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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 249/2018**

M/S. KRISHNA ENTERPRISES Petitioner
Through **Mr.Anupam Dwivedi, Adv.**
versus

**UNION OF INDIA THROUGH MINISTRY OF RAILWAYS,
CHIEF COMMERCIAL MANAGER (CATERING), AND ANR.**
..... Respondents
Through **Mr.Jagjit Singh and Mr.Narayan Dev
Parashar, Advs.for Railways.
Mr.Nikhil Majithia, Adv. for IRCTC.**

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **18.05.2018**

This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Agreement dated 24.11.2014. The said Agreement contains an Arbitration Agreement between the parties in form of Clause 20 thereof.

The Agreement was executed between the petitioner and the President of India acting through Chief Commercial Manager, Northern Railways.

By a Tripartite Agreement dated 01.09.2017, the rights and obligations of the Northern Railways were assigned in favour of Indian Railway Catering and Tourism Corporation that is respondent no.2.

The disputes having arisen between the parties in relation to the Agreement, the petitioner invoked the Arbitration Agreement vide letter dated 23.10.2017 and subsequent reminders thereto. Having received no

response from the respondent, the present petition was filed by the petitioner.

Upon issuance of notice in the petition, the respondent no.2 has accepted the request of the petitioner for terminating the Agreement vide its communication dated 20.04.2018. Learned counsels for the respondents submit that with the above order, all disputes between the parties have been settled and nothing is to be referred to arbitration. Learned counsel for the petitioner, on the other hand, submits that the petitioner has a claim for damages which it had raised in the notice invoking the arbitration.

As it cannot be denied that a claim for damages may also arise from the Agreements, I see no impediment in appointing a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Agreements. I accordingly, appoint Mr.Rishi Manchanda, Advocate (Lawyers' Chamber No.704, Block-III, Delhi High Court, Mobile-9911681178 as the Sole Arbitrator to adjudicate the disputes that have arisen between the parties in relation to the abovementioned Agreements.

The Arbitrator shall give his disclosure statement in terms of Section 12 of the Act before entering upon the reference. All pleas and contentions of the respondents shall remain open before the Arbitrator and the respondents may, if advised, be entitled to file counter claim.

The petition is allowed in the above terms, with no order as to cost.

Dasti.

NAVIN CHAWLA, J

MAY 18, 2018/Arya