



\$~33

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P. (E) (COMM.) 11/2024 & I.A. 8560/2024
METRRO WASTE HANDLING PVT. LTD. Petitioner
Through: Ms. Nidhi Mohan Parasher and Mr.
Deepak Yadav, Advocates.
versus

MUNICIPAL CORPORATION OF DELHI Respondent
Through: Mr. Tushar Sannu, Ms. Ankita
Bhadoriya and Mr. Satyam,
Advocates.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

% **ORDER**
16.04.2024

By way of the present petition filed under section 27 of the Arbitration & Conciliation Act 1996 ('A&C Act'), the petitioner seeks the assistance of the court to summon the attendance of the authorised representative of M/s M.S.V. International Incorporation, as a witness, alongwith records pertaining to the work done under Concession Agreement dated 31.05.2005 in the ongoing arbitral proceedings before the learned Sole Arbitrator *vide* case reference No. DIAC/2906/03-21 titled ***Metrrro Waste Handling Pvt. Ltd. vs. Municipal Corporation of Delhi (MCD)***.

2. Learned counsel draws attention to an order dated 12.03.2024 rendered by the learned Arbitrator; allowing the application filed before him under section 27 of the A&C Act, which was allowed by consent of the opposing side, and by which liberty was granted to the



petitioner to approach this court for requisitioning the attendance of the aforesaid witness before the learned Arbitrator, to record evidence as one of the claimant's witness in the matter on 30.04.2024 at 5:00 p.m.

3. Issue notice.
4. Mr. Tushar Sannu, learned counsel appears on behalf of respondent on advance copy; accepts notice; and in view of what has been recorded in para 3 of the learned Arbitrator's order dated 12.03.2024, leaves it to the court to pass appropriate orders.
5. In view of the above, the petition is allowed; thereby directing the authorised representative of M/s M.S.V. International Incorporation situate at 514-516, 5th Floor, Suncity Success Tower, Extended Golf Course Extn. Road, Sector-65, Gurgaon, to appear before the learned Arbitrator alongwith the entire record of the work done under Concession Agreement dated 31.05.2005, on 30.04.2024 at 05:00 p.m. and on any subsequent date(s) as the learned Arbitrator may direct in the ongoing arbitral proceedings.
6. The petition is disposed-of, in the above terms.
7. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

APRIL 16, 2024

V.Rawat