



2026:DHC:1299



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

**Date of decision: 13.02.2026**

+ O.M.P.(I) (COMM.) 63/2026 & I.A. 4106/2026 (Ex.)

BRANDAVAN FOOD PRODUCTS .....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  
and Ms. Samayra Adlakha,  
Advocates.

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+ O.M.P.(I) (COMM.) 64/2026 & I.A. 4107/2026 (Ex.)

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**CORAM:**

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



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**JUDGEMENT (ORAL)**

1. The Petitions, being O.M.P.(I) (COMM.) 63/2026, and O.M.P.(I) (COMM.) 64/2026, filed under Section 9 of the Arbitration and Conciliation Act, 1996 (“Act”), have been filed seeking the following reliefs:

- “a. Stay the operation and effect of the Demand Notice dated 14.11.2025 specifically to the extent that it demands payment of an “additional license fee” and “additional license fee” and “additional Security Deposit” on account of change in coach composition;
- b. Restrain Respondent from withholding, deducting, or adjusting the Petitioner’s catering service payments against the disputed license fee, including additional license fee, claims or any other amounts require timely payment of the same to the Petitioner;
- c. Restrain Respondent from giving effect to any future claims of enhanced license fee and/or additional security deposit on account of increase in coach composition by withholding, deducting, or adjusting Respondent’s claim amount from the Petitioner’s catering service payments from train forming part of this contract or any other contract;
- d. Pass *ex-parte ad-interim* orders in terms of prayers (a) to (b) above in favour of the Petitioner and against the Respondent.”

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 Shakdher (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.



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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.

4. Learned counsel for the Petitioner has, therefore, 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, this Court requests **Hon'ble Mr. Justice (Retd.) Rajiv Shakdher, former Chief Justice of Himachal Pradesh High Court (Mobile No. [REDACTED])** to enter into the reference 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



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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 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.



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

**HARISH VAIDYANATHAN SHANKAR, J.**  
**FEBRUARY 13, 2026/nd/va**