



\$~50 to 53, 59, 60, 62 to 66, 68 to 72

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

+ **W.P.(C) 11914/2024, CM APPL. 49539/2024 & CM APPL. 57171/2024, 59123-24/2024**
M/S SHASHIKALA GUPTAPetitioner

versus

UNION OF INDIA & ORS.Respondents

51

+ **W.P.(C) 11946/2024 & CM APPL. 49700/2024**
ANJU SURANAPetitioner

versus

UNION OF INDIA & ANR.Respondents

52

+ **W.P.(C) 11964/2024 & CM APPL. 49778/2024**
M/S SHARDA AND SONS
BAKING HOUSE PVT. LTDPetitioner

versus

UNION OF INDIA & ANR.Respondents

53

+ **W.P.(C) 11967/2024 & CM APPL. 49786/2024**
M/S SHARDA FOOD AND BEVERAGE PVT LTDPetitioner

versus

UNION OF INDIA & ORS.Respondents

59

+ **W.P.(C) 12342/2024 & CM APPL. 51344/2024**
M/S N.C .JAIN AND SONSPetitioner

versus

UNION OF INDIA & ORS.Respondents



60

+

W.P.(C) 12352/2024 & CM APPL. 51422/2024
RANDHIR SINGH

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents

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+

W.P.(C) 12430/2024 & CM APPL. 51705/2024
M/S POORVANCHAL CATERERS

.....Petitioner

versus

UNION OF INDIA & ANR.

.....Respondents

63

+

W.P.(C) 12467/2024 & CM APPL. 51890/2024
M/S A.S. MANOJ AND CO. & ORS.

.....Petitioners

versus

UNION OF INDIA THROUGH SECRETARY
MINISTRY OF RAILWAYS & ORS.

.....Respondents

64

+

W.P.(C) 12569/2024, CM APPL. 52243/2024 & CM APPL. 52245/2024

KAMLA BAI GUPTA THROUGH HER SPA
MR. VIVEK CHOUDHARY

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents

65

+

W.P.(C) 12619/2024 & CM APPL. 52432/2024

SEEMA PANDEY

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents



66

+

W.P.(C) 12653/2024 & CM APPL. 52614/2024

M/S SHIV AND SONS

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents

68

+

W.P.(C) 13148/2024 & CM APPL. 54943/2024

M/S GOEL AND GOEL

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents

69

+

W.P.(C) 13151/2024 & CM APPL. 54955/2024

NOOR JAHAN

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents

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+

W.P.(C) 13189/2024 & CM APPL. 55079/2024

M/S HOTEL DHARAMRAJ

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents

71

+

W.P.(C) 13318/2024 & CM APPL. 55665/2024

SMT. ASHA SHUKLA

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents



72

+

W.P.(C) 13330/2024 & CM APPL. 55692/2024

M/S SHRI LAXMINARAYAN ENTERPRISES

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents

Appearance:-

For Petitioners

Mr. Akshat Bajpai, Ms. Ishanee Sharma, Mr. Shobhit Trehan, Ms. Renuka Parmanand & Ms. Vedika Dalmia, Advocates for Petitioners in Item Nos. 50 to 53, 62, 65, 66, 68 & 70.

Mr. Jitender Mehta, Mr. Lalit Kumar & Mr. Shivam Pahal, Advocates for Petitioners in Item Nos. 59, 60, 64, 69 & 71.

Mr. Anubhav Bhasin, Mr. Tamim Qadri & Mr. Mohd. Shakib, Advocates for Petitioners in Item No. 72.

Dr. Vijay Kr. Shukla, Ms. Nupur Shukla, Mr. Anirudh Gulati, Advocates in Item No. 63.

For Respondents

Ms. Anushkaa Arora, Senior Panel Counsel for UOI with Mr. Kanan Malhotra, GP for UOI in Item No. 50. [M:-9810570295].

Mr. Ashok Kashyap, SPC with Mr. Kabir Hazarika, GP, Mr. Abhay Singh & Mr. Anshul Bhadouriya, Advocates for UOI in Item No. 51.

Mr. Nune Balraj, SPC with Ms. Meghna Rao & Mr. Harshit Goel, Advocates for UOI in Item No. 52.

Mr. Himanshu Pathak, SPC with Mr. Amit Singh, Advocate & Mr. Rishabh Dubey, GP for UOI in Item No. 59.

Mr. Akshay Amritanshu, SPC with Mr. Samyak Jain & Ms. Drishti Saraf, Advocates for UOI in Item No. 60.

Mr. Viplav Acharya, SPC with Mr. Chetan Jadon, GP & Mr. Hardik Saxena, Advocate for UOI in Item No. 62.

