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

+ ARB.P. 1458/2024

M/S DOONS CATERERS

.....Petitioner

Through: Mr. Prem Kandpal, Mr. Atharav
Prabhakar, Advs.

versus

INDIAN RAILWAY CATERING AND TOURISM
CORPORATION LTD. & ORS.

.....Respondent

Through: Mr. Ashim Shridhar, Ms. Radhika
Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **05.11.2024**

1. This is a petition filed under section 11(5) and (6) of the Arbitration and Conciliation Act, 1996, seeking appointment of an Arbitrator for adjudication of disputes between the parties.
2. The facts are that the petitioner and the respondent had entered into 12 Master License Agreements for a period of 5 years for rendering operation, management and supply of catering services in 12 trains.
3. Thereafter, various Tripartite Agreements dated 21.07.2017, 25.07.2017, 14.08.2017, 28.08.2017, 30.08.2017; 01.09.2017 & 29.09.2017 were executed between the petitioner, respondent No.1 and the Chief Commercial Manager, Northern Railway.
4. The Tripartite Agreement contains the Arbitration clause being clause 8.9 which reads as under:

“8.9 In case of any dispute the matter shall be referred for Arbitration to a Sole Arbitrator to be appointed as per Arbitration & Conciliation Act, 1996 as amended from time to time.”



5. Since there were disputes between the parties, the petitioner invoked arbitration *vide* legal notice dated 22.07.2024.
6. Hence the present petition has been filed.
7. Issue notice.
8. Mr Sridhar, learned counsel accepts notice on behalf of the respondent No. 1 and on instructions, states that respondent No. 1 has no objection to the disputes being referred to arbitration.
9. For the said reasons, the petition is allowed and the following directions are issued:-
 - i) Ms. Justice Mukta Gupta (Retd.) (Mob. No.9650788600) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
 - ii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC').
 - iii) The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.
 - iv) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
 - v) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims and merits of the dispute of either of the parties, are left open including limitation for adjudication by the learned arbitrator.



vi) The parties shall approach the learned Arbitrator within two weeks from today.

10. The present petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

NOVEMBER 5, 2024/sp

Click here to check corrigendum, if any