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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 25/2025 and CM APPLs. 1667-69/2025
SHABANA KHATUNAppellant
Through: Mr Tamim Qadri, Advocate.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr Akash Chatterjee with Mr Chetan
Jadon, Advocates for UOI.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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13.01.2025

1. The appellant has filed the present appeal impugning an order dated 15.10.2024 (hereafter *the impugned order*) passed by the learned Single Judge in W.P.(C) 14453/2024 captioned *Shabana Khatun v. Union of India & Others*.
2. The appellant had filed the said petition under Article 226 of the Constitution of India, impugning Clause 11 of the Commercial Circular No.20 of 2017 dated 27.02.2017 in respect of the Catering Policy 2017. In terms of the said catering policy, the licence term of 'minor units' allocated to the various licensees was confined to a period of five years.
3. The appellant was allotted a Special Minor Unit (SMU) Stall No.6, Platform No.02/03, Middle of PF at Hajipur Railway Station for minority (women) as well as a fruit juice stall general minor unit no.CS-4, Near TRD Pole No.KMZ GS 11-12 towards Katni End of Katni Murwara Railway Station. The term for which the licence was granted including *dies non*



period on account of COVID, expired in case of SMU at Hajipur Railway Station on 22.10.2024 and in the case of Katni Murwara Railway Station expired on 28.10.2024.

4. The Commercial Circular dated 27.02.2017 was the subject matter of challenge in a batch of petitions as well, which was rejected by the learned Single Judge. The said decision was also upheld by the Division Bench of this court. The said matters then travelled to the Supreme Court. However, the Supreme Court also declined to interfere with the judgments passed by this court. Although, in some cases, the Supreme Court also granted further four months' time to the allottees to hand over their respective units.

5. Admittedly, the appellant is required to vacate the units licenced to her on expiry of the licence term. However, the learned Single Judge as well as this court had in matters granted the allottees further time of three months to vacate the same. And as stated above, the Supreme Court had allowed further period of four months over and above the time granted by this court.

6. The learned counsel appearing for the appellant submits that on the principle of parity, the appellant may also be granted additional four months' time to vacate the unit. It is seen that the learned Single Judge had in terms of the impugned order granted three months' time from the expiry of licence period to the appellant to vacate the respective units. However, the appellant submits that a further period of four months may be granted from the expiry of said period of three months in parity with the other petitioners. She has also handed over a copy of the order dated 09.01.2025 passed by the learned Single Judge in W.P.(C) 203/2025 captioned **Smt. Manju Jaiswal v. Union of India & Ors.**, where on the principle of parity,



seven months extension was granted to the petitioner in that case.

7. The learned counsel for the appellant further assures this court that no further time would be sought and submits an undertaking to the said effect as well as to the effect that she would vacate and handover the unit to the concerned authorities on or before expiry of the additional period of four months as sought, would be furnished.

8. In view of the above, the present appeal is disposed of by granting the appellant further four months extension to handover the allocated units to the concerned authorities. We, however, clarify that this order would be operative on the appellant furnishing an undertaking to this court to the effect as noted above within a period of one week from today with an advance copy to the learned counsel for the respondents.

9. It is clarified that if the undertaking is not filed within the aforesaid period, the respondents will be at liberty to take steps to forthwith evict the appellant from the said units as the license term has expired and the appellant has not filed an undertaking as required for availing the benefit of the extension granted by the learned Single Judge in terms of the impugned order.

10. Pending applications shall also stand disposed of.

VIBHU BAKHRU, ACJ

GIRISH KATHPALIA, J

JANUARY 13, 2025/tr

[Click here to check corrigendum, if any](#)