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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ ARB.P. 834/2024, I.A. 31350/2024, I.A. 31351/2024

M/S SHIV AND SONS

.....Petitioner

Through: Mr. Akshat Bajpai, Mr. Shobhit
Trehan and Ms. Renuka Parmanand,
Advocates.

versus

INDIAN RAILWAY CATERING AND TOURISM
CORPORATION

.....Respondent

Through: Mr. Uttam Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

10.03.2025

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1. By way of present petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks constitution of an Arbitral Tribunal comprising of a Sole Arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the Clause 5 of the General Condition of Contract provides that disputes arising between the parties shall be resolved through arbitration. The Clause further stipulates that the place of arbitration shall be at New Delhi.
3. Disputes having arisen between the parties, the petitioner invoked arbitration vide notice dated 13.09.2023 issued to the respondent under Section 21 of the A&C Act.
4. Learned counsel appearing for the respondent, on instructions, submits that the answering respondent has no objection to the matter being referred to the Arbitral Tribunal comprising of a Sole Arbitrator.



5. Considering that both the parties have consented to the reference to the arbitral tribunal comprising of a Sole Arbitrator, the present petition is disposed of with the following directions:-

- i) The disputes between the parties under the said agreement are referred to the Arbitral Tribunal.
- ii) Mr. Justice Talwant Singh, former Judge at Delhi High Court (Mob: 9910384653) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.
- iii) 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'). The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018 or as the parties may agree.
- iv) The learned Arbitrator shall 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 on the existence and validity of the Arbitration agreement, arbitrability of any of the claim/counter claim, any other preliminary objection, need and legality of interim relief, as well as contentions on merits of the dispute by either of the parties, are left open for adjudication by the learned arbitrator.
- vi) The parties shall approach the learned Arbitrators within two weeks from today.

6. The pending applications are also disposed of.

MANOJ KUMAR OHRI, J

MARCH 10, 2025/ga