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

+ **W.P.(C) 1014/2025**

MANJU DEVI

.....Petitioner

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

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Shagun Shahi, SPC with
Mr. Avinash Kumar, Government Pleader for
Respondents/UOI.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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28.01.2025

CM APPL. 5020-5021/2025

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

W.P.(C) 1014/2025 and CM APPL. 5019/2025

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 13.08.2024 issued by Respondent No.2 and Clause 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 her Special Minor Unit (SMU) No. SDAH – S/15 at South Concourse Area of Sealdah Railway Station.
4. Case of the Petitioner is that she was awarded license for running a catering stall i.e. one Special Minor Unit (SMU) No. SDAH – S/15 at South



Concourse Area of Sealdah Railway Station vide letter dated 28.05.2019 for a period of five years at the stipulated license fee, commencing from 28.05.2019. 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 stall licensees for varying periods over 400 days, extension was granted to the Petitioner only upto 16.05.2025 from 28.09.2024 on expiry of the original license on 27.09.2024.

5. Learned counsel for the Petitioner, at the outset, submits that Petitioner does not press her challenge to the impugned letter dated 13.08.2024 and/or the Circular impugned herein and would be satisfied if she is given extension of 07 months as given to similarly placed Petitioners in ***Manohar Bachani v. Union of India & Ors, W.P.(C) No. 12398/2024***, decided on 11.09.2024; ***Sree Venkateswara Enterprises v. Union of India & Ors., W.P. (C) No. 225/2025***, decided on 10.01.2025 and ***Arvind Kumar v. Union of India & Ors., W.P. (C) No 720/2025***, decided on 20.01.2025.

6. Issue notice.

7. Ms. Shagun Shahi, learned SPC appearing on behalf of the Respondents accepts notice and does not dispute that Petitioner is similarly placed as the writ Petitioners in ***Arvind Kumar (supra)***, ***Sree Venkateswara Enterprises (supra)*** and ***Manohar Bachani (supra)***.

8. Indisputably, Petitioner was awarded a catering stall license for operating one SMU at South Concourse Area of Sealdah Railway Station for a period of five years which expired on 27.09.2024. Treating the period of COVID-19 as *dies non* and granting benefit of the same, further extension was granted to the Petitioner till 16.05.2025. Petitioner seeks extension of 7



months as was granted by this Court in *Arvind Kumar (supra)*, *Sree Venkateswara Enterprises (supra)* and *Manohar Bachani (supra)*. There is no dispute between the parties that present Petitioner is similarly placed as the Petitioners in *Arvind Kumar (supra)*, *Sree Venkateswara Enterprises (supra)* and *Manohar Bachani (supra)*, wherein the Courts in similar circumstances allowed the Petitioners to operate the Catering Stalls for a further period of 7 months from the date of expiry of the extended license period. 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, has granted similar extension of 07 months to the Petitioner therein. 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) No. SDAH – S/15 at South Concourse Area of Sealdah Railway Station for a further period of 07 months from 17.05.2025. 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 07 months, failing which Respondents will be at liberty to remove her goods from the stall. The affidavit shall be filed within three weeks from today.

10. Pending application stands disposed of.

JYOTI SINGH, J

JANUARY 28, 2025

B.S. Rohella/shivam