



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMM. ARBITRATION PETITION (L.) NO. 12861 OF 2026

Sameer Hakim Pathan ... PETITIONER

: VERSUS :

The General Manager,

Western Railways & Anr. ... RESPONDENTS

Mr. Induprakash Tripathi *with Ms. Bhagyashri Gawas i/b. Mr. Chandraprakash Tripathi, for the Petitioner.*

Mr. T.J. Pandian *fwith Mr. Gautam Modanwal and Mr. Prasad Sawant, for the Respondent.*

CORAM : SANDEEP V. MARNE, J.

DATED : 15 APRIL 2026.

P.C :

1) This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**) seeking interim measures before commencement of arbitral proceedings. The dispute between the parties relates to adjustment of license fees paid by the Petitioner for the period from 25 January 2025 to 24 April 2025 when the Restaurant on wheels 'Rail Coach- Royal Carriage' at Bandra Station was yet to be operationalised. There is no dispute to the position that the concerned Restaurant actually commenced operations w.e.f. 7 May 2025 and there was delay in operationalisation of the Restaurant on account of inability on the part of the Railway Administration to make the necessary infrastructure available. Therefore, though the Restaurant was handed over on 8 November 2024, the same got operationalised w.e.f. 7 May 2025. However, under



the contractual terms, the Petitioner had paid license fees in respect of the quarter 25 January 2025 to 24 April 2025 in respect of the period when the Restaurant was yet to be operationalised.

2) The Petitioner is apparently facing financial problems and has requested the Respondents to adjust the license fees paid from 25 January 2025 to 25 April 2025 towards license fees payable for the quarter May 2026 to July 2026 which was due and payable by 10 April 2026 with further grace period of 7 days. Respondents also do not dispute the position that the Restaurant could not be operationalised before 7 May 2025 even though possession was handed on 8 November 2024. Prima-facie, therefore there appears to be substance in the contention raised by the Petitioner. Though Petitioner has made several representations for adjustment of the license fees, it appears that no decision has yet been taken by the Railway Administration on such representations. Petitioner apprehends that if license fees are not deposited on/or before 17 April 2026, the system would auto generate termination of the Contract.

3) Considering the above position, in my view, a direction needs to be issued to the Railway Administration to decide the representations made by the Petitioner and till decision of such representations and for further period of 2 weeks, Respondents need to be restrained from terminating the Contract of the Petitioner. This would ensure preservation of subject matter of arbitration. Grant of such interim measures would not prejudice the Respondent as the Petitioner can be directed to pay the license fees in the event of rejection of representation.

4) I accordingly proceed to pass the following order :

(i) Respondents shall decide the representations made by the Petitioner for adjustment of license fees for the period 25 January 2025 to 25 April 2025 as license fees payable in respect of quarter period from May 2026 to July 2026 within a period of 4 weeks.

(ii) Till communication of outcome of representations to the Petitioner and for a period of 2 weeks thereafter, the Contract in question shall not be



treated as been terminated. The Respondents shall accordingly make necessary arrangements for ensuring that the system does not treat the Contract as having been terminated.

(iii) In the event of representations of the Petitioner not being decided favourably, the Petitioner shall have time of 2 weeks from the date of communication of the decision to pay the license fees for the quarter May 2026 to July 2026.

5) The above interim measures shall be in force for a period of 90 days within which the Petitioner shall take necessary steps for commencement of arbitral proceedings, if required.

6) With the above directions, the Commercial Arbitration Petition is **disposed of.**

[SANDEEP V. MARNE, J.]

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signed by
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SAWANT
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