

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5132 of 2023

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M/s J.P. Singh and Brothers, Vending Contractor, Buxer, through its Proprietor/ Karta Sri Dhruva Narayan Singh, Male aged about 74 Years, S/o Late Yogendra Prasad Singh, R/o Basant Bihar Colony, Boring Road, P.S.- S.K. Puri, District-Patna.

... .. Petitioner/s

Versus

1. The Union of India Through the Secretary, Ministry of Railway, Government of India, New Delhi.
2. The General Manager, East Central Railway, Hajipur.
3. The Senior Divisional Commercial Manager, East Central Railway, Danapur, Patna.
4. The Chief Commercial Manager, East Central Railway, Hajipur.
5. The Divisional Railway Manager (Commercial) East Central Railway, Danapur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakash Chandra Agrawal, Adv.
For the U.O.I.(Railways): Mr. Ram Anurag Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT

Date : 09-11-2023

Heard the learned counsels for the parties.

2. This writ petition has been filed for the following reliefs:-

(I) For issuance of a writ in the nature of certiorari for quashing of the letter No. Com/catg/BXR/22, Dated 25.02.2022, issued by the Respondent No. 5 whereby license fee of the petitioner has been suddenly increased by 5095% Appx. (More than 51 times of the license fee paid by the petitioner for the year 2021) and demanded At the request of learned counsel



for the petitioner, post this matter on Rs. 4,67,200/- per annum with effect from 01.11.2021 from the petitioner, contrary to the rules relating to enhancement of 10% of license fee as per the Catering Policy 2010;

(ii) For further issuance of a writ in the nature of mandamus directing the respondent's specially the Respondent No. 5 to accept the license fee calculated in terms of catering policy 2010 and do not disturb the petitioner to operate the catering stall/Trolley At the request of learned counsel for the petitioner, post this matter on Buxer Railway Station;

(iv) For further holding and a declaration that the license fee of the petitioner can be revised and demanded from the petitioner only in accordance with the catering policy 2010, which requires the assessment of actual sales turnover of the petitioner's catering unit during the peak period and lean period at intervals of three months and not an assessment based purely on imagination and fictitious figures, by the respondents;

2. The present writ petition challenge the decision of the respondent authorities in enhancing the license fee substantially and manifold then the present rates with effect from 01.11.2021 and directing to the petitioner to pay the arrears of the enhanced



licence fee failing which the petitioner was directed to vacate the premises besides being black listed as illegal, bad and arbitrary among other prayers.

3. Learned counsel appearing on behalf of the petitioner states that the issue involved in the present writ petition is squarely covered by the Judgment of this Hon'ble Court dated 09.01.2023 passed in CWJC No. 17873 of 2023. The counsel for the Respondents has not controverted the above statement and fairly stated that this Court may pass similar orders in terms of the Judgment passed in CWJC No. 17873 of 2023 wherein this Hon'ble Court has held as under:-

“19. For the afore-noted reason, we hold that the fixation of licensee fee at variance with respect to the stalls held by the petitioner without any assessment as contemplated under Clause 18.3 of the Catering Policy of 2010, is a wrong exercise of power which cannot be sustained in the eyes of law.

20. The same is thus set aside.

21. The matter is remitted to the Railway Administration to make a fresh assessment as contemplated under Clause 18.3 and only thereafter fix the new license fee.



22. This exercise ought to be done within a period of three months, to be counted from the date of passing of the order/ production of a copy of this order before the concerned Authority of the Railways.

and further held as under:-

32. In case the license of the petitioner is to be retained and renewed, the fee must be fixed only after appropriate assessment of turnover of sales as contemplated under Clause 18.3 of the Catering Policy of 2010.

33. It goes without saying that while making such assessment, the Railway Administration shall take into account the lean period of the Covid -19 times before finally arriving at a figure which should form part of the license fee.

34. We say so for the reason that the Railway Administration has already admitted of such difficult times for the licencees during the Covid period.

35. Till the time a final exercise is made and on a fresh assessment, new license fee is fixed, the petitioner shall be allowed to run all the catering units in accordance with the earlier agreement.

4. Having regard to the above, the impugned order passed by the Respondent authorities is set aside. The writ



petitions stands disposed of in terms the directions given in
C.W.J.C. No. 17873 of 2021 dated 09.01.2023..

(A. Abhishek Reddy , J)

Gauravkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.11.2023
Transmission Date	N/A

