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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P. (E) (COMM.) 25/2024**
M/S . VIVAAN SOLAR PVT. LTD

.....Petitioner
Through: Mr. Arun Doodawat, Advocate

versus

NORTHERN RAILWAYS & ANR.

.....Respondent
Through:

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
02.12.2024

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I.A. 46786/2024

1. This application has been filed by the Petitioner for condonation of delay of 47 days in filing the application i.e. I.A. 46785/2024.
2. For the reasons stated in the application, the same is allowed and the delay in filing the application is condoned.
3. The application is disposed of.

I.A. 46785/2024

1. The present application under Section 151 CPC has been filed by the Petitioner for summoning witnesses before the Ld. Sole Arbitrator on 07.01.2025.
2. Since the dispute had arisen between the parties, the Petitioner had approached this Court by filing a petition seeking appointment of an Arbitrator. The Tribunal has been constituted and the matter is proceeding

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before the Ld. Arbitrator under the aegis of DIAC.

3. During the proceedings before the Ld. Arbitrator, the Petitioner moved an application Section 27 of the Arbitration and Conciliation Act, 1996 before the Ld. Arbitrator to produce and/or provide the complete statement of Escrow Account maintained by the Punjab National Bank, Branch Thatipur, Gwalior, Madhya Pradesh and the details of amount paid to the New India Assurance Company Ltd from the said account.

4. It is stated that three witnesses i.e., (1) Branch Manager and/or Relationship Manager of HDFC Bank, City Centre Branch, Gwalior 474011, Madhya Pradesh, (2) The Deputy General Manager (F&A), Indian Renewable Energy Development Authority, Corporate Office, 3rd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110066, and (3) Divisional Manager, The New India Assurance Company Ltd., BO 1, City Centre, Gwalior 474011, Madhya Pradesh and Branch Manager of the Punjab National Bank, Branch Thatipur, Gwalior, Madhya Pradesh were directed to appear before the Ld. Arbitrator on 13.09.2024 vide Order dated 17.07.2024 passed by the Ld. Arbitrator which was further modified on 21.11.2024 directing them to appear before the Ld. Arbitrator on 07.01.2025.

5. The present application has been filed by the Petitioner for binding the above witnesses to appear before the Arbitrator on 07.01.2025 along with the documents.

6. In view of the Order passed by the Ld. Arbitrator on 17.07.2024 as modified on 21.11.2024, this Court is inclined to allow the present application.

7. The above four witnesses along with the documents are directed to



appear before the Ld. Arbitrator on 07.01.2025 in compliance of the Orders dated 17.07.2024 and 21.11.2024 passed by Ld. Arbitrator.

8. The necessary diet money be deposited within 24 hours of the uploading of the present Order.
9. The application is disposed of.
10. The Order be uploaded forthwith.

SUBRAMONIUM PRASAD, J

DECEMBER 2, 2024

S. Zakir