



2026:DHC:1238



§~32 & 36

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

**Date of decision: 12.02.2026**

+ O.M.P.(I) (COMM.) 54/2026, I.A. 3698/2026 (Seeking permission to file lengthy synopsis and list of dates) & I.A. 3699/2026 (Ex.)

**RK ASSOCIATES AND HOTELIERS PVT LTD .....Petitioner**

Through: Mr Dayan Krishnan, Senior Advocate with Mr. Vijay Kaundal, Mr. Nitish Kant Sharma, Ms. Mehak Khurana, Mr. Shashank Mishra and Ms. Radhika, Advocates

versus

**INDIAN RAILWAY CATERING AND TOURISM CORPORATION LTD. ....Respondent**

Through: Mr. Saurav Agrawal, Ms. Kiran Devrani, Mr. Anshuman Chowdhury, Mr. Parmeet Singh and Ms. Samayra Adlakha, Advocates

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+ O.M.P.(I) (COMM.) 58/2026, I.A. 3712/2026 (Seeking permission to file lengthy synopsis and list of dates) & I.A. 3713/2026 (Ex.)

**RK ASSOCIATES AND HOTELIERS PRIVATE LIMITED**

.....Petitioner

Through: Mr. Vijay Kaundal, Mr. Nitish Kant Sharma, Ms. Mehak Khurana and Mr. Shashank Mishra, Advocates

versus

**INDIAN RAILWAY CATERING AND TOURISM CORPORATION LTD. ....Respondent**

Through: Mr. Saurav Agrawal, Ms. Kiran Devrani, Mr. Anshuman Chowdhury, Mr. Parmeet Singh



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and Ms. Samayra Adlakha,  
Advocates

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

% **JUDGEMENT (ORAL)**

1. The Petitions, being O.M.P.(I) (COMM.) 54/2026, and O.M.P.(I) (COMM.) 58/2026, filed under Section 9 of the Arbitration and Conciliation Act, 1996 (“Act”), seek *inter alia* interim protection in relation to the release of catering service payments, restraint against any further withholding, deduction or adjustment of such payments on account of disputed licence fee or related claims, and directions for compliance with the contractual timelines for release of payments.

2. At the outset, learned counsel for the Petitioner fairly submits that disputes relating to the demand of enhanced licence fee, the consequential increase in security deposit, and the withholding/adjustment of catering service payments between the parties are already the subject matter of pending arbitral proceedings before Hon’ble Mr. Justice Rajiv Shakhder (Retd.), learned Sole Arbitrator, appointed *vide* order dated 24.11.2025 in O.M.P.(I) (COMM.) 483/2025. It is further submitted that the said arbitral proceedings are listed before the learned Arbitrator on 14.02.2026.

3. Learned counsel for the Petitioner, however, contends that the present petitions have been necessitated on account of an apprehension that the Respondent is likely to make certain deductions. According to the learned counsel for the Petitioner, if such deductions are permitted to be carried out, the very purpose of filing the present petitions seeking to interdict the same would be rendered otiose.



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4. Learned counsel for the Petitioner has, therefore, strenuously urged that the Court be pleased to exercise its jurisdiction under Section 9 of the Act and pass orders protecting any such deductions that they apprehend are likely to take place.

5. *Per Contra*, learned counsel for the Respondent submits that since as disputes of the similar nature are pending between the parties and are likely to be taken up on 14.02.2026 by the learned Sole Arbitrator, the present petitions may also be treated as applications under Section 17 of the Act and expeditiously be placed before the learned Sole Arbitrator preferably on the same date or any date as expeditiously as possible for the purpose of adjudication.

6. Having considered the submissions advanced by learned counsel for the parties, this Court is of the view that the same is a reasonable suggestion.

7. Accordingly, with the consent of the parties, **Hon'ble Mr. Justice (Retd.) Rajiv Shakdher, former Chief Justice of Himachal Pradesh High Court (Mobile No. [REDACTED])**, is appointed as the Sole Arbitrator to adjudicate the instant disputes as well.

8. The arbitration shall take place under the *aegis* of the Delhi International Arbitration Centre [“**DIAC**”] and will abide by its rules and regulations.

9. The learned Arbitrator shall be entitled to fees as set out in the Schedule of Fees maintained by the DIAC.

10. Learned counsel for the parties are directed to apprise the learned Arbitrator of this Order forthwith.

11. Since **Hon'ble Mr. Justice (Retd.) Rajiv Shakdher** is already in *seisin* of another proceedings between the parties, the requisite



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disclosure under Section 12(2) of the Act is dispensed with.

12. The Registry is directed to send a receipt of this order to the learned arbitrator through all permissible modes, including through e-mail.

13. So far as the reliefs sought in these petitions are concerned, the present petitions filed under Section 9 of the Act are directed to be treated as applications under Section 17 of the Act. The Registry is directed to forthwith transmit the records of these petitions to the learned Sole Arbitrator, to be taken on record as applications under Section 17, upon which appropriate orders may be passed in accordance with law and in the facts and circumstances of the case.

14. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

15. Needless to say, nothing in this order shall be construed as an expression of opinion of this Court on the merits of the controversy between the parties.

16. The parties are at liberty to raise all objections, including with respect to the jurisdiction of the Arbitrator, before the learned Arbitral Tribunal.

17. Let a copy of this Order be transmitted to the DIAC for necessary information and action.

18. Accordingly, the present petition, along with pending application(s), if any, stands disposed of.

19. A photocopy of this Order be placed in the connected matter.

**HARISH VAIDYANATHAN SHANKAR, J.**  
**FEBRUARY 12, 2026/rk/her/jk**