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

+ O.M.P. (E) (COMM.) 17/2018

GATEWAY RAIL FREIGHT 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 officer from Haryana Warehousing Corporation as nominated/deputed by the Managing Director, Haryana Warehousing Corporation, Haryana State Warehousing Corporation, Corp. Office: Bays 15-18, Sector – 2, Panchkula, Haryana along with all original documents/records including the File with respect to tender inviting bids/EOI in respect of CGS/ICD Rewari the bids received, the highest bid, CONCOR's bid, counter offer made by HWC to CONCOR AND Agreement dated 27.10.2008 signed between CONCOR & HWC AND all other documents with respect to negotiations in this bidding process.

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 officer from Haryana Warehousing Corporation as nominated/deputed by the Managing Director, Haryana Warehousing Corporation, Haryana State Warehousing Corporation, Corp. Office: Bays 15-18, Sector – 2, Panchkula, Haryana to appear before the Arbitral Tribunal along with “all original documents/records including the file with respect to tender inviting bids/EOI in respect of CGS/ICD Rewari the bids received, the highest bid, CONCOR's bid, counter offer made by HWC to CONCOR and agreement dated 27.10.2008 signed between CONCOR & HWC and all other documents with respect to negotiations in this bidding process”. The witness shall appear before the Arbitral Tribunal on 02.07.2018 and 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 may also serve the summons by electronic means additionally.

5. The petition is disposed of.

VIBHU BAKHRU, J

MAY 07, 2018/MK