

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L) NO. 302 OF 2020**

Government of Maharashtra & Anr

...Petitioners

Versus

SPB Developers Pvt Ltd

...Respondent

Mr Dipen Merchant, Senior Advocate, with Dhawal Giri, Sanjay Waghmode, i/b Satyajit Kakade, for the Petitioner.

Mr Umesh Shetty, with Sharila D'souza, i/b Flavia Legal, for the Respondent.

CORAM: G.S. PATEL, J.

DATED: 5th March 2020

PC:-

1. The petition is by the Respondent in the arbitration. It seeks the issuance of a witness summons to one Manoj Gangil of an engineering firm called Stup Consultancy Services Limited, Pune. The direction is to appear before the three-member arbitral tribunal on 2nd April 2020 to give evidence in regard to the contract in question which was for the Four Laning of the Baramati-Phaltan Road and the Phaltan-Lonand-Shirval Road. Mr Gangil was at the relevant time working with Stup Consultants which was the independent engineer for the project. Mr Gangil is supposedly a signatory to various reports. The arbitral tribunal has permitted the Petitioners to make this application.

2. There can be no possible objection to this. The Petition is made absolute in terms of prayer clause (a) except that the date is to be changed to 2nd April 2020.
3. The witness is required to bring with him all documents in his power and possession relating to the project in question.
4. It will be open to the witness to contact the Advocates for the present Petitioners, i.e. the Government of Maharashtra for the preparation of an Affidavit in lieu of examination.
5. An ordinary copy of this order is to accompany the summons.

(G. S. PATEL, J)