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

+ LPA 770/2024 & CM APPLs 45745-49/2024, CAV 373/2024

M/S VEER & COMPANY GRADUATE PARTENRSHIP
CONCERN & ANR. ...Appellants

Through: Dr. Sarvam Ritam Khare , Adv.

versus

UNION OF INDIA & ORS ...Respondents

Through: Mr. Anurag Ahluwalia, CGSC and
Mr. Shivam Sachdeva, GP for UoI.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
09.08.2024

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CAV 373/2023

1. Since the caveators have entered appearance, the caveat stands discharged.

LPA 770/2024

2. Present appeal has been preferred under Clause X of the Letters Patent Act, 1866 assailing the judgment dated 29th May, 2024 passed by the learned Single Judge of this Court, whereby the writ petition bearing nos.W.P.(C) 16178/2023 titled "*M/s Veer & Company Graduate Partnership Concern Through Deepak Jain General Power of Authority Holder vs. Union of India Ministry of Railway Board &Ors.*" and W.P.(C). 16446/2023 titled "*M Bhumiaji & Company Graduate Partnership Concern vs. Union of India Ministry of Railway Board & Ors*" filed by the appellants were dismissed in accordance with the order



dated 29th May, 2024 passed in the aforesaid writ petitions, and the appellants were directed to vacate the stalls within a period of three (3) months.

3. Dr. Sarvam Ritam Khare, learned counsel for the appellants submits that the appellants are running/operating bookstalls at the Railway Station Platforms. He further submits that the underlying writ petition was filed by the appellants seeking to declare the Clause No. 11 of the Commercial Circular No. 61 of 2017 dated 5th September, 2017, issued by respondent no.3/Railway Board as illegal, arbitrary, unconstitutional, null and void *ab initio* and consequently, to set aside the impugned Licence Agreement.

4. He further submits that in the writ petition, the appellants also sought renewal of the licence of the stalls in terms of the judgement passed by the Supreme Court in ***South Central Railway vs. S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Assn., (2016) 3 SCC 582***. The appellants also sought the benefit of an extension of licence period to the appellants proportionate to the reduced license fee during the Covid-19 pandemic period and as per the benefit given to other stalls.

5. Learned counsel submits that the learned Single Judge has dismissed the writ petition finding no merits in the petition, and the present appeal has been filed challenging the said judgement of the learned Single Judge, only with respect to the relaxation which should have been given to the appellants pursuant to the Covid-19 pandemic.

6. We have heard the learned counsel for the appellants as well as perused the documents on record.

7. On identical issues, raised in LPA 743/2024 titled “*Ram Kumar Agarwal vs. Union of India &Ors*” decided on 5th August, 2023; LPA 745/2024 “*Manoj Kumar Agarwal vs. Union of India & Ors*” decided on



5th August, 2023 and LPA 748/2024 “*Hani Khatoon vs. Union of India & Ors*” decided on 6th August, 2023, we have repelled similar arguments and dismissed the said appeals. The only difference being in the nature of stalls, in that, in those appeals, the issue pertained to catering trolleys/ stalls whereas in this appeal, it concerns the book stalls. Other than that, the issues are identical. In those appeals, we have only reiterated the directions contained in para 30 of the impugned judgement therein passed by the learned Single Judge.

8. Accordingly, the present appeal is dismissed, reiterating the directions in para 36 of the impugned judgement dated 29th May, 2024 passed in the underlying writ petition. Pending applications stand disposed of. No order as to costs.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

AUGUST 9, 2024

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