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

\+ LPA 1105/2024, CM APPL. 65028/2024, CM APPL. 65029/2024 & CM APPL. 65030/2024

M/S. M.S. PANKAJ AND CO. AND ORS. .....Appellants

Through: Mr. Kushagra Sharma, Advocate for Appellants.

versus

UNION OF INDIA & ORS. ....Respondents

Through: Mr. Apoorv Kurup, CGSC Mr. Akhil Hasija, Advocate and Mr. Gurjas Singh Narula, G.P.

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

O R D E R

% **07.11.2024**

1. Present appeal has been preferred under Clause X of the Letters Patent Act, 1866, assailing the impugned order dated 8th October, 2024 passed by the learned Single Judge of this Court, whereby the underlying writ petition being W.P.(C) 12378/2024 filed by the appellants were dismissed and the appellants were directed to vacate the subject stalls within a period of three (3) months.

2. Learned counsel for the appellants states that though the learned Single Judge has granted an extension of three (3) months from the date of expiry of *non dies* period, yet in view of the order passed by the Supreme Court in SLP(C) No.23319/2024 dated 18th October 2024, an extension was granted to the petitioners therein till 15th February, 2025 to vacate their

respective stalls. On this basis, learned counsel for the appellants requests that a further benefit of extension for a period of four (4) months, in addition to the extension of three (3) months as granted *vide* the impugned order, be directed in favor of the appellants herein, on the ground of parity.

3. We note that the present appeal is similar to the appeal decided by this Court on 9th August, 2024 being LPA No. 770/2024 *"M/s Veer & Company Graduate Partnership Concern & Anr. vs. Union of India & Ors"* which was dismissed. It has been brought to this Court's notice that the said order dated 9th August, 2024 was challenged by way of a Special Leave Petition (for short 'SLP') being SLP(C) No. 19229/2024 *"M/s S Veer & Company Graduate Partnership Concern & Anr. vs. Union of India & Ors."*. The said SLP was disposed of allowing extension of four (4) months on account of *dies non* period effective from the date of order subject to filing of an undertaking within a period of four (4) weeks.

4. The order dated 27th August, 2024 passed in SLP(C) No. 19229/2024 *"M/s S Veer & Company Graduate Partnership Concern & Anr. vs. Union of India & Ors."* is reproduced hereunder:-

> *"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."*

5. In view of the aforesaid direction of the Supreme Court, this Court has been consistently passing similar orders granting extension of four (4) months with effect from 27th August 2024, in similar appeals.

6. The operative portion of the impugned order is extracted hereunder:-

> *"10. The petition is disposed of with the direction that, subject to payment of license fee, the petitioners are granted time of three months from today, i.e., 08.10.2024, to vacate the stalls in question.*
>
> *11. The writ petitioners will file an undertaking that they will vacate the stalls in question upon expiry of the period granted by this Court. The undertaking be filed within a period of four weeks from today. If the petitioners fail to comply, the respondents will be free to remove their goods from the site."*

7. Considering the view taken by the learned Single Judge in the impugned order, whereby the appellants have already been granted three (3) months extension, this Court finds no reason to interfere with the directions passed in the impugned order dated 8th October, 2024.

8. Since the three (3) months extension would enure to the benefit of the appellants till January, 2025, we find no justification in extending the time further. Accordingly, the appeal, along with the pending applications, is dismissed.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 7, 2024/*rl*