



\$~8

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

O.M.P. (E) (COMM.) 7/2024

IN2IT TECHNOLOGIES PRIVATE LIMITED Petitioner

Through: Mr. Prashanto Chandra Sen, Senior Advocate with Mr. Madhup Singhal, Mr. Tanmay Yadav, Mr. Suraj Vishwakarma & Mr. Raghav Garg, Advs. (M: 9810828177)

versus

PIESTING SERVICES PRIVATE LIMITED & ANR. .. Respondents

Through: Mr. Suhael Buttan, Ms. Himangi Kapoor & Mr. Aditya Tiwari, Advs. (M- 6387804054)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

%

11.03.2024

1. This hearing has been done through hybrid mode.
2. This is a petition under Section 27 of the Arbitration and Conciliation Act, 1996 filed by the Petitioner- In2IT Technologies Pvt. Ltd. seeking assistance of the Court in obtaining evidence and for directions to the concerned persons to produce the documents in the Arbitration proceedings pending between the parties in “*Piesting Services Pvt Ltd. and Anr. v In2IT Technologies Pvt. Ltd.*” which is stated to be pending before the Id. Sole Arbitrator.
3. The dispute between the parties pertains to a Business Transfer Agreement (‘BTA’) dated 20th April, 2020 entered into between the Petitioner and the Respondent No.1 -Piesting Services Pvt. Ltd., whereby it was agreed by the Petitioner to sub-contract and grant the exclusive business



development rights of all its business in India to Respondent No.1 and its affiliates except the clients mentioned in Annexure-A to the BTA. It is stated that default of contractual obligations by the Respondents led to loss of revenue to the petitioner and the parties went into arbitration.

4. Mr. Sen, Id. Senior Counsel relied upon the order dated 4th September, 2023 passed by the Id. Sole Arbitrator for appointing a Local Commissioner for obtaining documents from customers of the parties i.e., the documents relating to work orders, details of payments etc. It is stated that the Id. Local Commissioner executed the commission, and submitted a Report dated 26th December 2023, wherein, it was pointed out by the Local Commissioner that BSNL, NALCO, Women and Child Development Department and State Transport Authority have not provided the requisite documents as mentioned in Paragraph 57 of the order dated 4th September, 2023. Thus, the Petitioner has preferred the present application.

5. Notice was issued in this matter on 19th February, 2024. Id. counsel for the Respondents has entered appearance and submits that he has filed a reply, which is under defects. According to him, the objection of the Respondents is that the Arbitrator has not considered the merits as to whether such appointment of the Local Commissioner is required considering the data, which has already been disclosed by the said clients in the arbitral proceedings.

6. Mr. Sen, Id. Senior Counsel on the other hand, submits that the order dated 4th September, 2023 is not under challenge and thus, the Respondents have no *locus standi* now.

7. Be that as it may, the Court under Section 27 of the Arbitration and Conciliation Act, 1996 is only assisting in the taking of the evidence by



Arbitrator. The applications are miscellaneous and the applications are not to be considered on merits, insofar as the orders of the Arbitrator are not under challenge.

8. The original order dated 4th September, 2023 and the present order, pursuant to which assistance is sought, are both not challenged by the Respondents by way of a petition. Accordingly, the Local Commissioner, who is appointed by the Arbitrator, shall in terms of the order dated 4th September, 2023, visit the premises of the following entities and obtain the copies of the following documents:

S. No.	Name and address of the customers/witness
1.	Bharat Sanchar Nigam Limited having its office at Office of the CGM, BSNL, BSNL Bhawan, Unit 2, Ashok Nagar, Bhubaneswar, Odisha, 751009
2.	The Women and Child Development Department having its office at Department of Women & Child Odisha Development, Secretariat, Sachivalaya Marg, Unit 2, Keshari Nagar, Bhubaneswar, Odisha 751001.
3.	State Transport Authority having its office at State Transport Authority, Rajswa Bhawan, Deulsahi Road, Chandini Chowk, Odisha-753002.



4.	National Aluminium Company having its office at Nalco Bhawan, Corporate Office. P1 Nayapally, Bhubaneswar. Odisha-751013.
5.	NTPC. Sipat having its office at NTPC Sipat. WR- Raipur, Chhattisgarh-495555

- (i) Copies of purchase orders, work orders, agreements entered into by both entities with the Respondents.
 - (ii) The details of all the amounts made to the Respondents.
 - (iii) The details of the outstanding, if any, yet to be brought to the Respondents.
 - (iv) Details of the work executed by the Respondents.
9. The Local Commissioner shall collect the evidence within the next six weeks and submit the same along with a report before the Arbitrator.
10. Petition is disposed of.

PRATHIBA M. SINGH, J.

MARCH 11, 2024/dk/rks