



\$~92, 93, 94, 96, 98, 100, 108, 109, 116 to 121, 123 to 125

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

+ W.P.(C) 2369/2024 & CM APPL 9803/2024

SMT D SANDHYAPetitioner

Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Santosh Kr. Pandey, Sr.
Panel Counsel with Mr. Rishesh
Mani Tripathi, Adv. for UOI

93

+ W.P.(C) 2447/2024 & CM APPL. 10023/2024

SMT. P. MOUNIKA & ANR.Petitioners

Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates

versus

UNION OF INDIA & ORS.Respondents

Through: *Counsel (appearance not given)*

94

+ W.P.(C) 2485/2024 & CM APPL. 10188/2024

SMT. REKHA MEENAPetitioner

Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates

versus

UNION OF INDIA & ORS.Respondents

Through: *Counsel (appearance not given)*



96

+ W.P.(C) 3366/2024 & CM APPLs. 13850/2024, 39910/2024

MEENA TIWARI

.....Petitioner

Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Avnish Singh, Sr. Panel
Counsel alongwith Mr. Kapil
Dev Yadav, G.P. with Mr.
Devendra Singh and Mr. D.
Govil Upadhyaya, Advocates
for UOI

98

+ W.P.(C) 3896/2024 & CM APPLs. 16032/2024, 39761/2024

M/S R.K FOOD PRODUCTS

.....Petitioner

Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: *Counsel (appearance not given)*

100

+ W.P.(C) 4019/2024 & CM APPL 16401/2021

KHALID USMAN

.....Petitioner

Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates

versus



UNION OF INDIA & ORS.Respondents
Through: Mr. Satya Ranjan Gusain, Sr.
Panel Counsel with Mr.
Kautilya Birat, G.P. and Mr.
Arvind Kumar, Advocates for
UOI

108

+ W.P.(C) 7257/2024 & CM APPLs. 30255-57/2024

RENU VERMAPetitioner

Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Kushagra Kumar, Sr. Panel
Counsel with Mr. Abhinav
Bhardwaj, G.P. for UOI

109

+ W.P.(C) 7279/2024 & CM APPLs. 30422-24/2024

ABHA SAHUPetitioner

Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Nirvikar Verma, Sr. Panel
Counsel for UOI

116

+ W.P.(C) 13986/2023 & CM APPL 55214/2023

ILIYASPetitioner

Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates



versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Asheesh Jain, CGSC with
Mr. Gaurav Kumar, Mr. Ishank
Jha, Advs. with Mr. Deepak
Tanwar, G.P. for respondent
Nos. 1 to 3

117

+ W.P.(C) 14688/2023 & CM APPL 58475/2023

KAMLA BAI GUPTAPetitioner
Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Vineet Dhanda, CGSC with
Mr. Abhishreet Singh and Mr.
Abhijit Singh, Advocates for
UOI

118

+ W.P.(C) 16203/2023 & CM APPL 65116/2023

SAROJPetitioner
Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Jatin Singh, Mr. Keshav
Sehgal, Mr. Shivam Gaur, Mr.
Kshitij Joshi and Mr. Aryan
Kumar Advocates for
Respondent No. 1/UOI.



119

+ W.P.(C) 16213/2023 & CM APPL 65201/2023

MEGHNA RAJENDRA KUMAR

.....Petitioner

Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Vikrant N. Goyal and Mr.
Jaswant Rai Aggarwal, Advs.
for UOI
Mr. Jaswant Rai Aggarwal,
Adv.

120

+ W.P.(C) 16301/2023 & CM APPL 65650/2023

SAGAR MANGLA

.....Petitioner

Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. G.D. Sharma, Sr. Panel
Counsel with Mr. Hardik Bedi,
G.P. for respondent Nos. 1 to 4
Mr. Parvinder Chauhan and Ms.
Hina, Adv. for DUSIB

121

+ W.P.(C) 16705/2023 & CM APPL 67327/2023

ARTI DEVI

.....Petitioner

Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates

versus



UNION OF INDIA & ORS.Respondents
Through: Mr. Naginder Benipal, Sr. Panel
Counsel with Ms. Vidhi Gupta,
G.P. and Mr. Ankit, Adv. for
UOI

123

+ W.P.(C) 1835/2024 & CM APPL 7673/2024

SANGEETA JAINPetitioner

Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates

versus

UNION OF INDIA & ORS.Respondents
Through: Ms. Uma Prasuna Bachu, Sr.
Panel Counsel for UOI

124

+ W.P.(C) 2831/2024 & CM APPLs. 11634/2024, 39985/2024

M/S M.Y. AND SONSPetitioners

Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates

versus

UNION OF INDIA & ORS.Respondents
Through: Ms. Ritu Reniwal, Sr. Panel
Counsel for UOI with Mr.
Jitendra Kumar Tripathi, G.P.

