

**BEFORE JUSTICE R.C. LAHOTI (Fr. CJI)
SOLE ARBITRATOR**

IN THE MATTER OF ARBITRATION

BETWEEN

M/s HCL Infosystems Ltd.

..... Claimant

And

The Government of NCT

..... Respondent

Presence:

For Claimant

Mr. V.N. Koura, Mr. S. Sirish Kumar, Mr. Abhinav Tandon - Advocates.

In Person

Mr. Ajay Yadav, Sr. Consultant (HCL), Mr. Jagvir Singh Bhandari (CW-1), and Ms. Sonakshi Banga (Sr. Executive-Legal, HCL).

For Respondent

Mr. Sushil Dutt Salwan, Mr. Himanshu Rawadkar, Ms. Rati Tandon, and Ms. Himani Kaushik, Advocates.

In Person

Mr. R.K. Singh (AGM, TCIL), Mr. Ashish Pankholi, (Manager, TCIL), Mr. S.K. Singh, Addl. DCP/Delhi Police, Mr. Santulan Choubey, Sr, SA (IT), GNCT, and Mr. Mukesh Sinha Asst. Programmer (IT, GNCT).

Procedural Order No. 15

With Record of Proceedings held on January **04, 2017**
(from **4.30 am to 6.30 pm** at **IHC**)

On 29.12.2016, a copy of communication No. **E-13016/30/2016-DIR(Dev)-Secy(IT)/6525** dated 23.12.2016 (**file No. E-13016/30/2016-DIR(Dev)-Secy(IT)**) addressed to the Claimant herein has been endorsed to the undersigned and received by him.

Ld. Counsel for the Respondent states that this communication is intended only for the Claimant and possibly because of the pendency of this arbitration copy thereof has been forwarded to the Sole Arbitrator. Ld. Counsel submits that so far as this Tribunal is concerned, the communication may be ignored and simply consigned to the record.

Evidence

In the text of cross-examination recorded on 08.10.2016, the witness Mr. J.S. Bhandari (CW-1) pointed out that in the answer to Q.98 the word 'wherein' has been typed erroneously as it does not carry any sense in the context; the correct word should have been typed is "weightage". With the consent of the Ld. Counsel for the Respondent and the leave of the Tribunal, the witness is permitted to carry out the correction under his hand and initial the same. It is done.

Further Cross-examination on Mr. Jagvir Singh Bhandari, CW-1 is resumed by Mr. S.D. Salwan, Advocate for Respondent. Not concluded; to continue on the next date of hearing.

As permitted on 15.11.2016, the Respondent has delivered interrogatory (163 questions) to be answered by the witness Mr. Bhandari. Answers have not been filed because of some delay in delivering the interrogatory, whereafter the witness was travelling.

Now the witness shall answer the interrogatory on or before **31.01.2017**. Mr. Salwan states that on the questions in interrogatory being answered he would conclude the cross-examination by asking only a few necessary questions on the next date of hearing.

Mr. V.N. Koura, Ld. Counsel for the Claimant states that affidavit of Mr. Malay Tandon CW-2 filed earlier was withdrawn because of non-availability of the witness. Thereafter, affidavit of Mr. Vaibhav Mishra, CW-2, has been filed. However, this witness has also left the employment of the Claimant and it is not sure whether he will be available to appear for cross-examination. In that case, the Claimant may seek leave of the Tribunal for filing another affidavit in lieu of the affidavit of Mr. Vaibhav Mishra by moving an appropriate application.

The matter shall come up for recording further evidence on **06/07.02.2017** as prefixed, **time 4.00 pm to 6.00 pm**.

(R. C. Lahoti)
Sole Arbitrator
04-01-2017