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

+ **W.P.(C) 203/2025**

SMT MANJU JAISWAL

.....Petitioner

Through: Mr. Jitender Mehta, Mr. Lalit Kumar,
Mr. Shivam Pahal and Mr. Abhishek Tyagi,
Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Syed Abdul Haseeb, CGSC.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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09.01.2025

CM APPL. 875-876/2025

1. Exemptions allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 203/2025 and CM APPL.874/2025

3. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India laying a challenge to impugned letter dated 27.11.2024 issued by Respondent No.2 and Clause No. 11 of Commercial Circular No. 20/2017 pertaining to 'Catering Policy, 2017' dated 27.02.2017 issued by Respondent No. 3. Writ of mandamus is sought for a direction to the Respondents to renew the license of the Petitioner in respect of Special Minor Unit (SMU)/Catering Stall No.36 at Platform No.6/7 of Patna Junction Railway Station, earmarked for BPL category.
4. Petitioner is a proprietor of Manju Food & Caterers and was awarded license for operating the Minor Catering Stall, as aforementioned on



22.08.2019, for a period of five years at the stipulated license fee. Petitioner avers that on account of Pandemic COVID-19, the stalls were shut and therefore, a policy decision was taken by the Respondents to give extension after treating the said period as *dies non* and while benefit of this decision was given to many contractors for varying periods over 300 days, Petitioner was given extension only for 90 days and therefore instead of the original date of 26.10.2024 when the license period was to expire, her present license expires on 24.01.2025.

5. Learned counsel for the Petitioner, at the outset, submits that Petitioner does not press her challenge to the impugned letter dated 04.11.2024 and/or the Circular impugned herein and would be satisfied if she is given extension of 7 months as given to similarly placed Petitioner in ***Manohar Bachani v. Union of India & Ors, W.P.(C.) No. 12398/2024***, decided on 11.09.2024. Reliance is also placed on the order of the Madhya Pradesh High Court in ***M/s Mahakal Caters Vijay Jain v. Union of India and Others, W.P. No.29831/2024***, decided on 01.10.2024, wherein a similar extension of 7 months was granted to the Petitioner therein.

6. Issue notice.

7. Mr. Syed Abdul Haseeb, learned CGSC appearing on behalf of the Respondents accepts notice and does not dispute that Petitioner is similarly placed as the writ Petitioners in ***Manohar Bachani (supra)*** and ***M/s Mahakal Caters Vijay Jain (supra)***, respectively.

8. Indisputably, Petitioner was awarded a contract of operation of catering stall on Special Minor Unit (SMU)/Catering Stall No.36 at Platform No.6/7 of Patna Junction Railway Station on 22.08.2019 for a period of five years, which expired on 26.10.2024 as per the license agreement. However,



on account of Pandemic COVID-19 and in light of a policy decision taken by the Respondents, the Competent Authority granted extension of the *dies non* period of 90 days during which the stall could not be operated and the extended period expires on 24.01.2025. Petitioner seeks extension of 7 months as was granted by this Court in *Manohar Bachani (supra)* and the Madhya Pradesh High Court in *M/s Mahakal Caters Vijay Jain (supra)*. There is no dispute between the parties that present Petitioner is similarly placed as the Petitioners in *Manohar Bachani (supra)* and *M/s Mahakal Caters Vijay Jain (supra)*, wherein the Courts in similar circumstances allowed the Petitioners to operate the respective Stalls for a further period of 7 months from the date of expiry of the licenses. I am of the view that Petitioner cannot be discriminated and is entitled to the same relief.

9. Accordingly, this writ petition is disposed of with a direction that subject to payment of license fee, Petitioner will be allowed to operate the Special Minor Unit (SMU)/Catering Stall No.36 at Platform No.6/7 of Patna Junction Railway Station for a further period of 7 months from the date of expiry of the license i.e. 24.01.2025. This would, however, be subject to an undertaking by the Petitioner on an affidavit before this Court that she will vacate the stall in question on expiry of the extended period of 7 months, failing which Respondents will be at liberty to remove her goods from the stall. The affidavit shall be filed within two weeks from today.

10. Pending application also stands disposed of.

JYOTI SINGH, J

JANUARY 9, 2025

B.S. Rohella/shivam