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

+ O.M.P.(T) 4/2019, IA Nos. 12605-12606/2019

MORAN PLANTATION PVT. LTD.

..... Petitioner

Through: Mr. N.P. Singh and Ms. Anupama
Kaul, Advs.

versus

AMBIANCE PVT. LTD. & ANR.

..... Respondents

Through: Mr. P.K. Agrawal, Ms. Tannya
Sharma, Ms. Srutisma Hazarika and
Ms. Deepti Gupta, Advs.

AND

+ O.M.P.(T) 5/2019, IA Nos. 12607-12608/2019

PARASRAMKA HOLDINGS PVT. LTD.

..... Petitioner

Through: Mr. N.P. Singh and Ms. Anupama
Kaul, Advs.

versus

AMBIANCE PVT. LTD. & ANR.

..... Respondents

Through: Mr. P.K. Agrawal, Ms. Tannya
Sharma, Ms. Srutisma Hazarika and
Ms. Deepti Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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12.09.2019

IA No. 12606/2019 (for exemption) in OMP. (T) 4/2019

IA No. 12608/2019 (for exemption) in O.M.P.(T) 5/2019,

Exemptions allowed subject to all just exceptions.

Applications stand disposed of.

O.M.P.(T) 4/2019

O.M.P.(T) 5/2019

These petitions have been filed by the petitioners under Section 12(3)(a), 14 and 15(2) of the Arbitration and Conciliation Act, 1996 for terminating the mandate of the Arbitrator and substitution by another arbitrator. The grievance of the petitioners is that the petitioners had filed applications for production of certain documents by the respondent herein and the said applications were disposed of by the learned Arbitrator on the basis of an affidavit filed by respondent that except the document at serial no.1, which is a sanctioned building plan for plot nos. 26 and 27, rest of the documents are not prepared and as such are not in their possession.

Mr. N.P. Singh, learned counsel appearing for the petitioners raised a grievance that when the petitioners filed an application calling for the officer of the Haryana Urban Development Authority as a witness to produce the remaining documents, the said request was rejected by the learned Arbitrator on the ground that it shall be appropriate for the petitioners to file applications under Right to Information Act, 2005. He also submits that despite filing of such applications under the RTI Act, the documents have not been given to the petitioners till date by the HUDA. It is his apprehension that since there is a period fixed in completing the arbitral proceedings, the period may get expire and the proceedings shall be decided without the documents being on record, to the prejudice of the petitioners.

At this stage, Mr. P.K. Aggarwal, learned counsel for the respondent states that de-hors the order passed by the learned Arbitrator, the present

petition be treated as an application under Section 27 of the Arbitration and Conciliation Act, 1996 and this court may direct the summoning of the witness from HUDA.

This submission of Mr. Aggarwal is agreeable to Mr. Singh. If that be so, let *dasti* notice be issued for appearance of a competent officer of the Department of Town and Country Planning, Haryana Urban Development Authority, District Government Office, Gurugram, Haryana before the learned Arbitrator along with the complete record pertaining to plot nos. 26 and 27, Caitriona Apartment, Ambience Island, NH-8, Gurgaon, Haryana on September 19, 2019 at 2 PM.

The petitions are disposed of.

IA No. 12605/2019 in O.M.P.(T) 4/2019

IA No. 12607/2019 in O.M.P.(T) 5/2019

Dismissed as infructuous.

V. KAMESWAR RAO, J

SEPTEMBER 12, 2019/jg