



2026:DHC:2131



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

Date of decision: 13.03.2026

+ O.M.P.(I) (COMM.) 93/2026 & I.A. 6431/2026 (For Exemption)

M/S BRANDAVAN FOOD PRODUCTSPetitioner
Through: Mr. Vijay Kaundal, Ms. Mehak
Khurana, Ms. Sapna Jha 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.) 94/2026 & I.A. 6432/2026 (For Exemption)

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CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

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JUDGEMENT (ORAL)

1. The present Petitions, being O.M.P.(I) (COMM.) 93/2026, O.M.P.(I) (COMM.) 94/2026 and O.M.P.(I) (COMM.) 95/2026, filed under Section 9 of the Arbitration and Conciliation Act, 1996 [“Act”], have been filed seeking certain *ad interim* reliefs, *inter alia*, direction to Respondent to release amounts of Rs. 2,12,50,534/- in O.M.P.(I) (COMM.) 93/2026, Rs. 2,70,31,480/- in O.M.P.(I) (COMM.) 94/2026 and stay of operation and effect of distinct Demand Notices sent by the Respondent demanding ‘additional license fee’ and ‘additional security deposit’.

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/



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adjustment of catering service payments between the parties are already the subject matter of a 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.

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.

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 disputes of a similar nature are pending between the parties and are likely to be taken up on 18.03.2026 by the learned Sole Arbitrator, the present Petitions may also be treated as applications under Section 17 of the Act and placed before the learned Sole Arbitrator, preferably on the same date or any date as expeditiously as possible for the purpose of adjudication.

6. This Court has heard the learned counsel appearing on behalf of the parties, and with their able assistance, perused the material on record and relevant documents passed across the bar.

7. Having regard to the submissions advanced by learned counsel for the parties, this Court is of the considered view that the suggestion of the learned counsel of the parties, to refer the present matters to



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Arbitration before the same Sole Arbitrator, who is already *in seisin* of matters between the same parties and upon similar issues, is reasonable.

8. 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** [REDACTED] to enter into the reference to adjudicate the instant disputes as well.

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

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

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

12. Since **Hon'ble Mr. Justice (Retd.) Rajiv Shakdher** is already *in seisin* of other proceedings between the parties, the requisite disclosure under Section 12(2) of the Act is dispensed with.

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

14. 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 the present 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.

15. All rights and contentions of the parties in relation to the



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claims/counter-claims are kept open, to be decided by the learned Sole Arbitrator on its merits, in accordance with law.

16. Needless to state, nothing in this Order shall be construed as an expression of opinion of this Court on the merits of the controversy as between the parties.

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

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

19. Accordingly, the present Petitions, along with pending Application(s), if any, stands disposed of.

20. A photocopy of this Order be placed in the connected matters.

HARISH VAIDYANATHAN SHANKAR, J.
MARCH 13, 2026/tk/dj