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

+ **W.P.(C) 15948/2022 and CM APPL. 49699/2022**

SATGURU MEDICOSPetitioner

Through: **Mr. S.C. Singhal, Advocate.**

versus

NORTHERN RAILWAYSRespondent

Through: **Mr. Vineet Dhanda, CGSC with Mr. Jitendra Kumar Tripathi, Govt. Pleader and Mr. Saksham Sethi and Ms. Akansha Choudhary, Advocates for UOI.**

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

06.02.2025

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1. Matter has been taken up today as 05.02.2025 was declared a holiday on account of elections in Delhi.
2. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:

“(a) Direct issuance of writ of certiorari or any other appropriate writ or directions in favour of the petitioner and against the respondent quashing the impugned order dated 18.10.2022 bearing no. CIIDNP/12401-02/2018 (Annexure-P-26) thereby upholding the show cause notice of termination of leasing contract and forfeiture of the security deposit of leasing contract of parcel van having CC of 23 tones in train no. 12401/12402 Ex. NDLS to IPR.

(b) That after quashing of the impugned order, by issuance of appropriate writ or direction, the respondent be directed to release the security deposit and amount received from the petitioner towards the freight amounting to Rs.70,00,000/(Rupees seventy lacs only) for which no parcel van was provided and entire record so produced by the IPR station be held to be manipulated and illegal.

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(c) Cost of the present proceedings may also be awarded in favour of the petitioner.”

3. Learned counsel appearing on behalf of the Respondent takes an objection to the maintainability of this writ petition on the ground that there is an arbitration clause in the agreement executed between the parties. He also submits that in the rejoinder filed by the Petitioner to this writ petition, the Petitioner has stated that it is ready and willing for arbitration, provided an independent Arbitrator is appointed by the Court.
4. In view of the above, this writ petition is disposed of granting liberty to the parties to take recourse to appropriate remedies under the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator.
5. Needless to state, as and when parties approach the appropriate forum, pendency of this writ petition in this Court may be taken into consideration while considering the delay.
6. Pending application stands disposed of.

JYOTI SINGH, J

FEBRUARY 6, 2025/jg

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