



\$~49 to 56 & 58

- * **IN THE HIGH COURT OF DELHI AT NEW DELHI**
- + LPA 1144/2024 & CM APPL. 68628/2024 (Interim Direction)
- M/S SHASHIKALA GUPTAAppellant
- versus
- UNION OF INDIA & ORS.Respondents
- + LPA 1145/2024 & CM APPL. 68632/2024 (Interim Direction)
- M/S SHARDA AND SONS BAKING HOUSE PVT. LTDAppellant
- versus
- UNION OF INDIA & ANR.Respondents
- + LPA 1146/2024 & CM APPL. 68641/2024 (Interim Direction)
- SEEMA PANDEYAppellant
- versus
- UNION OF INDIA & ORS.Respondents
- + LPA 1147/2024 & CM APPL. 68646/2024 (Interim Direction)
- M/S POORVANCHAL CATERERSAppellant
- versus
- UNION OF INDIA & ANR.Respondents
- + LPA 1148/2024 & CM APPL. 68651/2024 (Interim Direction)
- M/S SHIV AND SONSAppellant
- versus
- UNION OF INDIA & ORS.Respondents
- + LPA 1149/2024 & CM APPL. 68657/2024 (Interim Direction)



ANJU SURANA

.....Appellant

versus

UNION OF INDIA & ANR.

.....Respondents

+ LPA 1150/2024 & CM APPL. 68662/2024 (Interim Direction)
M/S HOTEL DHARAMRAJ

.....Appellant

versus

UNION OF INDIA & ORS.

.....Respondents

+ LPA 1151/2024 & CM APPL. 68668/2024 (Interim Direction)
M/S GOEL AND GOEL

.....Appellant

versus

UNION OF INDIA & ORS.

.....Respondents

+ LPA 1153/2024 & CM APPL. 68679/2024 (Interim Direction)

M/S SHARDA FOOD AND BEVERAGE PVT
LTD

.....Appellant

versus

UNION OF INDIA & ORS.

.....Respondents

Present: Ms. Neha Rastogi, SPC with Mr. Animesh Rastogi & Mr. Vaibhav Singh, Advs. for R1 to R3. in Item no.51&56.
Mr. Viplav Acharya, SPC with Mr. Chetan Jadon, for R1&R2 in Item no.52.
Mr. Rishabh Sahu, SPC with Mr. Sameer Sharma and Ms. Saumya Kapoor, Advs. for UOI in Item no.55.
Mr. N Badraj, SPC with Mr. Jitendra Kumar Tripathi, Ms. Meghna Rao & Mr. Harshit Goel, Advs. for respondents in Item no.58.
Ms. Archana Gaur, SPC with Ms. Ridhima Gaur & Ms. Ring Baliyan, Advs. for respondents in Item no.58.
Mr. Akshat Bajpai, Mr. Shobhit Trehan & Ms. Renuka Parmanand, Advs. for appellant in Item no.49-56 & 58.
Ms. Monika Agarwal & Mr. Ajit Kumar Jha, Advs. for



petitioner in Item no.60.

Mr. Pradeep Jain, Mr. Shubhankar Jha & Mr. Sambhav Jain, Advs. for petitioner in Item no.61.

Mr. Ashok Kr. Kashyap, SPC with Mr. Kabir Hazarika, Adv. in Item no.54.

Mr. Chitvan Singhal, GP for UOI in Item no. 58.

Ms. Archana Kumari, GP for UOI in Item No. 51.

Ms. Archana Kumari, GP for UOI in Item No. 51.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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25.11.2024

CM APPL. 68630/2024 (Ex.) & CM APPL. 68631/2024 (Ex.) in LPA 1144/2024

CM APPL. 68634/2024 (Ex.) & CM APPL. 68635/2024 (Ex.) in LPA 1145/2024

CM APPL. 68643/2024 (Ex.) & CM APPL. 68644/2024 (Ex.) in LPA 1146/2024

CM APPL. 68648/2024 (Ex.) & CM APPL. 68649/2024 (Ex.) in LPA 1147/2024

CM APPL. 68653/2024 (Ex.) & CM APPL. 68654/2024 (Ex.) in LPA 1148/2024

CM APPL. 68659/2024 (Ex.) & CM APPL. 68659/2024 (Ex.) in LPA 1149/2024

CM APPL. 68664/2024 (Ex.) & CM APPL. 68665/2024 (Ex.) in LPA 1150/2024

CM APPL. 68670/2024 (Ex.) & CM APPL. 68671/2024 (Ex.) in LPA 1151/2024

CM APPL. 68681/2024 (Ex.) & CM APPL. 68682/2024 (Ex.) in LPA 1153/2024

Allowed subject to all just exceptions.

The applications shall stand disposed of.

CM APPL. 68629/2024 (14 days Delay) in LPA 1144/2024

CM APPL. 68633/2024 (14 days Delay) in LPA 1145/2024

CM APPL. 68642/2024 (14 days Delay) in LPA 1146/2024

CM APPL. 68647/2024 (14 days Delay) in LPA 1147/2024

CM APPL. 68652/2024 (14 days Delay) in LPA 1148/2024



CM APPL. 68658/2024 (14 days Delay) in LPA 1149/2024
CM APPL. 68663/2024 (14 days Delay) in LPA 1150/2024
CM APPL. 68669/2024 (14 days Delay) in LPA 1151/2024
CM APPL. 68680/2024 (14 days Delay) in LPA 1153/2024

Bearing in mind the disclosures made, the delay of 14 days in filing the present petitions is condoned.

The applications shall stand disposed of.

LPA 1144/2024 and & CM APPL. 68628/2024 (Interim Direction);
LPA 1145/2024 & CM APPL. 68632/2024 (Interim Direction);
LPA 1146/2024 & CM APPL. 68641/2024 (Interim Direction);
LPA 1147/2024 & CM APPL. 68646/2024 (Interim Direction);
LPA 1148/2024 & CM APPL. 68651/2024 (Interim Direction);
LPA 1149/2024 & CM APPL. 68657/2024 (Interim Direction);
LPA 1150/2024 & CM APPL. 68662/2024 (Interim Direction);
LPA 1151/2024 & CM APPL. 68668/2024 (Interim Direction);
LPA 1153/2024 & CM APPL. 68679/2024 (Interim Direction)

1. These Letters Patent Appeals are directed against the order rendered by the learned Single Judge on 07 October 2024. While disposing of the writ petitions, the learned Single Judge had framed the following operative directions:-

“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.”

2. The prayer now made is that in light of a subsequent order passed by the Supreme Court in **M/s Veer and Company Graduate Partnership Concern & Anr. vs Union of India & Ors.**¹ and wherein the period to vacate has been further extended by four (04) months, the same additional extension should, on grounds of parity, be accorded to the appellant.

3. We find ourselves unable to accede to that request bearing in mind the undisputed position that emerges from the record, namely, of the licence period having been extended for a period of three months in the impugned order, with the learned Single Judge relying on the order passed by the Division Bench of the Court in **M/s Kaushalya Meena vs. Union of India and Ors.**² which has come to be uniformly followed.

4. In view of the aforesaid and bearing in mind the order passed in *M/s Kaushalya Meena*, we find ourselves unable to accede to the prayer as made.

5. The appeals fail and shall stand dismissed.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 25, 2024

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¹ SLP No. 19229/2024 dated 27 August 2024

² LPA 746/2024 dated 05 August 2024