Mr. Manish Kumar, SPC with Mr. Gokul Sharma, GP for UOI in Item No. 63.

Mr. Vineet Dhanda, CGSC for UOI in Item No. 64.

Ms. Neha Rastogi, SPC with Mr. Animesh Rastogi & Mr. Vibhav Singh, Advocates for R-1 to 3 in Item Nos. 65 & 68.

Mr. Ashish Dixit, CGSC with Mr. Shivam Tiwari, Advocates for UOI in



Item No. 72

Mr. Shagun S. Chugh, SPC for UOI in Item No. 72.

Adv. Archana Gaur, Senior Panel Counsel, Adv. Ridhima Gaur and Ring Baliyan for UoI in Item No. 53.

Ms. Mahamaya Chatterjee, Govt. Pleader for UoI in Item No. 60.

Mr. Ravi Prakash, CGSC for UoI in item No. 69.

Mr. Vikrant N Goyal, Mr. Aditya Shukla, Advocates for UoI in item No. 66.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

07.10.2024

1. These writ petitions, under Article 226 of the Constitution, have been filed by operators of catering stalls and multi-purpose stalls ["MPS"] at various railway stations. They seek extension of their licenses for a period three months, in parity with orders of the Division Bench of this Court dated 05.08.2024 in LPA 746/2024 [*Ms. Kaushalya Meena v. Union of India & Ors.*] and order dated 09.08.2024 in LPA 767/2024 [*Smt. Asha Shukla v. Union of India & Ors.*].

2. The background to the filing of these petitions lies in two batches of writ petitions filed by catering and MPS licensees at various stations across India. Challenge was laid to Clause 11 of Commercial Circular No. 20 of 2017 dated 27.02.2017 [for catering stalls] and Clause 5 and Clause 11 of the Commercial Circular No. 61 of 2017 dated 05.09.2017 [for MPS] issued by the Railway Authorities. These were decided by judgments of this Court dated 30.05.2024 in W.P.(C) 6771/2024 and connected matters [*Ved Prakash Mishra v. Union of India & Ors. and connected matters*] and judgment dated 29.05.2024 in WP (C) 2501/2023



and connected matters [*Urmila Devi & Ors. v. Union of India & Ors.*] respectively. The writ petitioners therein sought the benefit of the judgment of the Supreme Court in *Senior Divisional Commercial Manager, South Central Railways and Ors. v. S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Association* [(2016) 3 SCC 580]. The learned Single Judge, in both cases, found the petitions unmerited, but directed as follows:

“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. Appeals against the judgment dated 29.05.2024 was dismissed by the Division Bench, by order dated 09.08.2024 in LPA 770/2024 [*M/s Veer & Company Graduate Partnership Concern & Anr. v. Union of India and Ors.*]. The matter was taken to the Supreme Court by some of the allottees and in SLP(C) 19229/2024 [*M/s S Veer and Company Graduate Partnership Concern & Anr. v. Union of India & Ors.*], the Supreme Court passed the following order dated 27.08.2024:

“1. Heard the learned counsel appearing for the respective parties.

2. We are not inclined to interfere with the impugned judgment and order passed by the High Court. We however extend the time granted by the learned Single Judge of the High Court in its order dated 29.05.2024 by four months from today. All the allottees shall vacate and handover the vacant possession of the stalls in question before the expiry of four months subject to filing of the usual undertaking before the Registry of this Court within four weeks from



today.

3. Accordingly, the Special Leave petition is disposed of.

4. Pending application(s), if any, shall stand disposed of”

4. This was followed by the Division Bench in appeals against the judgment dated 30.05.2024 [LPA 849/2024 and connected matters (*Parvat Singh Yadav v. Union of India & Ors. and connected matters*)].

5. Some of the allottees, who had not earlier challenged the circulars, filed writ petitions before this Court, which were dismissed by a coordinate Bench. Two of the orders, dated 16.07.2024 in W.P.(C) 9231/2024 [*Ms. Kaushalya Meena Prop. Shree Krishna Catering Services v. Union of India & Ors.*] and order dated 30.07.2024 in W.P.(C) 10459/2024 [*Smt. Asha Shukla v. Union of India & Ors.*] have been handed up to the Court. These were carried to the Division Bench in LPA 746/2024 [*Ms. Kaushalya Meena v. Union of India & Ors.*] and LPA 767/2024 [*Smt. Asha Shukla v. Union of India & Ors.*]. The LPAs were disposed of in similar terms on 05.08.2024 and 09.08.2024 respectively. By order dated 05.08.2024 in LPA 746/2024 [*Ms. Kaushalya Meena v. Union of India & Ors.*], the Court passed the following orders:

“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."

