

22.02.2022
Court No.13
Item No.5
AP

WPA 2938 of 2022

**Ram Dour Barui @ Ram Deo Barui and Ors.
Vs.
Union of India and Ors.**

(Through Video Conference)

Ms. Sulagna Bagchi (Bhattacharya)
... For the Petitioners.

Mr. Amitesh Banerjee
Mr. Rudrajit Sarkar
... For the IRCTC.

The writ petitioners are all running vending units commonly known as 'Dallas' at the Sealdah Railway Station of the Eastern Railway. The writ petitioners were continuing as such for some period of time.

The writ petitioners were required to pay licence fees for occupying and using said Dallas. The writ petitioners initially claimed the right of renewal of their vending units. Under the catering policy of the year 2010, the writ petitioners may have had the right of such renewal.

However, the said policy of the year 2010 has been replaced by the policy of the year 2017. Under the new policy, there is no provision for renewal of any Dallas or vending units. However, as a one-time measure and as a sympathetic gesture, the writ petitioners were allowed to continue and renew their licence to operate Dallas upon payment of certain fees.

The fees demanded by a communication dated 27th January 2022 is in the region of Rs.3,29,721/- per annum,

payable from the year 2017. Together with arrears a total sum of Rs.11,00,336/- was found due and payable by the writ petitioners as licence fees and occupation charges and GST from 27th February 2017 till 26th February 2020.

The writ petitioners submit that the said amount is excessive and exorbitant. It is submitted that the writ petitioners who are vendors of small toys, chocolates and biscuits in railway stations cannot afford to pay the said sum of money.

It appears from the submissions of the railways that since after the implementation of the policy of 2017, and tenders were received. The minimum bid received for one Dalla at the Howrah Station was a sum of Rs.22,00,000/- , and the highest bid went upto Rs.54,00,000/-.

By reason thereof, it is explicit and clear that there is a huge amount of income that is generated out of the operations of these Dallahs and the writ petitioners cannot feign poverty.

The writ petitioners also cannot claim any benefit under the non-existent 2010 policy. Hence, applying the dictum of Supreme Court in the case of **Senior Divisional Commercial Manager & Ors. Vs. S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Association & Anr.** reported in **AIR 2016 SC 668** and a Division Bench decision of this Court in the case of **Bindu Devi Vs. General Manager, Eastern Railways & Ors.** being **MAT 603 of 2017** and judgment dated **3rd May 2017**, this

Court is of the view that the grievances of the writ petitioners cannot be entertained. The railways cannot be faulted for having developed the tariff, which is based on lawful considerations and prepared by the Senior Administrative Grade (SAG) committee.

For the reasons stated above, the writ petition must fail and is hereby dismissed.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)