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

+ W.P.(C) 11828/2024, CM APPL. 49289/2024 and CM APPL. 49291/2024

VANDANA MISHRA

.....Petitioner

Through: Mr. Ashish Pandey, Mr. Prateek Rai, Mr. Anmol Goyal and Mr. Ashutosh Bhardwaj, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Amit Gupta, SPC with Mr. Vidur Dwivedi, G.P. for UoI.

104

+ W.P.(C) 11845/2024, CM APPL. 49311/2024 & CM APPL. 49313/2024

CHANDRA MAULI MISHRA

.....Petitioner

Through: Mr. Ashish Pandey, Mr. Prateek Rai, Mr. Anmol Goyal and Mr. Ashutosh Bhardwaj, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Manish Mohan, CGSC with Mr. Arun, G.P. along with Mr. Jatin Teotia, Adv. for UoI.

105

+ W.P.(C) 11846/2024, CM APPL. 49314/2024 & CM APPL. 49315/2024



LALITA DEVI

.....Petitioner

Through: Mr. Ashish Pandey, Mr. Prateek Rai, Mr. Anmol Goyal and Mr. Ashutosh Bhardwaj, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Kushagra Kumar, SPC with Mr. Abhinav Bhardwaj, G.P.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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28.08.2024

CM APPL. 49290/2024 (Ex.) in W.P.(C) 11828/2024

CM APPLs. 49312/2024 (Ex.) in W.P.(C) 11845/2024

CM APPL. 49316/2024 (Ex.) in W.P.(C) 11846/2024

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 11828/2024, CM APPL. 49289/2024 and CM APPL. 49291/2024

W.P.(C) 11845/2024, CM APPL. 49311/2024 & CM APPL. 49313/2024

W.P.(C) 11846/2024, CM APPL. 49314/2024 & CM APPL. 49315/2024

1. At the oral request of learned counsel appearing for the petitioner description of respondent Nos.3 and 4 is permitted to be corrected.
2. Let the petitioner file an amended memo of parties during the course of the day.
3. Learned counsel appearing for the petitioner submits that the controversy involved in the instant writ petition is covered by the



decision passed by this Court in W.P.(C) 6771/2024. He, therefore, submits that the petitioner seeks for the protection of three months time which was granted by this Court in terms of paragraph No.30 of the order dated 30.05.2024 passed in W.P.(C) 6771/2024.

4. Issue notice. Learned counsel appearing for the respondents accepts notice.

5. I have heard the learned counsel appearing for the parties and perused the record.

6. The Court in W.P.(C) 6771/2024 *vide* order dated 30.05.2024 dismissed a batch of writ petitions, however, extended three months time to the petitioners therein to make transition for alternative vending arrangements. The three months time was extended from the date of the already extended license period after taking into account the *dies non* period or from the date of passing on the order on 30.05.2024, whichever was later.

7. After the pronouncement in W.P.(C) 6771/2024, various other writ petitions came to be filed before this Court seeking similar directions.

8. One of the writ petitions i.e. W.P.(C) 9231/2024 came to be listed before this Court on 16.07.2024 which was dismissed on the ground that the petitioner in that case was fence-sitter and he cannot be extended the benefit as was directed in W.P.(C) 6771/2024. The order dated 16.07.24 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 fencesitter. 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.”

9. It be noted that against the said order, the petitioner therein *Ms. Kaushalya Meena Prop Shree Krishna Catering Services* filed LPA 746/2024 before this Court and the Division Bench in terms of paragraph No.4 of the order dated 05.08.2024 disposed of the writ appeal extending three months’ time to the appellant therein from 19.07.2024 to vacate her catering stall in question. Order dated 05.08.2024 reads as under :-

“1. Present letters patent appeal has been filed challenging the order dated 16th July, 2024 passed by the learned Single Judge of this Court in W.P.(C) 9231/2024, whereby the writ petition filed by the appellant challenging the letter dated 13th September, 2023, issued by respondent no.5 was dismissed. Vide letter dated 13th September, 2023, respondent no. 5 had extended the catering stall license of the appellant by seventy days for dies-non period.

2. After some arguments, learned counsel for the appellant seeks parity with petitioners in W.P.(C) 6771/2024 titled as Ved Prakash Mishra vs. Union of India & Ors., wherein the writ petition was dismissed but three months’ extension was granted to the petitioners for vacating their stalls.

3. Though learned counsel for the respondents, who appears on advance notice, opposes the grant of extension on the ground that the appellant petitioner had approached this Court at the eleventh hour and that too, after taking the benefit of seventy days for dies-non period, yet this Court is of the view that as similarly placed minor catering units have been granted extension of time of three months to vacate, the appellant-petitioner is also entitled to the same.



4. Accordingly, the present appeal along with the applications is disposed of giving three month's time to the appellant-petitioner from 19th July, 2024 to vacate her catering stall in question. In the event, the said catering stall is not removed on the expiry of extended ninety days, the respondents shall be at liberty to forthwith remove the goods of the appellant/petitioner, without filing any petition."

10. Having considered the submissions and the order passed by the Division Bench, this Court is inclined to provide a similar arrangement and accordingly, extend three months period in favour of the petitioner from the date of expiry of the existing license with extended period of *dies non*.

11. It is also made clear that in the event catering stall is not removed on the expiry of the extended 90 days, the respondent shall be at liberty to forthwith remove the goods of the petitioner without filing any petition.

12. With the aforesaid directions, the petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 28, 2024p