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

+ **O.M.P.(I) (COMM.) 46/2017**

WIMPY INTERNATIONAL LTD.

..... Petitioner

Through: Mr Krishnendu Dutta, Ms Simran
Brar and Ms Deveshi Mishra,
Advocates.

versus

**INDIAN RAILWAY CATERING AND TOURISM
CORPORATION LIMITED**

..... Respondent

Through: Mr Nikhil Majithia, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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31.01.2017

IA No.1268/2017

1. Allowed, subject to all just exceptions.

O.M.P.(I) (COMM.) 46/2017

2. The petitioner has filed the present petition, *inter alia*, praying as under:-

- “a) Pass an ex-parte ad-interim order staying the operation of the letter dated 27.12.2016 issued by the Respondent being Reference No.2015/IRCTC/FP/CCG.
- b) Pass an ex-parte ad-interim order permitting the Petitioner to operate the Food Plaza at Churchgate Railway Station, Mumbai till fresh tenders are issued in consonance of the order dated 24.01.2017 passed by this Hon'ble Court in Writ Petition (Civil) No. 618/2017.

- c) Pass an ex-parte ad-interim order directing the Respondent to expeditiously dispose off the Appeal dated 31.12.2016 filed by the Petitioner before the Chairman, Respondent Corporation.”

3. The parties had entered into a License Agreement dated 20.02.2008 whereby the petitioner was granted a license to operate a Food Plaza at Church Gate Railway Station, Mumbai. The tenure of the License Agreement was for a period of 9 years which was extendable to 12 years.

4. The petitioner’s grievance is that the initial license period of 9 years has ended on 31.12.2016 and the respondent has not considered its application for a further extension of three years. Admittedly, there is no obligation on the part of the respondent to extend the license granted to the petitioner. Concededly, the term of the license expired on 31.12.2016; therefore, the letter dated 27.12.2016 issued by the respondent indicating the same cannot be stayed. Indisputably, the petitioner has no right for extension of the license which has expired by the flux of time. In this view, the prayer sought for by the petitioner cannot be granted.

5. However, the petitioner would be entitled to remove its equipments and other moveable assets from the Food Plaza which was being operated by the petitioner. Accordingly, the petitioner is permitted to do so within a week from today. The respondent is directed not to obstruct the petitioner in removing its equipments and movable assets from the premises in question.

6. The petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

JANUARY 31, 2017/MK