



2026:DHC:1474



\$~8

*

IN THE HIGH COURT OF DELHI AT NEW DELHI**Date of decision: 19.02.2026**

+ O.M.P.(I) (COMM.) 50/2026

M/S P K SHEFI

.....Petitioner

Through: Mr. Sanjoy Ghosh, Senior
Advocate with Mr. Jitender
Mehta, Mr. Lalit Kumar, Mr.
Abhinav Kumar, Mr.
Avaneesh Singh and Mr. Mohit
Garg, Advocates

versus

INDIAN RAILWAY CATERING AND TOURISM
CORPORATION LIMITED

.....Respondent

Through: Mr. Chandan Kumar and Mr.
Vikram Sharma, Advocates

CORAM:**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

%

JUDGEMENT (ORAL)**HARISH VAIDYANATHAN SHANKAR, J.**

1. The present petition has been filed under Section 9 of the Arbitration and Conciliation Act, 1996. The brief history and the reliefs sought in the present Petition, as set out in the Order dated 09.02.2026, are as under:

“1. The present Petition, under Section 9 of the Arbitration and Conciliation Act, 1996, has been filed seeking the following reliefs:

“.....

- a. Pass an order restraining Respondent or any of its assigns, agents or delegates from enforcing the letters dated 13.01.2026 and 19.01.2026 against the Petitioner; and

Signature Not Verified

Digitally Signed
By: HARVINDER KAUR
BHATIA
Signing Date: 21.02.2026
17:18:01

O.M.P.(I) (COMM.) 50/2026

Page 1 of 4



2026:DHC:1474



- b. Grant an Ad-Interim Ex-Parte Injunction restraining the Respondent, their agents, and officials from demolishing, dismantling, or interfering with the possession of the Petitioner's Food Plaza at New Delhi Railway Station (Ajmeri Gate Side) until the conclusion of Arbitral Proceedings;
- c. Direct the Respondent to immediately remove all barricades and obstructions and restore the original passenger entry/access as it existed at the time of the inauguration of the Food Plaza; and
- d. Direct the Respondent to charge only 25% of the annual license fee (to be payable on quarterly basis) till the time Respondent remove all barricades and obstructions and restore the original passenger entry/access as it existed at the time of the inauguration of the Food Plaza; and
- e. Pass any other order(s) as this Hon'ble Court may deem fit in the interest of justice"

2. Mr. Sanjoy Ghose, learned Senior Counsel for the Petitioner, submits that the business of the Petitioner has suffered immensely due to the various works that have been sought to be carried out by the Indian Railways, which have resulted in barricades being erected from the roadside of the railway station. He also contends that the access, as provided to the station itself, is fairly convoluted and it results in situations where passengers do not have the time to avail the services that the Petitioner's premises would otherwise be able to provide.

3. He relies upon the various letters that have been addressed and submits that at least from November, 2023, the Petitioner has been suffering various difficulties in carrying out its business, as a result of which, it has been suffering losses. He also contends that there are at least two customers who have left the Petitioner's premises, namely Domino's Pizza and WOW Momo. In addition to the aspect of the loss of revenue, learned Senior Counsel further strenuously urges that the principle issue which requires immediate attention is that there is a serious apprehension that the said premises itself which has been constructed by the Petitioner herein, in which various food outlets are being permitted to carry on their business, is likely to be demolished or substantially altered such that the huge investment that has been made by the Petitioner would be rendered obsolete. He thus submits that there is a need to pass urgent directions as sought by him in the petition.

4. ***Per contra***, Mr. Chandan Kumar, learned counsel for the

Signature Not Verified

Digitally Signed
By: HARVINDER KAUR
BHATIA
Signing Date: 21.02.2026
17:18:01

O.M.P.(I) (COMM.) 50/2026

Page 2 of 4



2026:DHC:1474



Respondent, submits that the present petition is not maintainable as there is no real cause of action which exists. He further submits that as per the clauses of the agreement, the Petitioner has to necessarily make payments as have been set out in Clause 4.1 of the Tender Document bearing E-Tender No. CO/NIT/FP-FFU/2016/02. He further submits that the apprehension that the entire complex is likely to be demolished does not appear to be premised on any real event or act, and thus, the present petition is premised purely on unsubstantiated apprehensions, which should not be entertained.

5. Nonetheless, Mr. Chandan Kumar very candidly submits that given the apprehensions that have been expressed by the Petitioner, he would seek instructions within a period of one (1) week from today on the assurance given by the Respondent vide e-mail dated 19.01.2026. The relevant extract of said e-mail reads as follows:

“Dear Concern, (M/s P.K. Shefi)

It is informed that the issues raised by your firm along with your request for quarterly payment instead of annual payment are under consideration.

In view of the above, you are hereby advised to deposit the **advance annual license fee** as per the terms and conditions of the contract.

For information and further necessary action”

2. Mr. Chandan Kumar, learned counsel appearing for the Respondent, has handed over across the Bar a photocopy of an email dated 17.02.2026, which is taken on record. The said email has been addressed by Mr. Satender Singh, ‘Karyapalak’, Northern Zone, IRCTC, on behalf of the Respondent, to the Petitioner, calling upon the latter to attend a personal meeting in his office on 20.02.2026.

3. Learned counsel for the Respondent submits that the purport of paragraph 5 of the Order dated 09.02.2026, as set out hereinabove, was to set in motion a process for the purpose of considering the Petitioner’s request.

4. This Court respectfully disagrees with the said submission. The purport was to ensure that the request made by the Petitioner is duly



2026:DHC:1474



considered, particularly since the issues had been festering between the parties for a considerable period of time but had not been accorded due consideration by the Respondent. The pedantic interpretation sought to be placed on the said paragraph is unfortunate.

5. This Court is of the view that, until due consideration is given to the said request, no coercive steps or adverse action shall be taken against the Petitioner.

6. In the event any decision adverse to the Petitioner is taken, it is directed that one week's prior notice shall be provided to him before the said decision comes into operation.

7. With these directions, the present Petition, along with the pending applications, stands disposed of.

HARISH VAIDYANATHAN SHANKAR, J.
FEBRUARY 19, 2026/rk/her

Signature Not Verified

Digitally Signed
By: HARVINDER KAUR
BHATIA
Signing Date: 21/02/2026
17:18:01

O.M.P.(I) (COMM.) 50/2026

Page 4 of 4