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

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Date of decision: 02.09.2019

+ **O.M.P. (E) (COMM.) 17/2019**

M/S TELECOMMUNICATIONS CONSULTANTS INDIA LTD

..... Petitioner

Through: Mr. Nikhilesh Krishnan, Mr. Jai
Pratap, Mr. Aslam, Advocates

versus

M/S RAJAT ELECTRICALS

..... Respondent

Through: Mr. Navneet Thakran, Advocate

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

I.A. No. 12070/2019 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

O.M.P. (E) (COMM.) 17/2019

1. This petition has been filed under Section 27 of the Arbitration & Conciliation Act, 1996 (hereafter 'the Act'), praying for assistance of this

Court in summoning of the following witnesses with records in terms of para 4(iii) of the petition, to appear before the sole Arbitrator namely Mr. Rakesh Kumar Aggarwal on 11.09.2019 and 12.09.2019 AT 2.30 PM at TCIL Bhawan, Greater Kailash I, New Delhi-110048:

“A. Chandigarh Housing Board (CHB) by issuing direction to The Executive Engineer-IV, 8, Jan Marg, Sector-90, Chandigarh Housing Board, Chandigarh to depute the responsible officer/clerk to :-

- (i) Produce records regarding 11th RA Bill issued by CHB (copy enclosed)*
- (ii) Produce records regarding issuance of letters/memos dated 08.04.2015, 10.04.2015, 18.05.2015, 20.05.2015 by CHB (copies enclosed)*
- (iii) Produce records regarding issuance of letter dated 31.12.2015 by CHB and receipt of letters dated 16.06.2017 & 01.05.2017 of TCIL to CHB (copies Enclosed)*
- (iv) Produce records regarding handing over the final flat alongwith records of complete flatwise handing over to the allottees with relevant page of contract of CHB (copies enclosed)*
- {v) Produce records regarding receipt of letter dated 14.11.2017 of TCIL to CHB, receipt of letter dated 01.12.2017 of TCIL to CHB, receipt of letter dated 06.03.2018 of TCIL to CHB, issuance of letter dated 11.04.2018 of CHB to TCIL, certified 9th & Running Bill by CHB with measurement, letter dated 25.01.2012 of TCIL to CHB {copies enclosed)*
- {vi) Produce records regarding issuance of letter dated 25.01.2012 of CHB to TCIL & provisional completion certificate issued by CHB on 22.07.2019 (copies enclosed)*

B. *ICICI Bank, 9A, Phelps Building, Inner Circle, Connaught Place-100001 by issuing direction to The Chief **Manager/Branch Manager to depute the responsible officer/clerk to :-***

Produce bank statement of TCIL, bank account no. 000705039832 for the period 01.04.2015 to 31.08.2016. (copy enclosed)."

2. The sole Arbitrator vide his order dated 19.08.2019 has allowed the application of the petitioner to summon the said witnesses. As the order was passed with the consent of the parties, service of notice of the present petition on the respondent is not deemed necessary.
3. Learned counsel for the petitioner also submits that an advance copy of the petition has already been served on the respondent.
4. For the reasons stated in the petition and in view of the facts and circumstances of the case, the petition is allowed with the direction that summons for appearance be issued to above mentioned witnesses and be served *dasti* for production of record mentioned in para 4(iii) of the petition and to appear before the learned Arbitrator on 11th and 12th September 2019.
5. Diet money will be paid by the petitioner to the witnesses, on their appearance before the learned Arbitrator.
6. The petition is disposed of in the above terms.

JYOTI SINGH, J

SEPTEMBER 02, 2019

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