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

\+ O.M.P. (E) (COMM.) 21/2019

M/S APPOLO EQUIPMENTPVT. LTD ..... Petitioner

Through: Mr. A.K. Singla Senior Advocate ` with Mr. Bhuvan, Adv.

versus

SMT. RASHMI JUNEJA & ORS. ..... Respondents

Through: Mr. Vibhav Mishra and Mr. Saurabh Junega, Advs.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

O R D E R

% **30.01.2020**

1. The present application filed by the claimant/petitioner under Section 27 of the Arbitration and Conciliation Act, 1996 seeks summoning of the records from five different banks as set out in para 2 of the application before the sole Arbitrator, where arbitration proceedings between the parties are pending adjudication.

2. Upon notice being issued the respondents have entered appearance. Learned counsel for the respondents, on instructions from the respondents who are present in Court, submits that copies of some of the records sought by the claimant are already available with them, and they are willing to handover copies thereof to the applicant. He further submits that, within a period of one week, the respondents will handover to the petitioner copies of the following records, which are already in their possession

" (i) ***In respect of Indian Overseas Bank***
Rajendra Place, Pusa Road Branch,
Delhi.

Record Includes

(a) *Bank Account statement certified as per Bankers Book Evidence Act, 1891 of A/c maintained in the name of Rashmi Juneja bearing A/c No.044201000019177 for the period of December 2006 to December 2012.*

(b) *Bank Account Statement certified as per Bankers Book Evidence Act, 1891 of A/c maintained in the name of Ravinder Kumar Juneja bearing A/c No.044201000019175 for the period of December 2006 to December 2012.*

(c) *Bank Account Statement of certified as per Bankers Book Evidence Act, 1891 A/c maintained in the name of Saurabh Juneja bearing A/c No.044201000019723 for the period of December 2006 to December 2012.*

(d) *Bank Account opening form and statement certified as per Bankers Book Evidence Act, 1891 of A/c maintained in the name of Ankur Properties Pvt. Ltd. bearing A/c No.044201000007094 from the date of its opening till date.*

(iv) ***In respect of Deutsche Bank,***
28, K.G. Marg, Delhi

Loan account statement of A/c maintained in the name of Rashmi Juneja bearing Loan A/c No.300006272040019 alongwith Sanction Letters, details of security provided and correspondences certified as per Bankers Book Evidence Act, 1891.

(v) ***In respect of Induslnd Bank,***
Green Park Branch, Delhi

Loan Account statement of A/c maintained in the name of Rashmi Juneja sanction vide Application No.A50017371 & A50033835 alongwith Sanction Letters, details of security provided and correspondences certified as per Bankers Book Evidence Act, 1891."

3. He further submits that the respondents, in the interest of expeditious disposal of the arbitration proceedings, which have been pending for the last 3½ years, have no objection to the respondents request for summoning of the remaining record from the concerned banks.

4. In view of the aforesaid stand taken by the learned counsel for the respondent, the application is allowed qua the following records:-

"(i) ***Indian Overseas Bank***
Rajendra Place, Pusa Road Branch,
Delhi.

(d) Bank Account opening form and statement certified as per Bankers Book Evidence Act, 1891of A/ c maintained in the name of Ankur Properties Pvt. Ltd. bearing A/c No. 044201000007094 from the date of its opening till date

(f) Bank Account opening form and statement certified as per Bankers Book Evidence Act, 1891 of A/c maintained in the name ***of Punita Bhardwaj*** *bearing A/c No.* ***044201000021080*** *for the period of December 2006 to December 2012*

(ii) ***Kotak Mahindra Bank***
Vasant Vihar Branch, Delhi.

(a) Loan Account statement of A/c maintained in the name of ***Appolo Equipments Pvt. Ltd.*** *bearing Loan A/c no.****01822000001002 (SA220386)*** *including sanction letter, disbursement details, loan closure letter with case history, notices issued certified as per Bankers Book Evidence Act, 1891 at Kotak Mahindra bank Vasant Vihar, New Delhi Branch.*

(b) Loan Account statement of A/ c maintained in the name of ***Ankur Properties Pvt. Ltd.*** *bearing Loan A/c No.*

01822000000991 (SA224982) *including sanction letter, disbursement details, loan closure letter with case history, notices issued certified as per Bankers Book Evidence Act, 1891 at Kotak Mahindra bank Vasant Vihar, New Delhi Branch.*

(iii) ***ICICI Bank Ltd., Janakpuri Branch, New Delhi***
Loan account statement and sanction letter for Loan account No.LBDEL00001649634."

5. The concerned Branch Managers are directed to ensure that the records referred to in para 4 of this order are produced before the learned Arbitrator on 18.02.2020. I am informed that the matter is listed before the learned Arbitrator on 01.02.2020 and therefore keeping in view the fact that the concerned Bank Managers are being directed to produce the relevant records on 18.02.2020, the learned Arbitrator is requested to fix the next date of hearing as 18.02.2020, if convenient to him.

6. It is, further directed that in case the said date is not convenient to the learned Arbitrator, the petitioner will communicate the next date of hearing as fixed by the learned Arbitrator to the concerned Branch Managers, who will then produce the record before the learned Arbitrator on the date so intimated to them by the petitioner.

7. The application is disposed of in the aforesaid terms.

REKHA PALLI, J.

JANUARY 30, 2020
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