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

+ **ARB.P. 1191/2025**

SOPAN RESTAURANTPetitioner

Through: Mr. Akshat Bajpai, Advocate.

versus

**INDIAN RAILWAY CATERING AND TOURISM
CORPORATION LIMITED**

.....Respondent

Through: Dr. M.K. Pandey and Mr. Ashawini
Singh, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **11.08.2025**

1. This petition is filed on behalf of the Petitioner under Section 11(6) of Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appointment of a Sole Arbitrator to adjudicate the disputes between the parties.
2. To the extent necessary the facts are that Respondent awarded licenses for operation, maintenance and provision of catering services in/through refreshment rooms at various Railway Stations to the Petitioner for a term of five years being the highest bidder and Petitioner deposited the requisite security deposit. Petitioner avers that it encountered significant operational difficulties in operating the catering stalls and thus after the lock in period for each of these contracts expired, Petitioner wrote to the Respondent seeking exit from the contracts under Clause 3.4 of the Tender Documents. Disputes arose between the parties concerning the terms and procedure of exiting from the contracts as also forfeiture of security deposits



and Petitioner issued notice invoking arbitration on 11.12.2023 and on failure of the Respondent to appoint an Arbitrator by mutual consent, filed this petition.

3. Issue notice.

4. Dr. M.K. Panday, learned counsel accepts notice on behalf of the Respondent and does not dispute the existence of arbitration agreement between the parties in the form of Clause 5 in the General Conditions of License in the Tender Document.

5. Once the existence of the arbitration agreement is undisputed, this Court finds no impediment in appointing the Arbitrator in light of the judgment of the Supreme Court in ***SBI General Insurance Co. Ltd. v. Krish Spinning, 2024 SCC OnLine SC 1754.***

6. Accordingly, Ms. Aakanksha Kaul, Advocate (Mobile No. 9818131566), is appointed as Sole Arbitrator to adjudicate the disputes between the parties. Fee of the Arbitrator shall be fixed as per Fourth Schedule of 1996 Act.

7. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.

8. It is made clear that this Court has not expressed any opinion on the merits of the cases and all rights and contentions of the respective parties are left open.

9. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

AUGUST 11, 2025/shivam