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

+ O.M.P.(I) (COMM.) 79/2025

P SIVA PRASAD

.....Petitioner

Through: Mr. Apoorv Kurup, Sr. Adv with Mr
Himanshu Pathak, Adv.

versus

INDIAN RAILWAY CATERING AND TOURISM

CORPORATION LIMITED THROUGH ITS CHAIRMAN AND
MANAGING DIRECTOR & ANR.

.....Respondent

Through: Mr. Saurav Agarwal, Mr. Aarya Bhat,
Mr. Anshuman Choudhary, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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29.04.2025

1. I am informed that in a similar matter, section 9 has been converted in section 17 application in view of the fact that an Arbitrator has been appointed by the order dated 23.04.2025 passed in ARB.P. 631/2025 and connected matters.
2. Relevant paragraphs of the order dated 23.04.2025 read as under:-

“5. Indisputably, these petitions relate to different contracts. However, during the course of hearing, it is agreed between the parties that Hon’ble Ms. Justice Indira Banerjee, former Judge of the Supreme Court be appointed as a Sole Arbitrator to adjudicate the inter se disputes between the respective parties and the seat of arbitration will be Delhi. It is also agreed that petitions under Section 9 of the 1996 Act be treated as applications under Section 17 to be decided by the learned Sole Arbitrator and interim orders granted by this Court be continued till consideration by the learned Arbitrator.



- 6. Accordingly, with the consent of the parties, Hon'ble Ms. Justice Indira Banerjee, former Judge of the Supreme Court is appointed as a Sole Arbitrator to adjudicate the disputes between the parties arising in respect of the contracts which are subject matter of these petitions. It is further directed that petitions under Section 9 will be treated as applications under Section 17 and records be transmitted by the Registry to the learned Arbitrator.*
- 7. Before entering upon reference, learned Arbitrator shall give a disclosure under Section 12 of the 1996 Act. As agreed between the parties, it is open to the learned Arbitrator to fix the fees.*
- 8. Learned Arbitrator is requested to take up the applications for interim relief as expeditiously as possible after entering upon reference. Interim orders granted by this Court staying the operation of the demand notices aforementioned, shall continue till the learned Arbitrator takes up the applications under Section 17 for consideration, whereupon it will be open to the learned Arbitrator to continue/vacate/modify the said orders in accordance with law.*
- 9. It is made clear that this Court has not expressed any opinion on the merits of the case. All rights and contentions of the respective parties to the lis are left open”*
3. Accordingly, the disputes between the parties are referred to arbitration and Ms. Justice Indira Banerjee (Retd. Judge of the Supreme Court) who is appointed as a Sole Arbitrator. Learned Arbitrator is requested to furnish a declaration in terms of Section 12 prior to entering into the reference.
4. Learned Arbitrator is also at liberty to fix fees as agreed between the



parties.

5. It is further directed that the present petition will be treated as an application under section 17 and the learned Sole Arbitrator will pass an order accordingly.
6. 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 for adjudication by the learned Arbitrator.
7. Interim order dated 07.03.2025 shall continue till Section 17 application is decided.
8. With these directions, the petition is disposed of.

JASMEET SINGH, J

APRIL 29, 2025 / (MS)

Click here to check corrigendum, if any