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

+ **O.M.P. (E) (COMM.) 20/2025**

**M/S ITI LIMITED**

**.....Petitioner**

Through: Ms. Rashmi Malhotra, Mr. Shalinder  
Saini, Advs.

versus

**M/S PRIMATEL FIBCOM LIMITED**

**.....Respondent**

Through: Mr. Anuj Kumar, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

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**31.07.2025**

1. This is an application filed by the petitioner/applicant under Section 27 of the Arbitration and Conciliation Act, 1996 seeking the following prayers:

*“a) issue summons of the following witness in the interest of justice to appear and dispose as a witness in the above arbitration matter:*

*1. Shri Sanjay Paste working as Head Commercial, Sterlite Technologies Ltd. Business Park, Tower 4, Unit 1&2, LBS Marg, Kurla (West) Mumbai, Maharashtra-400070.*

*.....”*

2. The operative portion of the order dated 02.05.2025 passed by the learned Arbitrator reads as under:

*“4. Claims have been made by the Claimant for payments made or due to be made to STL and allegations have been levelled by the parties against each other that may require the presence of a*



*witness from STL to clarify matters. Accordingly, leave is given to the Respondent to apply before the Hon'ble Delhi High Court for appropriate orders in such regard. If the relevant application is not filed within a week from today, the leave granted will stand revoked. DIAC should make over copies of this order bearing the scanned signature of the Arbitrator to the parties by May 3, 2025."*

3. A perusal of the said paragraph shows that the learned Arbitrator has granted leave to the applicant/petitioner herein (respondent in the arbitration proceedings) to apply before this Court for appropriate orders.
4. The order has not been challenged and therefore, has attained finality.
5. Once the learned Arbitrator has found that the presence of the witness is required for proper adjudication, I am inclined to allow the application under Section 27 of the Arbitration and Conciliation Act, 1996.
6. In this view of the matter, Shri Sanjay Paste working as Head Commercial, Sterlite Technologies Ltd. Business Park, Tower 4, Unit 1&2, LBS Marg, Kurla (West) Mumbai, Maharashtra – 400070 is summoned to tender evidence in accordance with the directions of the Sole Arbitrator dated 02.05.2025.
7. The petitioner shall take necessary steps in this regard.
8. The petition is allowed and disposed of.

**JASMEET SINGH, J**

**JULY 31, 2025/DM**