

WPA 26098 of 2024

**M/s Raja Caterer
Vs.
General Manager, Eastern Railway & Ors.**

Mr. Asis Bhattacharyya
Ms. Kumari Nilam Shaw
Mr. Biswajit Mitra

... ... for the petitioner

Ms. Rashni Bothra
Ms. Shayoni Roychoudhury
Mr. Vishal Singh
Ms. B. Mandal

... ... for the UOI

1. This is second round of litigation between the petitioner and the railway authority. On the earlier occasion the petitioner approached this Court in writ petition No.WPO 558 of 2024; a co-ordinate Bench of this Court has disposed of the writ petition directing the parties to settle their issues through alternative remedy. The petitioner filed a representation with the railway authority on 8th August, 2024 for appointment of arbitrator, but the authority concerned has not taken any steps.
2. It is the case of the petitioner that some stalls of the petitioner in different railway stations have been shut down though entire payment has been made.

3. Learned counsel for the railway authority submits that the stalls of different railway stations are in respect of several agreements. The arbitrator cannot be appointed in respect of all the contracts. Considering the situation the instant writ petition is disposed of with a direction to the respondent authorities to appoint an arbitrator to settle the disputes between the petitioner and the railway authority and to refer the matter to the arbitrator within six weeks from date.
4. I make it clear that the separate arbitrator shall have to be appointed in respect of each and every contractual relations between the parties.
5. As the affidavits are not exchanged, the allegations made in the instant writ petition shall be deemed to have been not admitted.
6. This Court has already taken the stand that the contractual obligation cannot come under the purview of the jurisdiction under Article 226 of the Constitution of India. So it is the authority of the concerned arbitrator to take the decision according to the law.

7. With the aforesaid directions, this writ petition is disposed of.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)