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

+ **FAO(OS) (COMM) 212/2025**

M/S R. K. ASSOCIATES AND HOTELIERS PVT. LTD.

.....Appellant

Through: Mr. Sandeep Sethi, Sr. Adv. with Mr. Rajat Aneja, Mr. Jasmeet Singh, Ms. Ritwika Nanda, Mr. Anirudh Bakhru, Mr. Ayush, Mr. Saif Ali, Mr. Pushpendra S. Bhadoria, Mr. Vijay Sharma, Mr. Pranav Menon, Mr. Saurav, Mr. Aditya Sharma, Advs.

versus

INDIAN RAILWAY CATERING AND TOURISM CORPORATION LIMITED (IRCTC)

.....Respondent

Through: Mr. Rajat Malhotra, Mr. Saurav Agarwal, Mr. Saksham Gupta, Mr. Tathagat Tiwari, Mr. Utkarsh Mishra, Ms. Kiran Devrani and Ms. Samayra Adlakha, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE VINOD KUMAR

ORDER

% **22.12.2025**

CM APPL. 81269/2025

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

CM APPL. 81268/2025

3. For the reasons stated in the application, lengthy synopsis and list of



dates are allowed.

4. The application stands disposed of.

FAO(OS) (COMM) 212/2025, CM APPL. 81267/2025

5. This appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (the Act) challenging an order dated 12.12.2025 passed under Section 9 of the Act in O.M.P.(I) (Comm.) No. 162/2025, filed by the appellant herein against the respondent.

6. Suffice to state that the learned Single Judge has dismissed the petition filed under Section 9 of the Act by observing in paragraph 33 of the order as under :

“33. The petitioner requests and is granted one week from the date of release of the Order to handover the train in question to the respondents.”

7. During the course of hearing, Mr. Sandeep Sethi, learned Senior Counsel for the appellant submits that a former Judge of this Court has been appointed as an Arbitrator to adjudicate the *inter se* dispute between the parties herein. He submits, the necessity to file this appeal has arisen primarily because of the observation made by the learned Single Judge in paragraph 33, inasmuch as the appellant herein is required to hand over the train in question to the respondent by tomorrow.

8. It was put to Mr. Sethi, is it not appropriate for the appellant to approach the learned Arbitrator in respect of the prayer as sought in the present appeal. Mr. Sethi states that though such a prayer was made before the learned Single Judge, since the Section 9 petition has been decided, the appellant has approached this Court. He states, the appellant is ready and willing to approach the learned Arbitrator during the course of the day.



9. If that be so, as the appellant intend to approach the learned Arbitrator by way of an application, we dispose of the appeal but by granting liberty to the appellant to file application with a prayer as deem appropriate before the learned Arbitrator.

10. It goes without saying that if an application is filed by the appellant, the same shall be decided by the learned Arbitrator after hearing the counsel for the parties and also uninfluenced by the order passed by the learned Single Judge.

11. Copy of this order be given *Dasti* under the signatures of the Court Master.

V. KAMESWAR RAO, J

VINOD KUMAR, J

DECEMBER 22, 2025

SS