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

+ O.M.P.(I) (COMM.) 344/2016& I.A. 12379/2016

SIMPLI5D TECHNOLOGY PVT. LTD Petitioner
Through: Mr Jeevesh Nagrath, Advocate.

versus

INDIAN RAILWAYS CATERING AND
TOURISM CORPORATION LIMITED Respondent
Through: Ms Divya Prakash Pande and Ms
Bhawana Pande, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **15.11.2016**

1. The petitioner has filed the present petition under Section 9 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that respondent be restrained from giving effect to or acting on or enforcing the termination notice dated 01.08.2016 issued in respect of the agreement entered into between the parties.
2. By an order dated 31.08.2016, ad-interim orders were granted in terms of the said prayer till the next date of hearing.
3. The learned counsel for the parties today state that they are agreeable that a Sole Arbitrator be appointed by this Court to adjudicate the disputes between the parties.
4. With the consent of the parties, Justice Mukul Mudgal (Retired), former Chief Justice of Punjab and Haryana High Court (Mobile

No.9818000250) is appointed as the Sole Arbitrator to adjudicate the disputes that have arisen between the parties. This is subject to the Arbitrator making the necessary disclosure and meeting the qualification criteria under section 12 of the Act.

5. The learned counsel for the respondent states that a policy decision has been taken not to proceed with the pilot project for which the agreement was entered into with the petitioner. He submits that in this view, the order passed on 31.08.2016 be vacated. In view of the fact that the Sole Arbitrator is being appointed, the Arbitrator shall consider the present petition as an application under Section 17 of the Act.

6. The Interim orders to continue till further orders. The orders passed by this Court shall be subject to further orders that may be passed by the Hon'ble Arbitrator. The parties are at liberty to approach the Arbitrator for an urgent hearing. A copy of the present petition alongwith orders passed shall be filed with the sole arbitrator.

7. The present petition and the pending application are disposed of.

8. It is clarified that Sole Arbitrator shall decide the present petition uninfluenced by any observations made in the order dated 31.08.2016.

9. *Dasti.*

NOVEMBER 15, 2016/RK

VIBHU BAKHRU, J