

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION
WRIT PETITION NO.4389 OF 2015

Shri R. C. Telang and Anr.] ... Petitioners

Versus

Union of India and Ors.] ... Respondents

Mr. K. Talukdar i/b Mr. S. P. Wakode for Petitioners.

Mr. Girish R. Agrawal for Respondent No.4.

CORAM :- ANOOP V. MOHTA &
A. S. GADKARI, JJ.

DATE :- DECEMBER 09, 2016

ORDER :-

1. Both the Counsel submit that in view of the Judgment dated 29/01/2016 passed by the Hon'ble Supreme Court in the case of *Senior Divisional Commercial Manager, South Central Railway and Others Versus S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Association and Another*¹, and specifically in view of para 34 thereof, the petition may be disposed of. Para 34 of the said Judgment is reproduced as under :-

“34. For the reasons stated supra, this Court interfere with the impugned judgment and order² of the High Court. The

¹ (2016) 3 Supreme Court Cases 582

² South Central Railways v. S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Assn., 2013 SCC OnLine AP 770

civil appeals are dismissed. The order dated 11-4-2014³ granting stay of the impugned order shall stand vacated. We, however, make it clear that only those licensees may be eligible for renewal of their licences who can declare on affidavit that they do not have the licence of more than one shop or kiosk in their name or benami licence at the railway stations with periodical reasonable increase of licence fee. All pending applications are disposed of.”

2. In view of the above, the present petition is disposed of. No costs. Interim relief stands vacated.

(A. S. GADKARI, J.)

(ANOOP V. MOHTA, J.)

³ South Central Railways v. S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Assn., SLPs (C) Nos.9921-23 of 2014, order dated 11-4-2014 (SC), wherein it was directed :

“Heard the learned counsel for the parties. Application for intervention is allowed. There shall be stay of the order and the judgment of the High Court. The petitioners are permitted to continue with the tender process and however, we make it clear that the respondents shall not be displaced for the present, so also the intervenors. Further, their continuance will be subject to further orders after finalising the tender process. The respondents are also permitted to participate in the tender. The petitioners are permitted to seek further orders after finalisation of the tender process.”