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

+ O.M.P. (E) (COMM.) 16/2018

GATEWAY DISTRI PARKS LTD Petitioner

Through: Mr Sanjeev Singh and Mr Ayub
Khan, Advocates.

versus

CONTAINER CORPORATION OF INDIA LTD Respondent

Through: Mr A. P. Singh and Mr Aman
Agrawal, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **07.05.2018**

1. The petitioner has filed the present petition under Section 27 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that summons be issued to the authorized official of Northern Railway as nominated by General Manager, Northern Railway), Northern Railway Headquarters, Baroda House, New Delhi-110001 to appear before the Arbitral Tribunal along with all original documents/records in respect of conductance of rail transportation of containers by Gateway Rail Freight Ltd. from ICD, Garhi Harsaru, Haryana between 11.02.2008 to 27.03.2008 and from 27.06.2008 till 27.08.2008.

2. The learned counsel appearing for the petitioner has drawn the attention of this Court to an order dated 24.03.2018 passed by the Arbitral Tribunal comprising of a Sole Arbitrator Justice P. K. Balasubramanyan

(Retd.), whereby the petitioner's application for summoning of the witness was allowed and the petitioner was permitted to approach this Court under Section 27 of the Act.

3. In view of the order passed by the Arbitral Tribunal, the Registry is directed to issue summons to the authorized official of the Northern Railway as nominated by General Manager, Northern Railway), Northern Railway Headquarters, Baroda House, New Delhi-110001 to appear before the Arbitral Tribunal along with all original documents/records in respect of conductance of rail transportation of containers by Gateway Rail Freight Ltd. from ICD, Garhi Harsaru, Haryana between 11.02.2008 to 27.03.2008 and from 27.06.2008 till 27.08.2008, on 02.07.2018 & 03.07.2018 at 4:30 PM at Chinara Habitat World India Habitat Centre, Lodhi Road, New Delhi-110003.

4. *Dasti* summons be issued in addition. The petitioner would also be entitled to serve the summons by electronic means additionally.

5. The petition is disposed of.

VIBHU BAKHRU, J

MAY 07, 2018

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