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

+ O.M.P. (E) (COMM.) 24/2018

S.P. SINGLA CONSTRUCTIONS PVT. LTD. Petitioner
Through Mr.Anirudh Wadhwa and Mr.Akash
Chandra, Adv.

versus

UNION OF INDIA & ANR. Respondents
Through Mr.Vipin Chaudhary, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **01.08.2018**

I.A. No.9878/2018 (Delay)

This is an application seeking condonation of delay in re-filing of the petition.

For the reason stated in the application, the delay is condoned and the application stands allowed.

IA No.9877/2018 (Exemption)

Allowed, subject to all just exceptions.

O.M.P. (E) (COMM.) 24/2018

This application has been filed by the petitioner under Section 27 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') *inter-alia* making the following prayers:

- “a) Direct the Respondent to provide copies of the relevant records (as set out in Annexure P-6);*
- b) In the alternative to prayer (a), appoint a Local Commissioner to take the relevant records (as set out in*

Annexure P-6) in its custody and provide copies.”

Section 27 of the Act states that the petition seeking assistance in taking evidence can be filed in the Court by the Arbitral Tribunal or by a party with the approval of the Arbitral Tribunal.

Learned counsel for the petitioner relying on the following observation in the order dated 26.09.2017 passed by the Sole Arbitrator submits that the Arbitrator had given such approval to the petitioner.

“Despite the aforesaid the respondent has deliberately not provided copies of the documents which it had agreed to provide earlier to the claimant. Ld. counsel for the claimant submits that he will file an appropriate application. The claimant may take appropriate steps as per law.”

In my opinion, the above does not amount to an approval from the Arbitral Tribunal to file the present petition.

Learned counsel for the petitioner prays for leave to withdraw the present petition with liberty to file afresh after seeking requisite approval from the Arbitral Tribunal.

The petition is dismissed as withdrawn with liberty as prayed for.

NAVIN CHAWLA, J

AUGUST 01, 2018/Arya