

M/s. Sunshine Caterers Pvt. Ltd.	...	Petitioner
Versus		
Western Railway	...	Respondent

Mr. Rohaan Cama with Mr. S. Shah i/by Ms. Sapna Raichure, for Petitioner.
Mr. Suresh Kumar, for Respondent.
Mr. Ravindra Srivastava, Dy. Chief Commercial Manager, Western Railway, present.

CORAM : S.J. KATHAWALLA, J.
DATED : 8th JUNE, 2016

P.C.

1. Mr. Ravindra Srivastava, Dy. Chief Commercial Manager, Western Railway is present in Court, on instructions from Mr. C.P.Sharma, Chief Commercial Manager, Western Railway, he states that the Railways will not oppose the arbitration proceedings on the ground that IRCTC is not a party to the arbitration proceedings or that the order passed by the learned Arbitrator is not binding IRCTC. The statement is accepted. In view thereof, by consent of the parties, the following order is passed :

(i) Mr. Sarosh Bharucha, Advocate, is appointed as a Sole Arbitrator to decide the disputes between the parties which are the subject matter of the above Petition. The learned Advocates for the parties have tendered the disclosure submitted by Mr. Sarosh Bharucha, Advocate, under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996. The same is taken on record.

(ii) The learned Arbitrator shall treat the above Petition as a Petition

under Section 17 of the Act and dispose of the same on or before 18-06-2016. In the event of the Railways wanting to file the Affidavit in Reply, the same shall be filed on or before 13-06-2016 by 3.00 p.m.. Rejoinder if any to be filed on or before 16-06-2016 by 3.00 p.m.

(iii) The learned Arbitrator shall endeavour to pass his Award within a period of 12 weeks from the date of this order.

(iv) All contentions of the parties are kept open.

(v) The cost of Arbitration shall initially be borne by the parties equally.

(vi) The venue of the Arbitration shall be at Mumbai.

(vii) The above Arbitration Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)