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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P. (E) (COMM.) 11/2018**

M/S AERCOMFORT PVT. LTD. Petitioner
Through Mr.Dinesh Chandra Pandey and
Mr.R.Madhav Bose, Advs.

versus

THE GENERAL MANAGER(NORTHERN RAILWAY) & ORS.
..... Respondents
Through Mr.Jagjit Singh and Mr.Preet Singh,
Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
18.04.2018

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IA No.5140/2018 (Exemption)

Allowed, subject to all just exceptions.

O.M.P. (E) (COMM.) 11/2018

This petition has been filed by the petitioner under Section 27 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') praying for issuance of summons for appearance to the below mentioned witness along with the relevant record:

“Concerned competent official of the office of S.P., CBI, Anti Corruption Branch, CBI, 1st floor, CBI Headquarters, CGO Complex, Lodhi Road, New Delhi-110003 along with complete records/files pertaining to contract No.17-Elect/DyCEE/C/T /47 purportedly in the custody and possession of the CBI:

- i. *Complete original records/files/despach register relating to the purported complaint and purported RTI application of Sh. Divesh Taneja alleging submission of false credential (electrical licence) by the petitioner with the respondents in connection with the contract agreement No.17-Elect/DyCEE/C/T /47 and follow up action taken thereon.*

- ii. *Two purported letters both dated 13.04.2011, bearing same reference No. but in one the reference No. is handwritten while the other has a typed one, alleged to have been issued by the petitioner to the Dy. Chief electrical Engineer (Const), Northern Railway, Shivji Bridge, New Delhi.*
- iii. *Inspection/test Certificates duly certified by respondents/railways that materials supplied by Claimant under the subject contract No.17-Elect/DyCEE/C/T/47 was satisfactory.*
- iv. *Measurement books for the contract in question maintained by the Respondents.*
- v. *Complete records of bills submitted by the Petitioner to the Railways and the entire records relating to processing of said bills.*
- vi. *Documents authorising Shri Narinder Sacheva Executive Engineer Electrical and Ram Avtar Singh Meena to finalise the measurements and other related job in relation to the subject contract.*
- vii. *Despatch register of respondents/northern railways from 2011 till June 2013.”*

Having perused the contents of the petition, let summons be issued to the above named witness for his appearance before the Sole Arbitrator at Delhi International Arbitration Centre (DIAC), Sher Shah Road, New Delhi on 03.05.2018 at 11.00 a.m. with the abovementioned records.

The summons may be issued to be served *dasti* by the petitioner. The summons shall be served through concerned Superintendent of Police, CBI, Anti Corruption Branch, who shall ensure the appearance of the concerned official on the abovementioned date.

The petition is disposed of with the above terms.

NAVIN CHAWLA, J

APRIL 18, 2018/Arya