

\$~42

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P. (E) 3/2018**
NERA BABA INFRASTRUCTURE PVT. LTD.

..... Petitioner

Through: Mr. Asit Tewari, Adv.

versus

SHRI HARI PRAKASH SINGH & ORS. Respondents

Through: Nemo.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

%

17.09.2018

IA No. 12505/2018 (Exemption)

Allowed, subject to all just exceptions.

O.M.P. (E) 3/2018

This petition has been filed under Section 27 of the Arbitration and Conciliation Act, 1996 seeking assistance of this Court in summoning of the following witnesses:-

"1. The Clerk/Record Keeper from the office of Tehsildar, Kanjawala, Delhi-110081 along with record of;

i. Application/Objection Dated 30-09-2014 from M/s. Nera Baba Infrastructure Pvt. Ltd. against Mr. Hari Prakash Singh & Others pertaining to land under sale in Village Punjab Khore, Tehsil Kanjhawala, District North-West, Delhi.

ii. Objections Dated 08-02-2016 from M/s. Nera Baba Infrastructure Pvt. Ltd. against Mr. Hari Prakash Singh & Others.

iii. RTI Application Dated 05-03-2016 from Mr. Virender

Singh, Advocate with respect to land in the name of Mr. Hari Prakash Singh, Mr. Satyawan, Mr. Mohit, Mr. Sumit at Village Punjab Khore, Tehsil Kanjhawala, District North-West, Delhi.

iv. Record of NOC No. 1446 Dated 13-08-2013 along with record of Jamabandi / Fard / Mutation record pertaining to Hari Prakash Singh, Satyawan, Mohit & Sumit and details of land are as follows:

a. 1/3rd share in Land Measuring 64-Bigha & 14-Biswas, out of Khata No. 194/77, Khatouni No. 250, out of Khasra Nos. 1(0-15), 2(3-15), 3(4-15), 4(4-6), 5(2-14), 6(4-16), 29(4-16), 30(4-16), 31(4-16), 32(2-3), 422/2(2-5), 423 (2-14), 424 (1-6), 425 (3-4), 426 (4-16), 427 (4-16), 429 (2-13) & 430 (3-0) situated in the Revenue estate of village Punjab Khor, Tehsil, Kanjhawala, Distt North West Delhi.

b. 1/3rd share of Land Measuring 60- Bigha and 10- Biswas, out of Khata No. 194/77, out of Khatouni No. 251, out of Khasra Nos. 7(4-16), 8(1-4), 9(4-16), 10(4-16), 27(4-16), 28(4-16), 39(4-16), 40(4-16), 407/2 (0-11), 408/2 (4-15), 409 (4-16), 412(4-16), 413(4-16), 415(3-0), & 416 (3-0) situated in the Revenue estate of village Punjab Khor, Tehsil, Kanjhawala, Distt North West Delhi.

c. 1/3rd share of Land Measuring 61-Bigha and 02- Biswas, out of Khata No. 194/77, out of Khatouni No. 252, out of Khasra Nos. 11(4-16), 12(4-6), 13(2-9), 14(4-16), 15(4-16), 16(3-1), 17/2(4-6), 18/2(2-12), 26(4-16), 417(3-0), 418(4-16), 419(4-16), 420(4-16), 421/2 (3-18) & 428(3-18) Stituatted in the Revenue estate of Village Punjab Khore, Teshil Kanjhawala, Delhi.

2. The Sub-Registrar-VI(D), Rohini, Delhi along with record of Application/Objection Dated 30-09-2014 from M/s. Mera Baba Infrastructure Pvt. Ltd. against Mr. Hari Prakash Singh & Other pertaining to land under sale in Village Punjab Khore, Tehsil Kanjhawala, District North-West, Delhi.”

The learned Arbitrator vide his order dated 04.09.2018 has allowed the petitioner to seek assistance of this Court in summoning of the above witnesses for their appearance on 10.10.2018 at 2:00 p.m. at the Delhi International Arbitration Centre for giving their evidence and producing the record as has been mentioned hereinabove. In view of the said order I do not feel any necessity of issuing a formal notice of this application to the respondents.

In view of the above, let summons of appearance be issued to the abovementioned witnesses for their appearance before the Arbitrator in Case Ref. No. DAC/1473/12-16 titled Mera Baba Infrastructure Pvt. Ltd. vs. Mr. Hari Prakash Singh & Ors. before the Delhi International Arbitration Centre on 10.10.2018 at 2:00 p.m.

The diet money shall be paid by the petitioner to the witnesses on their appearance before the Arbitral Tribunal.

The summons may be given *dasti* to the counsel for the petitioner for effective service.

The petition is allowed in the above terms, with no order as to cost.

NAVIN CHAWLA, J

SEPTEMBER 17, 2018/rv