



2024:DHC:8703-DB



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

+ **LPA 1102/2024 & CM APPL.64995/2024**

**TARA SINGH JEENA**

.....Appellant

Through: Mr.Aman Jha, Advocate with  
Mr.Himanshu Pathak, Mr.Rishi Toto  
and Mr.Amit Singh, Advocates.

versus

**GOVERNMENT OF NCT OF DELHI THROUGH SECRETARY  
CUM COMMISSIONER & ANR.**

.....Respondents

Through: Mr.Prashant Manchanda, ASC with  
Ms.Nancy Shah, Mr.Rohan Pratap  
Singh and Mr.Nimit Bhimjiyani,  
Advocates for R-1.

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Date of Decision: 07<sup>th</sup> November, 2024

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**JUDGMENT**

**MANMOHAN, CJ : (ORAL)**

**CM APPL.64996/2024 (Exemption)**

1. Allowed, subject to all just exceptions.
2. Accordingly, the present application stands disposed of.

**LPA 1102/2024 & CM APPL.64995/2024**

3. Present appeal has been filed challenging the order dated 8<sup>th</sup> October, 2024 passed by the learned Single Judge in W.P.(C) No.13930/2024, whereby the Petition (filed by the Appellant herein) seeking quashing of the termination letter dated 13<sup>th</sup> September, 2024 terminating the licensee of the

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Appellant to operate a kiosk at Inter State Bus Terminal ('ISBT') in Sarai Kale Khan was dismissed.

4. The learned Single Judge has dismissed the underlying writ petition relying on the judgment dated 8<sup>th</sup> October, 2024 passed in W.P.(C) Nos. 14023/2024, 14146/2024 and 13929/2024. It is pertinent to note that the Petitioner in W.P.(C) 14146/2024 had filed an LPA before this Bench bearing LPA No.1094/2024 which was disposed of *vide* order dated 5<sup>th</sup> November, 2024 by granting additional time of eight (8) days to the Appellant/Petitioner therein to vacate the kiosk.

5. Learned counsel for the Appellant states that the learned Single Judge has failed to consider that the re-development of ISBT is at an inception stage and only maintenance work is being carried out. He further states that the decision to re-develop ISBT Sarai Kale Khan cannot be taken in a sudden manner and demands a just and fair approach by the State. He emphasises that a restaurant is still being run in the same ISBT.

6. He also states that that the learned Single Judge *vide* order dated 16<sup>th</sup> October, 2024 in ***Mukesh Singh v. GNCTD and Others. W.P.(C) 13372/2024***, had awarded a compensation of Rupees Two Lakhs (Rs.2,00,000/-) to the Petitioner therein and thereafter dismissed the writ petition. He states that the Appellant is also entitled to a similar relief.

7. A perusal of the paper book reveals that the Appellant/Petitioner is a licensee and has therefore very limited rights in the property. (See: ***AIR 1959 SC 1262 : Associated Hotels of India Ltd. vs. R.N. Kapoor & (1989) 3 SCC 574 : B.V.D'Souza (Capt.) vs. Antonio Fausto Fernandes***)

8. Further, Clause 4.11(i) of the NIT stipulates that the license can be terminated after giving one month's notice to the licensee in case it is



required by the Respondents for re-development work or for any other reason. It is not in dispute that the same term is stipulated in the Letter of Acceptance dated 5<sup>th</sup> June, 2024 issued to the Appellant. Therefore, it has been rightly held by the learned Single Judge that the Appellant was aware, even prior to the execution of the license, that there was a risk of termination during the license period.

9. Moreover, the learned Single Judge has after perusing the documents filed by the Respondents in the aforementioned batch of writ petitions correctly held that the decision to re-develop ISBT is in pursuance to a Cabinet decision dated 10<sup>th</sup> May, 2023. Consequently, keeping in view the said finding of fact as well as the terms of the license, this Court is of the view that the decision of the Respondent to re-develop ISBT is conclusive and the Court cannot sit in appeal over the said decision.

10. Further, the contention that the Appellant may be granted a similar relief as was granted to *Mukesh Singh v. GNCTD and Others.* (supra) is misplaced, as in the aforementioned matter, relief was granted on account of cancellation of the license to operate the kiosk a day after its allotment. Consequently, the present matter is distinguishable on facts as in the present case the Appellant has been in possession of the kiosk since 20<sup>th</sup> June, 2024. Accordingly, the present appeal along with pending application being bereft of merits is dismissed.

**MANMOHAN, CJ**

**TUSHAR RAO GEDELA, J**

**NOVEMBER 7, 2024/TS**