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

+ **O.M.P. (E) (COMM.) 3/2021**

OMNI POINT CORPORATION

..... Petitioner

Through Mr. Rohit Goel and Mr.
Mithlesh Jha, Advs.

versus

**NATIONAL AGRICULTURAL COOPERATIVE
MARKETING FEDERATION OF INDIA LTD. ... Respondent**

Through

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)

06.04.2021

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1. This petition has been preferred under Section 27(1) of the Arbitration and Conciliation Act, 1996, for issuance of summons to two witnesses, from the office of the Central Warehousing Corporation (CWC), Sonapat, Haryana and the Central Warehousing Corporation (CWC), Rana Pratap Bagh, Delhi-110033, as witnesses on behalf of the petitioner (who is the respondent in arbitral proceedings pending before the learned arbitrator).

2. It is not necessary to go into the details of the dispute between the parties, as the learned arbitrator has, in her order dated 6th October, 2020, found the evidence of the said witnesses to be relevant to the petitioner's defence. Para 3 of the said order reads thus:

“3. Arguments heard on respondent's application for approval of this Tribunal for summoning the witnesses by taking assistance of the court. *The Tribunal finds that the*

witnesses sought to be summoned are relevant to the respondent's defence. The application is accordingly allowed. As requested, the respondent is given two weeks' time to move the High Court under section 27 of the Arbitration and Conciliation Act, 1996 for summoning the witnesses mentioned in the application."

(Emphasis supplied)

3. Apparently, the learned arbitrator was of the opinion that she did not have the authority to summon witnesses of the CWC, as witnesses to depose before her. Accordingly, in accordance with the liberty granted by the learned arbitrator in the afore-extracted para 3 of her order, dated 6th October, 2020, the petitioner has moved the present petition.

4. I may note that, earlier, OMP (E) (COMM) 8/2020 was moved by the petitioner, but as the said petition did not disclose the names or designation of the officers to be summoned, or the documents to be produced by them, this Court had dismissed the said petition with liberty to the petitioner to approach this Court afresh with the requisite details.

5. The present petition has been filed in accordance with the liberty so granted.

6. Para 16 of the present petition provides the details of the witnesses to be summoned (though their names or exact office details are not forthcoming, as learned counsel for the petitioner submits that his client would be unaware of the exact identity or designation of the concerned officers). Para 16 of the present petition reads thus:

“16. That the Petitioner wants to summon the following witnesses from the office of Central Warehousing Corporation at Sonapat, Haryana and Central Warehousing Corporation, Rana Pratap Bagh, Delhi- 110033 with the following documents:

a). Officer /clerk concerned from Central Warehousing Corporation, Sonapat, Haryana with regard to the record /documents pertaining to the following warehousing receipts, reflecting as to in whose name they were issued, what goods and their quantity that were deposited against the said receipts and who and in what manner and in under whose authorization removed the said goods deposited vide the following warehouse receipts:

Warehouse receipt no.	Date:
CW2000118471	14.06.2005
CW2000118472	23.06.2005
CW2000118473	24.06.2005
CW2000118474	25.06.2005
CW2000118470	30.06.2005
CW2000118477	01.07.2005
CW2000118478	02.07.2005
CW2000118479	04.07.2005

b). Officer /clerk concerned from Central Warehousing Corporation, Rana Pratap Bagh, Delhi- 110033 with regard to the record/documents pertaining to the following warehousing receipts, reflecting as to in whose name they were issued, what goods and their quantity that were deposited against the said receipts and who and in what manner and in under whose authorization removed the said goods deposited vide the following warehouse receipts:

Warehouse receipt no.	Date:
CW2000172657	20.06.2005
CW2000172658	21.06.2005
CW2000172659	21.06.2005
CW2000172660	22.06.2005
CW2000172661	23.06.2005”

7. As the learned arbitrator has already found the evidence of the aforesaid witnesses necessary for the petitioner's defence before her, the prayer in this application deserves to be allowed.

8. Accordingly, directions are issued to the Central Warehousing Corporation, Sonapat, Haryana and Central Warehousing Corporation, Rana Pratap Bagh, Delhi-110033 to depute one officer each, who is aware of the details pertaining to the warehouse receipts, to which reference has been made in the afore-extracted para 16 of the present petition.

9. Let the officer(s) concerned be deputed before the learned arbitrator on 26th May, 2021, the date already fixed.

10. The officer appearing would also be carrying with him/her the requisite documents relating to the aforesaid warehousing receipts.

11. The petition stands allowed accordingly.

C. HARI SHANKAR, J.

APRIL 6, 2021

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