



\$~13

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

+ **ARB.P. 1744/2024**

M/S EXPRESS FOOD SERVICES

.....Petitioner

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

versus

**INDIAN RAILWAY CATERING AND TOURISM
CORPORATION (IRCTC)**

.....Respondent

Through: Mr. Kunal Sharma, Ms. Rishika
Goyal, Mr. Adhirath Choudhary,
Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

17.02.2025

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 parties had entered into a Master License Agreement dated 30.06.2017. It is stated that Clause 11 of General Conditions of Licence provides that disputes with respect to the Agreement shall be resolved through arbitration. It further provides for the place of arbitration to be at New Delhi.
3. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 22.08.2024, issued to the respondent under Section 21 of the A&C Act.
4. Learned counsel appearing for the respondent submits that the respondent has no objection to the matter being referred to arbitration.



5. Considering that both the parties have consented to the reference of their disputes to the Arbitral Tribunal, 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. C.S. Chauhan, Advocate, Enrol. No. 1739-A/2007 (Mob: 9810464514, Email: chhinnbhalchauhan@gmail.com), who is present in court, 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.
- iii) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the A&C Act prior to entering into the reference.
- vi) 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.
- vii) The parties shall approach the learned Arbitrator within two weeks from today.

MANOJ KUMAR OHRI, J

FEBRUARY 17, 2025/rd