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

+ **LPA 67/2025 & CM APPL. APPL. 5425/2025**

M/S SHIV AND SONS

.....Appellant

Through: Mr. Akshat Bajpai, Mr. Shobhit
Trehan and Ms. Vedika Dalmia,
Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Sushil Raaja, SPC with Mr.
Kautilya Birat, Advocates.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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29.01.2025

CM APPL. APPL. 5426/2025 & CM APPL. APPL. 5427/2025

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

CM APPL. 5428/2025

3. For the reasons stated in the application, the delay of 11 days in filing the appeal is condoned.

LPA 67/2025 & CM APPL. APPL. 5425/2025

4. The appellant has filed the present appeal impugning an order dated 12.12.2024 (hereafter the *impugned order*) passed by the learned Single Judge in W.P.(C) 17182/2024 captioned *M/s Shiv And Sons vs. Union of India & Ors.*



5. 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.

6. The appellant was allotted a General Minor Unit (GMU) at Tatanagar Railway Station. The term for which the licence was granted including dies non period on account of COVID, expired in case of GMUs at Railway Station on 01.01.2025.

7. 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 Hon'ble Supreme Court. However, the Supreme Court also declined to interfere with the judgments passed by this Court. Although, in some cases, the Hon'ble Supreme Court also granted further four months' time to the allottees to hand over their respective units.

8. Admittedly, the appellant is required to vacate the stalls licenced to it 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 Hon'ble Supreme Court had allowed further period of four months over and above the time granted by this Court.

9. 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.

10. 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 it 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.

11. In view of the above, the present appeal is disposed of by granting the appellant further four months extension to handover the allocated stalls 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 and to the effect that no further notices would be required from the respondents in this regard, within a period of one week from today with an advance copy to the learned counsel for the respondents.

12. 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.

13. Pending applications shall also stand disposed of.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

JANUARY 29, 2025/yrj