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

+ LPA 1152/2024 & CM APPL. 68674/2024 (Interim Direction)

M/S SOPAN RESTAURANTAppellant

Through: Mr. Akshat Bajpai, Mr. Shobhit
Trehan & Ms. Renuka
Parmanand, Advs.

versus

UNION OF INDIA & ANR.Respondents

Through: Mr. Raghvendra Shukla, SPC
Mr. Anil Devlal, GP.

+ LPA 1154/2024 & CM APPL. 68686/2024 (Interim Direction)

M/S MAA AMBEY FOODSAppellant

Through: Mr. Akshat Bajpai, Mr. Shobhit
Trehan & Ms. Renuka
Parmanand, Advs.

versus

UNION OF INDIA & ORS.Respondents

Through: Mrs. Suruchi Mittal, SPC with
Mrs. Archana J.P. and Mr.
Shubham Soni, Adv. for R-
1/IOI.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

25.11.2024

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CM APPL. 68675/2024 (Ex.) & CM APPL. 68676/2024 (Ex.) in
LPA 1152/2024

CM APPL. 68687/2024 (Ex.) & CM APPL. 68688/2024 (Ex.) in
LPA 1154/2024



Allowed subject to all just exceptions.

The applications shall stand disposed of.

**LPA 1152/2024 & CM APPL. 68674/2024 (Interim Direction); &
LPA 1154/2024 & CM APPL. 68686/2024 (Interim Direction)**

1. These Letters Patent Appeals are directed against the order rendered by the learned Single Judge on 23 October 2024. While disposing of the writ petitions, the learned Single Judge had framed the following operative directions:-

“10. This issue has been considered by the coordinate Bench in the judgments dated 29.05.2024 and 30.05.2024 in favour of the writ petitioners, on the ground that the Northern Railways was headquartered in Delhi and that similar petitions also concerning stalls at stations outside Delhi have been entertained by this Court, I do not consider it appropriate to dismiss this petition on this ground.

11. Mr. Shukla does not dispute that the petitioner is similarly placed to the writ petitioner/appellant in the said two cases, but submits that, as before the Division Bench, the respondents dispute the applicability of the principle of parity.

12. As the Division Bench has already held that the principle is applicable to similarly situated persons, I am of the view that the present petitioner is also entitled to the same relief.

13. The petition is disposed of with the direction that, subject to payment of license fee, the petitioner is granted time of three months from 28.10.2024, to vacate the stalls in question.

14. The writ petitioner will file an undertaking that he will vacate the stalls in question upon expiry of the period granted by this Court. The undertaking be filed within the period of four weeks from today. If the petitioner fails to comply, the respondents will be free to remove its 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

¹ SLP No. 19229/2024 dated 27 August 2024



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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² LPA 746/2024 dated 05 August 2024