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

+ **W.P.(C) 10459/2024**

SMT. ASHA SHUKLA

.....Petitioner

Through: Mr. Jitender Mehta, Mr. Shivam
Pahal, Mr. Lalit Kumar and Mr.
Deepak Sharma, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Ashish K. Dixit, CGSC with Mr.
Aakash Pathak, G.P. with Ms. Urmila
Sharma, Ms. Deepika Sharma and
Mr. V. Kakkar, Advs. for UOI

CORAM:

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

ORDER

30.07.2024

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CM APPL 43024-43025/2024 (Exemptions)

1. Allowed, subject to all just exceptions.
2. The applications stand disposed of.

W.P.(C) 10459/2024 & CM APPL 43023/2024

1. Admittedly, the period of license, including the period extended during Covid by the respondent as a policy decision, is expiring on 10.08.2024.
2. Learned counsel appearing on behalf of the petitioner, however, seeks



parity with the directions passed by this Court in its final order dated 30.05.2024 in a batch of writ petitions bearing W.P.(C) No. 6771/2024 titled as ***Ved Prakash Mishra v. Union of India***. He, therefore, submits that the Court in the case of ***Ved Prakash (supra)*** has extended the period of license for a period of three months and he, therefore, seeks for the similar directions. For the sake of clarity, paragraph No.30 of the aforesaid order 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.”

3. It is evident that the Court has previously extended the period by three months to the petitioners actively involved in litigation. However, such an extension cannot be granted to the licensees who have been passive bystanders, seeking to join the proceedings only when the outcome appeared to be advantageous for them.

4. Under the similar circumstances, this Court, *vide* order dated 16.07.2024 in W.P.(C) 9231/2024, has also declined to pass any directions.

Paragraph Nos. 3 to 5 of the said order reads as under:-

“3. The Court in Ved Prakash Mishra (supra) dismissed the petition, however, in paragraph no.30, keeping in mind the fact that the petitioners therein were operating minor catering units for significant period of time and to enable them to make a transition and to make alternate vending arrangements, three months time was extended.



4. *However, in the present case, the petitioner appears to be a fence-sitter. The Court, in the instant case, is unable to accede to the same prayer for the reason that on 13.09.2023 itself the petitioner was unequivocally informed that his period of contract is expiring on 19.07.2024. Therefore, the petitioner had sufficient time to make alternate arrangements or to transition to any further alternative. At this belated stage, any relief of extension of time would tantamount to alteration of the terms of the contract, which perhaps, is not permissible in law.*

5. *In view of the aforesaid the present petition is dismissed along with pending applications.”*

5. It is further seen that granting an extension to these licensees could also lead to unforeseen consequences and complications for the respondent-Railways. The Court is not well-equipped to analyse potential consequences of unilateral extension of the period of license/contract. They necessarily will have far reaching impact on the administration of the department or its policy.

6. Therefore, the Court is not inclined to entertain the instant petition, and the same is accordingly dismissed alongwith the pending application(s).

PURUSHAINDR KUMAR KAURAV, J

JULY 30, 2024

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