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

+ O.M.P. (E) (COMM.) 32/2018

M/S DEVIDAYAL CASTINGS PVT LTD ..... Petitioner  
Through: Mr.Prateik Gaur, Adv.

versus

M/S FOAMATIVE TOYS PRIVATE LIMITED ..... Respondent  
Through: Mr.Kamal Kumar, Adv.

**CORAM:**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**  
% **30.10.2018**

1. This petition under Section 27 of the Arbitration and Conciliation Act, 1996 has been filed by the petitioner seeking assistance of this Court for summoning the following witnesses for production of the documents:

| Sl.No | Name and address of the witness                                                                                                                            | Documents required to be produced                                                                                                                                                                                                                                                                                                                     |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.    | Haryana Financial Corporation (HFC) having office at 17,18 and 19, Sector 17-C, Chandigarh 160017, India<br>also at: Bays 23, Sector 32, Gurugram, Haryana | The Manager/Competent Officer of HFC is required to produce Original documents and other relevant record and depose the following facts before the Ld. Arbitral Tribunal:<br>To produce or cause to be produced through an officer competent to produce and prove the original record including:<br>a) The Petitioner i.e M/s Devi Dayal Castings had |

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|----|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                                                                                                                                            | <p>taken financial assistance from HFC, settled its disputes with HFC vide communications dated 03.04.2001 and subsequently the possession was restored and the statements made to that effect in judicial proceedings and entire record pertaining to M/s Devi Dayal Castings regarding Property bearing no 38, Sector 18, Gurugram, Haryana including settlement proposals and judicial records and orders passed by the Hon'ble Courts in respect of the above including statement of account of M/s Devi Dayal Castings.</p> <p>b) All communications made by Devi Dayal Castings made to HFC in respect of the loan account and the entire record under it including handing over of possession on 03.04.2001 to M/s Devidayal Castings.</p> |
| 2. | State Bank of India having branch at Commercial Branch South Extension Part -1, New Delhi (Branch Code 00730) DGM (COMM Network ) Region 9 | <p>To produce or cause to be produced through an officer competent to produce and prove the original record including:</p> <p>Statement of account for account no 01000070009</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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|    |                                                                                                                                               | alongwith other record in the name of M/s Foamative Toys Pvt Ltd for the period of 21.01.2001 to 20.11.2001 and status of the account during the relevant time.                                                                                                                                                                                                                     |
| 3. | State Bank of India having branch at Mehrauli Road (Code 1565), Gurugram                                                                      | To produce or cause to be produced through and officer competent to produce and prove the original record including: <ul style="list-style-type: none"> <li>• Letter dated 22.02.2001 issued by SBI vide ref no 247 confirming closure of account of M/s Devidayal Casting Pvt Ltd.</li> </ul>                                                                                      |
| 4. | Haryana Urban Development Authority having office at Mini Secretariat, HUDA Complex, Sector 14, Gurugram, Haryana email: admggnhuda@gmail.com | To produce or cause to be produced through an officer competent to produce and prove the original record including: <ul style="list-style-type: none"> <li>• Entire file relating to M/s Devi Dayal Castings regarding Property bearing no 38, Sector 18, Gurugram, Haryana and statement of accounts and payments made in the above account and entire record under it.</li> </ul> |

2. The Arbitrator by his order dated 29.05.2018 read with order dated 09.08.2018 had allowed the petitioner to approach this Court for seeking such assistance.

3. I am informed that the Arbitrator has now fixed the arbitration proceedings for recording further evidence on 10.12.2018 at 4.00 p.m.

4. In view of the above, let summons be issued to the abovementioned witnesses for production of the documents mentioned hereinabove and for their appearance before the Sole Arbitrator on 10.12.2018 at 4.00 p.m. at Holiday Club, Panchsheel Enclave, New Delhi.
5. The diet money shall be paid by the petitioner to the witnesses on their appearance before the Sole Arbitrator.
6. Summons to be served to the witnesses through all modes.
7. The petition is allowed in the above terms, with no order as to cost.  
*Dasti.*

**NAVIN CHAWLA, J**

**OCTOBER 30, 2018/Arya**