) (COMM.) 5/2018

POWER GRID CORPORATION OF INDIA LTD. Petitioner

Through Mr.Pranay Kishore Mishra and
Mr.B.K.Pandey, Advs.

versus

JV OF XIAN ELECTRIC ENGINEERING COMPANY LTD.
CHINA AND XIAN XD SWITCH GEAR ELECTRIC LTD. CHINA

..... Respondent

Through Mr.Anuj Mirdha, Mr.Sushant Kumar
& Mr.Anshu Bhanot Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **18.01.2018**

IA No.808/ 2018 (Exemption)

Allowed, subject to all just exceptions.

O.M.P. (E) (COMM.) 5/2018

This petition under Section 27 of the Arbitration and Conciliation Act, 1996 has been filed by the petitioner seeking issuance of summons for appearance of the two witnesses mentioned in the petition.

Earlier this Court had allowed summoning of these witnesses vide its order dated 25.09.2017 passed in OMP(E)(COMM) 20/2017, Power Grid Corporation of India Ltd. v. JV of Xian Electric Engineering Company Ltd. China And Xian XD Switch Gear Electric Ltd. China. Learned counsel for the petitioner submits that while two witnesses had appeared before the Arbitrator, the witnesses for whom summons are now prayed for could not

appear before the Court.

Learned counsel for the respondent appears on advance notice and submits that he has no objection to the prayer made in the petition.

Let summons for appearance of the following witnesses be issued:

Sl. No.	Name and address of the witness	Facts and/or documents sought to be proved
1.	Concerned official from the office of Asstt. Engineer (Comm), Energy & Power Department, Government of Sikkim, Namchi, South Sikkim.	1. To bring and prove the issuance of the Electricity Bill dated 27.7.2012 issued to the DGM, Power Grid Corporation of India Ltd., for an amount of Rs.39,800/- due on 26.8.2012 with respect to Consumer Code No. 17/100KVA and Consumer Type-HTS, A Copy of the said Electricity Bill is annexed as Annexure R-10 (colly) to the Reply Cum Counter Claim and the same is enclosed herewith for reference. 2. To bring and prove the issuance of the Electricity Bill dated 31.11.2012 issued to the DGM, Power Grid Corporation of India Ltd., for an amount of Rs.70,240/-due on 31.12.2012 with respect

		to Consumer Code No. 17/ 100KVA and Consumer Type-HTS, A Copy of the said Electricity Bill is annexed as Annexure R-10 (colly) to the Reply Cum Counter Claim and the same is enclosed herewith for reference. 3. To bring and prove the Issuance of the Electricity Bill dated 14.3.2013 issued to the DGM, Power Grid Corporation of India Ltd., for an amount of Rs.53,940/- due on 25.3.2013 with respect to Consumer Code No. 17/ 100KVA and Consumer Type-HTS, A Copy of the said Electricity Bill is annexed as Annexure R-10 (colly) to the Reply Cum Counter Claim and the same is enclosed herewith for reference. To prove receipt of the Cheques bearing nos. 212975, 294295, 502431 dated 7.9.2012, 22.12.2012 & 23.3.2013 respectively for an
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		amount of Rs.39,800/- Rs.70,240/- & Rs.53940/- respectively drawn on State Bank of India, Mangal Deep, Darjeeling in favour of A.E (Elect), Energy & Power Department, Namchi issued by Power Grid Corporation of India Ltd, Copies of the said Cheques are annexed as Annexure R-10 (colly) to the Reply Cum Counter Claim and the same are enclosed reference.
2.	Concerned official from the office of District Magistrate (South), Office of the District Collector, Government of Sikkim, South District, Namchi, Sikkim	To bring and prove the Order dated 24.11.2012 bearing no..2166/2012/DCS of the District Magistrate (South). A copy of the said order is annexed as Annexure R-11 (colly) to the Reply Cum Counter Claim and the same is enclosed herewith for reference.

The witnesses will appear before the Sole Arbitrator on 2nd February, 2018 at Neeti Bagh Club, Near Uday Park, New Delhi at 5 PM. The diet money for the witnesses shall be paid by the petitioner upon their appearance before the Sole Arbitrator.

The petition is allowed in the above terms.

Summons shall be issued *dasti*.

NAVIN CHAWLA, J

JANUARY 18, 2018/Arya