6. The petitioners in this batch of petitions were also not parties to the batch of petitions decided on 29.05.2024 and 30.05.2024, but seek similar extension, relying upon the orders of the Division Bench granting parity. Although the prayer in some of the petitions is for grant of an extension of three months, and an additional extension of four months, ostensibly in terms of the Supreme Court order dated 27.08.2024, the petitions are pressed only to the extent of parity with the order of the Division Bench as the present petitioners were not party to the earlier batch of proceedings.

7. By the orders of the Division Bench 05.08.2024 and 09.08.2024, extensions have been granted to the allottees for a period of three months after expiry of the extension granted by the authorities for the *dies non* period - arising out of the COVID-19 pandemic. In the present cases, the relevant dates are as follows:

Writ petition No.	Location of unit	Original date of extension period (including <i>dies non</i> period)
W.P.(C) 11914/2024	Four catering stalls at Sealdah Station.	28.03.2025 30.08.2024 27.08.2024 19.03.2025



W.P.(C) 11946/2024	One catering stall at Sealdah Station.	18.01.2025
W.P.(C) 11964/2024	Four catering stalls at Howrah Station.	30.08.2024 01.09.2024 24.10.2024 31.10.2024
W.P.(C) 11967/2024	Three catering stalls at Howrah Station and two catering stalls at Sealdah Station.	16.09.2024 04.09.2024 02.09.2024 05.05.2025 05.12.2024
W.P.(C) 12430/2024	Two catering stalls at Howrah Station.	04.09.2024 11.09.2024
W.P.(C) 12619/2024	One catering Stall at Gangapur City Railway Station.	16.01.2024
W.P.(C) 12653/2024	One catering stall at Howrah Station.	09.09.2024
W.P.(C) 13148/2024	One catering stall at Varanasi Station.	05.10.2024
W.P.(C) 13189/2024	One catering stall at Varanasi Station.	22.11.2024
W.P.(C) 12342/2024	Three MPS at Delhi Cantt. Railway Station, Hazarat Nizamuddin and Delhi Sarai Rohilla Railway Station.	07.09.2024 07.09.2024 07.09.2024
W.P.(C) 12352/2024	One MPS at Sonipat Railway Station.	07.09.2024
W.P.(C) 12569/2024	One catering stall at Agra Cantt. Railway Station.	20.09.2024
W.P.(C) 13151/2024	One catering stall at Satna Railway Station.	15.09.2024
W.P.(C) 13318/2024	One catering stall at Anand Vihar Railway Station.	09.10.2024
W.P.(C) 12467/2024	Three MPS at Tilak Bridge Station, Gurugram Station and Chandigarh Station.	24.03.2025 07.10.2024 26.10.2024
W.P.(C) 13330/2024	One catering stall at Indore Railway Station.	27.09.2024

8. Learned counsel for the respondents, at the very outset submit, that this Court lacks territorial jurisdiction to decide these petitions, or alternatively, that the petitions ought not to be entertained in this Court in



consonance with the principle of *forum non conveniens* as laid down by the Supreme Court in *Kusum Ingots & Alloys Ltd. v. Union of India* [(2004) 6 SCC 254].

9. The issue of jurisdiction has been considered by the coordinate Bench in the judgments dated 29.05.2024 and 30.05.2024, and decided in favour of the writ petitioners, on the ground that the Northern Railways was headquartered in Delhi was the respondent in some of the petitions, and that common issues arise for consideration in all the petitions. In view of the fact that similar petitions, also concerning catering licenses and MPS stalls at stations outside Delhi have been entertained by this Court, I do not consider it appropriate to dismiss these petitions on this ground.

10. The petitioners seek parity with the appellants, who were granted an extension of three months, beyond the *dies non* period, by virtue of orders of the Division Bench.

11. It is not disputed by the respondents that the position of the present petitioners is similar, although the applicability of the principle of parity is disputed. As the Division Bench has already held that the principle applies in the present case, I am of the view that the petitions are liable to succeed.

12. The petitions are, therefore, disposed of with direction that, subject to payment of the license fee, the petitioners will be permitted to continue to operate their stalls for a period of three months from the date of expiry of the license, as extended by the respondents for the *dies non* period.

13. In the cases where the stalls have already been closed due to lapse of the *dies non* period, but the period of three months thereafter has not



yet lapsed, the petitioners would be permitted to operate the stalls for the balance of the three-month period.

14. The writ petitioners will file undertakings that they will vacate the stalls in question upon expiry of the period granted by this Court. The undertakings be filed within a period of four weeks from today. If the petitioners fails to comply, the respondents will be free to remove their goods from the site.

15. The petitions, alongwith the pending applications, are disposed of in terms of the above.

PRATEEK JALAN, J

OCTOBER 7, 2024

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