125

+ W.P.(C) 2832/2024 & CM APPL 11637/2024

PUSHPA DEVI AGARWALPetitioner

Through: Mr. Jitender Mehta, Mr. Lalit
Kumar, Mr. Pankaj Mishra and
Mr. Vikas Sharma, Advocates



versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Tanveer Ahmed Ansari, Sr.
Panel Counsel with Mr. Hilal
Haider, G.P. for UOI

CORAM:

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR
KAURAV**

ORDER

18.07.2024

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1. Learned counsel appearing on behalf of the parties submits that the main controversy involved in these cases stands covered by the decision dated 30.05.2024 passed in a batch of cases being W.P.(C) 6771/2024 and other connected matters.
2. Learned counsel appearing on behalf of the petitioner, however, submits that some of the parties being aggrieved by the similar decision passed in W.P.(C) 2501/2023 titled as *Urmila Devi & Ors. v. Union of India & Ors.* are before the Division Bench of this Court in LPA 566/2024 titled as *Ishwarlal Jawarlal Joshi v. Union of India & Ors.* He, therefore, suggests that since the controversy with respect to multipurpose stalls (MPS) cases pertaining to Covid-19 extension is *sub judice* before the Division Bench, the hearing of these cases be deferred till 23.07.2024.
3. Learned counsel appearing on behalf of the petitioners in W.P.(C) 2447/2024 submits that so far as petitioner No.1 is concerned, he does not press the relief.
4. I have considered the submissions made by the learned counsel for the parties and have perused the relief prayed in the instant writ petition.
5. The following paragraphs of the order dated 30.05.2024 passed



by this Court in W.P.(C) 6771/2024 deal with the similar controversy:-

“25. It is evident from the perusal of the aforesaid letter dated 21.05.2020 that it takes into consideration the ground reality that there were variations across the stations regarding the impact of Covid-19. The actual date on which the catering units could be made operational, and the timeline for restoration of passenger traffic, varied from station to station. It was directed that the period during which license was non-operational shall be treated as dies non period and the contract period shall be extended accordingly. As noticed above, the determination in this regard was left to be made by the respective zonal/divisional railways.

26. Taking into account the above, the concerned zonal/divisional railways had worked out the dies non period based on the ground realities prevalent at the concerned railway stations and have accordingly extended the license period. It cannot be said that the extent of extension to which the petitioners are entitled, has been worked out on a completely arbitrary basis. The contentions in this regard are devoid of merit.

29. Once the respondents have disclosed the basis for working out the dies non period, this Court in exercise of the jurisdiction under Article 226 of the Constitution of India cannot get into intricacies of the factual situation subsisting at each railway station to virtually exercise appellate jurisdiction in respect of the extent of extension granted to individual licensees. It is noticed that individual license agreement executed between petitioner and the concerned railway authorities as well as the Catering Policy 2017, contain an arbitration clause if the petitioners are aggrieved on account of insufficiency of extension on account of the Covid-19 situation or if they wish to claim damages on any account, they are at liberty to invoke the arbitration clause and initiate appropriate proceedings. The rights and remedies of the petitioners in this regard are expressly kept open.”

6. It is also to be noted that the Court, while considering various aspects, including operation of minor catering units for an indefinite period of time, directed three months’ extension enabling the petitioner therein to make a transition and switch to alternative vending arrangements. Paragraph No.30 of the decision dated



30.05.2024 reads as under:-

“30. In the circumstances, this Court finds no merit in the present petitions and the same are accordingly dismissed. However, since the petitioners have been operating these minor catering units for a significant period of time, to enable the petitioners to make a transition and make alternative vending arrangement/s, this Court considers it apposite to grant a period of 3 months to the petitioners (from the date of the extended license period after taking into account the dies non period; OR from the date of this judgment, whichever is later) to vacate the catering units in question. The same shall be subject to payment of usual license fee. It is directed accordingly.”

7. Having considered the submissions made by the learned counsel appearing on behalf of the parties, the Court is not inclined to defer the hearing of these cases and instead dispose of the instant writ petitions with the directions that the petitioners shall be granted a period of three months (from the date of the extended license period after taking into account the *dies non* period; OR from the date of this order, whichever is later) to vacate the catering units in question. The same however, shall be subject to payment of usual license fee.

8. With the aforesaid observations, the petitions stand disposed of alongwith pending applications.

PURUSHAINdra KUMAR KAURAV, J

JULY 18, 2024

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