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

+ **LPA 41/2025**

M/S R.K.FOOD PRODUCTS

.....Appellant

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

versus

UNION OF INDIA & ORS

.....Respondents

Through: Ms. Anju Gupta, Mr. Kamaldeep and
Mr. Roshan Lal Goel, Advocates for
UOI.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

16.01.2025

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CM APPL. 2703/2025 & CM APPL. 2704/2025

1. Exemption allowed, subject to all just exceptions.
2. The applications stand disposed of.

CM APPL. 2705/2025

3. For the reasons stated in the application, the delay in filing the appeal is condoned.
4. The application stands disposed of.

LPA 41/2025 & CM APPL. 2702/2025 (Stay)

5. The appellant has filed the present appeal impugning an order dated 16.10.2024 (hereafter *the impugned order*) passed by the learned Single



Judge in W.P.(C) 14515/2024 captioned ***M/s R.K. Food Products v. Union of India & Ors.*** 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 term of licence in respect of minor units allocated to the various licensees was confined to a period of five years. The appellant was allotted a catering stall at Platform No.5/6, Tundla Railway Station. The term for which the licence was granted included *dies non* period on account of COVID-19 was expired on 19.10.2024. The challenge to the Commercial Circular dated 27.02.2017 has been rejected by the learned Single Judge in a batch of matters. The said decision was also upheld by the Division Bench of this court. The said matters travelled to the Supreme Court. However, the Supreme Court has also declined to interfere with the judgments passed by this court.

6. Admittedly, the appellant is required to vacate the units granted to it on expiry of the term of licence. However, the learned Single Judge as well as this court had in similar matters granted allottees of the units further time of four months to vacate the same.

7. The learned counsel appearing for the appellant submits that on the principle of parity, the appellant may also be granted additional four months 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 date of expiry of the licence period to the appellant to vacate the unit. However, the appellant submits that a further period of four months may be granted from the date of expiry of the said period of three months in parity with other petitioners. The learned counsel for the appellant further assures to this court that no



further time would be sought and submits that he would furnish an undertaking to the said effect as well as to the effect that he would vacate and handover the unit to the concerned authorities on or before expiry of the additional period of four months as sought.

8. In view of the above, the present appeal is disposed of by granting the appellant further four months extension to handover the allocated unit to the concerned authorities. We, however, clarify that this order would be operative on the appellant furnishing an undertaking by way of an affidavit 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 unit 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. The pending applications also stand disposed of.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

JANUARY 16, 2025

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