

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2276 of 2015

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M/s Balaji Food and Beverage, Authorized Franchisee having its registered office at 248, Patrakar Vihar, N.K.I, Indrapuram, Ghaziabad, represented through its Proprietor Chandra Kant Kumar, Son of Sri Sant Bilash Sharma Resident of Mohalla- Chanakyapuri, P.S- Rampur, District- Gaya(Bihar).

.... Petitioner

Versus

1. The Union of India, Ministry of Railways through its Chairman Railway Board Rail Bhawan, New Delhi.
2. The General Manager, East Central Railway, Hajipur
3. The Chief Commercial Manager, "B" Block Dighi Khurd East Central Railway Hajipur- 844101.
4. The Dy. Chief Commercial / Catz. "B" Block Dighi, Khurd East Central Railway Hajipur- 844101.
5. Sr. Divisional Commercial Manager, East Central Railway Danapur.
6. Indian Railway Catering and Tourism Corporation Limited having its Registered Office at 9th floor, Bank of Baroda Building, 16 Parliament Street, New Delhi.
7. B. Natural (Balan Natural Food (P) Limited) through its Managing Director namely Usha Nande Kumar, Resident of Sigapura village P.O. Vidya Narayanpura, Banglore- 560097.
8. M/S Sam @ Shyam Caterers, C/o M/s Balan Natural Food Pvt. Limited, No.1-7-27 to 34, opposite Hotel Paradise, Shyama Tower, 2nd Floor, Sarozani Devi Road, Sikandrabad, 50003.

.... Respondents

With

Civil Writ Jurisdiction Case No.2160 of 2015

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M/s Dheeraj Kumar @ Dheeraj Kumar Singh, Authorized Franchisee having its registered office at vill-Barbatta Bazar, Sonapur, Distt.- Chapra(Bihar), represented to Proprietor Dheeraj Kumar Singh S/O Late Kumar Arjun Singh Resident of Mohalla-Barbatta Bazar,P.S- Sonapur,Distt.-Saran(Bihar)

.... Petitioner

Versus

1. The Union of India, Ministry of Railways through its Chairman Railway Board Rail Bhawan, New Delhi
2. The General Manager, East Central Railway, Hajipur,
3. The Chief Commercial Manager, B- Block, Dighi Khurd, East Central Railway, Hajipur-844101.
4. The Dy. Chief Commercial /Catz, B-Block Dighi Khurd, East Central Railway, Hajipur-844101
5. Sr. Divisional Commercial Manager, East Central Railway, Danapur.
6. Indian Railway Catering and Tourism Corporation Limited, having its registered office at 9th Floor, Bank of Baroda Building, 16 Parliament Street, New Delhi.
7. B.Natural (Balan Natural Food (P)Ltd. through its Managing Director namely Usha Nande Kumar Resident of Sigapura village P.O-Vidya

Narayanpura,Banglore-560097.

8. M/S Sam @ Shyam Caterers, C/o M/s Balan Natural Food Pvt. Limited,
No.1-7-27 to 34, opposite Hotel Paradise, Shyama Tower, 2nd Floor,
Sarozani Devi Road, Sikandrabad, 50003.

.... Respondents

With

Civil Writ Jurisdiction Case No.2290 of 2015

Puja Enterprises , Authorized Franchisee having its registered office at
Mohalla- Karbigahiya, Patna represented to Proprietor Priya Ranjan Kumar,
Son of Sri Sukhdeo Prasad, Resident of Mohalla - Karbigahiya, P.S.
Jakanpur, District - Patna

.... Petitioner

Versus

1. The Union of India, Ministry of Railways through its Chairman Railways Board Rail Bhawan, New Delhi
2. The General Manager, East Central Railway, Hajipur
3. The Chief Commercial Manager, 'B' Block Dighi Khurd East Central Railway Hajipur - 844101
4. The Dy. Chief Commercial/Catz. 'B' Block Dighi, Khurd, East Central Railway, Hajipur - 844101
5. Sr. Divisional Commercial Manager, East Central Railway, Danapur
6. Indian Railway Catering and Tourism Corporation Limited, having its Registered office at 9th Floor, Bank of Baroda Building 16 Parliament Street, New Delhi
7. B. Natural (Balan Natural Food (P) Limited) Through its Managing Director namely Usha Nande Kumar Resident of Sigapura village,P.O. Vidya Narayanpur, Banglore - 560097
8. M/S Sam @ Shyam Caterers, C/o M/s Balan Natural Food Pvt. Limited, No.1-7-27 to 34, opposite Hotel Paradise, Shyama Tower, 2nd Floor, Sarozani Devi Road, Sikandrabad, 50003.

.... Respondents

Appearance :

(In CWJC No.2276 of 2015)

For the Petitioner/s : Mr. S.S. Dwivedi, Sr. Advocate
: Mr. Ravindra Kumar Shukla, Advocate
For the Respondent/s : Mr. S.D. Sanjay, Sr. Advocate
: Mr. Bijoy Kumar Sinha, Advocate

(In CWJC No.2160 of 2015)

For the Petitioner/s : Mr. S.S. Dwivedi, Sr. Advocate
: Mr. Ravindra Kumar Shukla, Advocate
For the Respondent/s : Mr. S.D. Sanjay, Sr. Advocate
: Mr. Anil Kumar Sinha, Advocate

(In CWJC No.2290 of 2015)

For the Petitioner/s : Mr. S.S. Dwivedi, Sr. Advocate
: Mr. Ravindra Kumar Shukla, Advocate

For the Respondent/s : Mr. S.D. Sanjay, Sr. Advocate
: Mr. Rakesh Kumar Sinha, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

06-10-2015

Heard learned counsel for the petitioners and learned Additional Solicitor General appearing for the Railways.

The petitioners are aggrieved by the decision of the respondents to allow operation of AVM KIOSKS of M/s Balan Naturals Food Private Limited by M/s Sam @ Shyam Caterers, i.e., respondent no.8.

In the facts and circumstances of the case, notices were issued upon respondent nos. 7 and 8 and in the meantime, *status quo* with regard to operation of the concerned KIOSKS was directed to be maintained by way of interim arrangement. Notices have been returned un-served upon respondent nos. 7 and 8. In the meantime, Interlocutory Applications have been filed on behalf of the respondent nos. 1 to 6 for modification/recalling the order dated 9.02.2015 for recall of the order of maintaining *status quo*, however, in paragraph 6 thereof the respondents have disclosed that they want to issue fresh tender for intending parties to provide best service to the railway passengers at various railway stations. The petitioners do not have any objection to that because they were running it in view of temporary extension to B. Naturals Food Pvt. Ltd.

Learned counsel for the petitioners is also not opposed

to the idea that fresh tender should be invited but contention on behalf of the petitioners is that till such arrangement is made, they may be allowed to run the KIOSKS.

Learned Additional Solicitor General appearing on behalf of Railways, on instruction, submits that a decision has already been taken that extension would be given to M/s B. Natural allowing it to run the KIOSKS either till the finalization of new contract or 16.01.2016, whichever is earlier. He further submits on instruction that till the aforesaid, the present arrangement would continue and the petitioners would not be disturbed.

On such undertaking having been given by learned Additional Solicitor General, the petitioners do not want to press these writ petitions.

Accordingly, the writ petitions are dismissed as not pressed.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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