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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P. (E) (COMM.) 14/2024 & I.A. 9458/2024**
SHOOGLOO NETWORK PRIVATE LIMITED (FORMERLY
KNOWN AS OMG NETWORK INDIA PRIVATE
LIMITED)

Petitioner

Through: Mr. Bharat Chugh, Mr. Mayank
Arora, Ms. Yachika Mendiratta, Mr.
Prasoon Shekhar, Mr. Ajatshatru
Singh Rawat, Advs. (M-
9953484248)

versus

ICRI CORPORATE SERVICES PRIVATE LIMITED..... Respondent
Through: Mr. Sunil Choudhary and Ms, Preeti
Shah, Advs. (M- 9899750209)

AND

+ **O.M.P.(MISC.)(COMM.) 321/2024**
SHOOGLOO NETWORK PRIVATE LIMITED FORMERLY
KNOWN AS OMG NETWORK INDIA PRIVATE
LIMITED

Petitioner

Through: Mr. Bharat Chugh, Mr. Mayank
Arora, Ms. Yachika Mendiratta, Mr.
Prasoon Shekhar, Mr. Ajatshatru
Singh Rawat, Advs.

versus

ICRI CORPORATE SERVICES PRIVATE LIMITED..... Respondent
Through: Mr. Sunil Choudhary and Ms, Preeti
Shah, Advs

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
10.05.2024

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1. This hearing has been done through hybrid mode.

I.A.9458/2024 (for exemption) in O.M.P. (E) (COMM.) 14/2024

2. Allowed, subject to all just exceptions. Application is disposed of.



O.M.P. (E) (COMM.) 14/2024

3. The present petition has been filed under Section 27 of the Arbitration and Conciliation Act, 1996 (*hereinafter, '1996 Act'*) seeking summoning of the witness - Ms. Parul Singh (i.e. Respondent Witness), who was in the midst of cross-examination before the Id. Arbitral Tribunal. It is stated in the petition that the said witness has stopped appearing.

4. According to the Id. Counsel for the Petitioner-Mr. Mayank Arora, she was the Marketing Head of the Respondent-ICRI Corporate Services Private Limited, and she had also filed her affidavit in evidence dated 17th October, 2022.

5. The brief background of this petition is that this Court in ***OMG Network Pvt. Ltd. v. ICRI Corporate Services Pvt. Ltd. [ARB(P) No. 154 of 2019]***, had appointed Mr. Paritosh Budhiraja, Advocate as the Id. Sole Arbitrator to resolve disputes through arbitration. Despite various hearings, as per the Petitioner, the arbitration proceedings have faced significant delays at the hands of the Respondent, with two extensions granted by the Court. In the arbitration, the Petitioner/Claimant is seeking payment for services provided, along with interest. The cross-examination of Respondent Witness-1-Ms. Parul Singh, has been extensive, but is not yet concluded. However, due to her non-availability and her leaving the job she was holding with the Respondent, there is difficulty in her appearance as a witness

6. Further, subsequent hearings were ineffective due to Respondent Witness No. 1's absence. Thereafter, the Id. Sole Arbitrator permitted the Petitioner/Claimant to seek the Court's assistance to summon Respondent Witness No. 1 for the remainder of her cross-examination due to her



knowledge of the transaction in question. Thus, the present petition.

7. On the last date, i.e., 1st May 2024, in order to determine whether the witness, who has now left the employment of the Respondent, would be liable to be summoned again, the Court had directed that her cross-examination be placed on record.

8. Today, the entire record has been placed on record. After reviewing the cross-examination of the Respondent Witness No. 1, this Court is of the opinion that the summons requested by the Petitioner is fully justified.

9. Let the summons be issued to Ms. Parul Singh to appear before the Id. Sole Arbitrator before the next date of hearing.

10. The Registry shall issue summons as requested by the Petitioner for the next date of hearing and any subsequent dates before the Id. Sole Arbitrator. It is made clear that this witness shall be summoned only for two dates, and the cross-examination shall not exceed two hours on each date.

11. The contact details of Respondent Witness No. 1, Ms. Parul Singh, including her phone number and residential address, shall be provided by the Id. Counsel for the Respondent to the Id. Counsel for the Petitioner.

12. The Id. Arbitrator shall bind the parties to timelines in the evidence, as the arbitration proceedings have been considerably delayed. Any party seeking unnecessary adjournments shall be dealt with strictly, including the imposition of costs.

13. Petition is disposed of in the above terms. Let the present order be communicated to the Id. Sole Arbitrator - Mr. Paritosh Budhiraja (paritoshbudhiraja@gmail.com) (M:9810100237) by the Registry on the email address.



O.M.P.(MISC.)(COMM.) 321/2024

14. The Id. Counsels for the parties state that the mandate of the Id. Sole Arbitrator expired on 14th March, 2024. Accordingly, considering the nature of the matter, the mandate of the Id. Sole Arbitrator is extended till 31st March, 2025. It is made clear that the Ld. Arbitrator shall proceed according to a strict schedule and any unnecessary adjournments are not granted to either party.

15. Petition is disposed of.

PRATHIBA M. SINGH, J

MAY 10, 2024

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