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

+ O.M.P. (E) (COMM.) 19/2018

THE MUSKANN C.G.E. COOPERTIVE GROUP HOUSING
SOCIETY LTD. Petitioner

Through Mr.Kshitij Kumar and Mr.Apurv,
Advs.

versus

M/S. CIVILCON ENGINEERS

..... Respondent

Through None

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **31.05.2018**

IA No.7744/2018 (Exemption)

Allowed, subject to all just exceptions.

O.M.P. (E) (COMM.) 19/2018

This petition has been filed by the petitioner under Section 27 of the Arbitration and Conciliation Act, 1996 praying for issuance of summons for the appearance of the below mentioned witnesses along with the relevant records to appear before the Sole Arbitrator in Case Ref. No.DAC/1642/04-17 titled as *Civilcon Engineers vs. The Muskaan C.G.E. Cooperative Group Housing Society Ltd* at the Delhi International Arbitration Centre (DIAC) on 04.07.2018 at 2.00 p.m.:

SI. No.	Name & Address of the Witness	Facts sought to be proved	Documents sought to be proved
1.	Sh.Deepak Hirani,	To prove the bills,	a) Bills,

	Architect M/s Dharam Dass & Associates, 21-A, DDA Flats, Gulabi Bagh, Delhi- 110057	delaying of drawings, payment schedule, left over works (balance works as shown in SOC, works awarded and payments to M/s. H R Enterprises, super area of the project, steel consumption and letter dated 24.04.2012	b) Delaying of drawings, c) Payment schedule, d) left over work (balance works as shown in SOC), e) Works awarded and payments to M/s. H R Enterprises, f) super area of the project, g) steel consumption, and h) letter dated 24.04.2012
2.	Sh.Nagendra Kumar, Ex.- President Block- 10, Quarter No.152, Lodhi Colony, New Delhi-110003.	To prove the work awarded & payment to H R Enterprises, M/s Sita Rame Mehra & Co., letter related to R-7 of the counter-claim (Rs.38,90,040/-), excess payment as per payment schedule, minutes of the general body meeting and letter received from M/s.	a. Ledger account/statement of H R Enterprises, b. Ledger account/ statement of account of M/s Basoya Welding Works, c. Ledger account/ statement of account of M/s Sita Ram Mehra, d. Letter related to R 7 of the Counter Claim (Rs.38,90,040/-) e. Excess payment as per payment schedule, f. Minutes Book of M/s Civilcon Engineers

As the Arbitrator has already allowed the application of the petitioner for summoning of these witnesses vide order dated 11.05.2018, the present petition is allowed. Let summons be issued to the above named witnesses for their appearance before the Sole Arbitrator at the DIAC on 04.07.2018 at 2.00 p.m. with the abovementioned records.

The petitioner shall pay the diet money to the witnesses on their appearance before the Arbitrator.

The summons may be issued to be served *dasti* by the petitioner.

The petition is disposed of with the above direction, with no order as to costs.

Dasti.

NAVIN CHAWLA, J

MAY 31, 2018/Arya