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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ O.M.P. (E) (COMM.) 1/2018 & I.A. 156/2018  
AIRWIL JKM INFRACON PVT. LTD. .... Petitioner  
Through: Ms.Gurkamal Hora Arora, Adv.

versus

CADILLAC INFOTECH PRIVATE LTD. .... Respondent  
Through: Mr.Mitash Charan, Adv.

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

**ORDER**  
% **05.01.2018**

This petition under Section 27 of the Arbitration and Conciliation Act, 1996 has been filed by the petitioner praying for assistance of this court in summoning witnesses to appear before the Sole Arbitrator who is adjudicating the disputes between the parties.

Sole Arbitrator had, vide its record of proceedings dated 11.12.2017, granted leave to the petitioner to approach this Court for summoning of the witnesses.

The learned counsel for the respondent, who appears on advance notice, has no objection if the prayer made in the present petition is granted.

I accordingly direct issuance of summons to the following two witnesses who shall appear before the Sole Arbitrator Justice Sudhir Kumar Katriar (Retd.) on 22.01.2018 at 4:30 p.m. at his residence i.e. Awfis, 18, Link Road, Jangpura Extention, New Delhi-110014

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| Name and address of the Witness No. 1 to be summoned | Concern Clerk/Officials/Manager from the Axis Bank Ltd., B-2&3, Sector 16, Noida Branch, Noida, District Gautam Budh Nagar, UP                                                                                                                                                                                                                                                                                                                                                                                              |
| Description of record / Documents                    | <p>Tripartite Escrow Account agreement dated 03.11.2014 entered between Cadillac Infotech Pvt. Ltd. and Airwil JKM Infracon Pvt. Ltd. and Axis Bank Ltd.</p> <p>Statement of Escrow Bank Account bearing No.914020052118519 for the period starting from 28.11.2014 designated as Airwil JKM Infracon Pvt. Ltd. with details of signatory of the said account.</p> <p>Statement of bank account in the name of Cadillac Infrotech Pvt. Ltd. bearing Account No.914020044707835 for the period starting from 16.10.2014.</p> |
| Name and address of the witness No. 2 to be summoned | Concern Clerk/Official/ manager from the HDFC Bank Ltd., Branch, Sector 16, Noida                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Description of record /                              | Statement of Account of Airwil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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| Documents | JKM Infracon Pvt. Ltd. bearing No. 50200005218100 maintained with HDFC Bank Ltd., Sector-16, Noida and more particularly pertaining to the payments made through two RTGS dated 12.01.2016 of Rs. 10,00,000/- each and two RTGS dated 07.03.2016 of Rs. 10,00,000/- each in favour of Cadillac Infotech Pvt. Ltd. |
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I further direct issuance of summons to the following witnesses to appear before the above mentioned Arbitrator at the above given address on 23.01.2018 at 4:30 p.m.

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| Name and address of the witness<br>No. 3 to be summoned | Concern Clerk/Official/Manager from the Vijaya Bank, Vasundhara, Ghaziabad                                                                                                                   |
| Description of<br>record/Documents                      | Statement of Bank Account of Cadillac Infotech Pvt. Ltd., bearing No. 652900301000039 and more particularity with respect to:<br><br>i. The payments received vide two RTGS dated 12.01.2016 |

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|  | <p>of Rs. 10,00,000/- each and two RTGS dated 07.03.2016 of Rs. 10,00,000/- each from Airwil JKM Infracon Pvt. Ltd.</p> <p>ii. Encashment of cheques No.082868 and 082869 of Allahabad Bank, Tughlaqabad, Delhi of Rs. 50,00,000/- each, encashed around 19.02.2016 to 21.02.2016;</p> <p>iii. RTGS of Rs. 50,00,000/- through RTGS vide UTR Number ALLA201602265002610690 transferred from the Bank Account of Vinod Kumar Sachdeva maintained with Allahabad Bank, Tughlaqabad, Delhi bearing No.20478777948 on 26.02.2016</p> <p>iv. RTGS of Rs. 50,00,000/- through vide UTR Number ALLA201603285002752566</p> |
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|  | <p>transferred from the Bank Account of Vinod Kumar Sachdeva maintained with Allahabad Bank, Tughlaqabad, Delhi bearing No.20478777948 on 28.03.2016.</p> <p>v. Encashment of cheque No.78828 of Allahabad Bank, Tughlaqabad, Delhi of Rs. 50,00,000/-, encashed around 19.02.2016 to 21.02.2016</p> <p>vi. RTGS of Rs. 50,00,000/- through vide UTR Number ALLA201602265002610625 from the Bank Account of Pramod Kumar Sachdeva maintained with Allahabad Bank, Tughlaqabad, Delhi bearing No. 2047883106 on 26.02.2016</p> <p>vii. Encashment of cheque No. 83178 of Allahabad Bank, Tughlaqabad, Delhi of Rs. 50,00,000/- encashed around</p> |
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|                                                     | <p>19.02.2016 to 21.02.2016</p> <p>viii. RTGS of Rs. 50,00,000/- through vide UTR Number ALLA201602265002610527 from the Bank Account bearing No. 20478769529 of Rajesh Kumar Sachdeva maintained with Allahabad Bank, Tughlaqabad, Delhi on 26.02.2016</p>                                                                                                    |
| Name and address of the witness No.4 to be summoned | Concern clerk/Official from the office of Registrar of Companies, Nehru Place, Delhi                                                                                                                                                                                                                                                                           |
| Description of record / Documents                   | <p>From 8 filed by the Cadillac Infotech Pvt. Ltd. pertaining to the Property Charged i.e. EM of Immovable property located at 1, 2, 11 and 12 Sector 135, Noida alongwith its attachment as the Term Loan Agreement dated 30.03.2012, Deed of Hypothecation of Assets dated 30.03.2012 and Agreement for Hypothecation of Current Assets dated 30.03.2012</p> |

The diet money of the witnesses shall be paid on their appearance before the Arbitrator. Summons may be issued *dasti* to be served by the petitioner. The petition is allowed in the above terms.

**NAVIN CHAWLA, J**

**JANUARY 05, 2018/rv**