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

+ O.M.P. 1054/2012

WIMPY INTERNATIONAL LTD

..... Petitioner

Through: Mr. Akhil Sachar with Ms. Deveshi  
Mishra, Advs.

versus

INDIAN RAILWAY CATERING AND TOURISM  
CORPORATION LTD

..... Respondent

Through: Mr. Ashish Tiwari, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

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**10.04.2017**

**I.A. No.4176/2017 in O.M.P. 1054/2012**

The respondent has filed this application seeking clarification of the order passed by this court on 10.07.2013 whereby the nominated arbitrator was directed to enter reference and dispose of the matter on a lump sum fee of Rs.80,000/- plus monies towards actual expenses incurred. The order further made it clear that the fee shall be shared by both the parties. The said petition was converted under Section 17 of Arbitration & Conciliation Act, 1996. The applicant is aggrieved by the order of the arbitrator dated 10.02.2015 wherein the arbitrator has held that the fee for the counter claims of the respondent which was not covered by the order dated 10.07.2013 passed by this court, is also required to be paid.

Learned counsel for the petitioner, thus seeks a clarification of the

order for the fact that the respondent was under the impression that the entire fee to be paid by him to the arbitrator was 50% of Rs.80,000/- which was fixed by the court and thus any further demand would be against the mandate of the order dated 10.07.2013.

Learned counsel for the petitioner admits that while order dated 10.07.2013 was passed, there was no counter claim before the court. In that view of the matter, the order of the arbitrator cannot be faulted with. Claims and counter claims of the parties have been dealt with and decided by the learned arbitrator. The claimant has already paid his share of the fee fixed by the arbitrator.

There does not appear to be any need for the clarification of the order dated 10.07.2013.

The applicant/respondent is required to pay his share of the fee which has been fixed by the arbitrator.

The application is disposed of.

**ASHUTOSH KUMAR, J**

**APRIL 10, 2017**

**ns**