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

+ **W.P.(C) 2953/2025**

SADEEK ALI

.....Petitioner

Through: Mr. Tamim Qadri, Advocate.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Niraj Kumar, Senior Central Government Counsel, Mr. Abhishek Yadav, SPC with Mr. Ashish Rawat, GP for UoI.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **07.03.2025**

CM APPL. 14003/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 2953/2025 and CM APPL. 14002/2025

3. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:

“A. Issuance Of The Writ Of Certiorari and/or any other appropriate Writ, Order Or Direction quashing Clause 11 of The Commercial Circular No. 20/2017 issued on 27.02.20217 being violative of the provisions of Article 14, 19 1(G), 21, 38, 39 and 41 of the Constitution Of India and the law laid down by The Hon’ble Apex Court in South Central Railways V. S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Assn., reported in 2016 [3] SCC 582 and W.P. [C] No.373 of 2017 AND/OR;

B. Issuance of Mandamus commanding the respondents to follow the Indian Railway Code for Traffic (Commercial) Department issued on 25.08.2023 under Chapter VII Clause 712 and renew the Unit of the petitioner in light of Chapter VII Clause 712 AND/OR;



C. Issue Mandamus commanding the respondents to allow the petitioner to conduct its business as per law without any illegal fetter and restraining the respondents from interfering with the business of the petitioner. Further issuance of the writ of certiorari and/or any other appropriate writ, order or direction to the respondents to extend the benefit of extension of license period to the petitioner in proportionate to the reduce license fee during the COVID19 pandemic period and/or

D. To issue the Writ of Mandamus or any other appropriate Writ, order or direction to the Respondents to renew the license of the Petitioner for SMU Catering Stall No. 22, East Side of East FOB between PF Shed Column No. 11/12 at PF no. 4/5 at Patna Junction Railway Station in terms of Judgment passed by Hon'ble Supreme Court of India in Civil Appeal no. 618-620 of 2016 dated 29.01.2016 titled as "Senior Divisional Commercial Manager & Ors Versus S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Association & Anr" on the principal of opportunity to all individual to live a life of dignity AND/OR;

E. To issue the Writ of Mandamus or any other appropriate Writ, order or direction to the Respondents to renew the license of the Petitioner for SMU Catering Stall No. 22, East Side of East FOB between PF Shed Column No. 11/12 at PF no. 4/5 at Patna Junction Railway Station in terms of order passed by this Hon'ble Court in W.P (C) no. 12398 of 2024, W.P (C) no. 203 of 2025, W.P (C) no. 225 of 2025."

4. Case of Petitioner is that he was awarded license for Special Minor Unit ('SMU') Catering Stall No. 22, East side of East FoB between PF Shed Column No. 11/12 at Platform No. 4/5, Patna Junction Railway Junction vide license agreement dated 25.09.2019 for a period of five years at the stipulated license fee. Petitioner avers that on account of Pandemic COVID-19, he was not able operate his SMU and therefore, in light of a policy decision taken by the Respondents to give extension, treating the pandemic period as *dies non*, benefit of extension was granted to the Petitioner upto 17.04.2025. This petition is preferred for extension of licence period for a period of seven months from 18.04.2025.

5. Learned counsel for the Petitioner, at the outset, submits that Petitioner does not press his challenge to Clause 11 of Commercial Circular



No. 2017 dated 27.02.2017 impugned herein and would be satisfied if he 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. Mr. Niraj Kumar, learned Senior Panel Counsel accepts notice on behalf of the Respondents 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)***, however, takes an objection to the territorial jurisdiction of this Court to entertain the present writ petition.

8. Responding to the preliminary objection, counsel for the Petitioner submits that in W.P.(C) 11914/2024 titled ***M/s Shashikala Gupta v. Union of India & Ors.***, decided on 07.10.2024, objection raised by Railways to the territorial jurisdiction of this Court was rejected.

9. I find merit in the contention of the Petitioner that in a batch of petitions as aforementioned, Co-ordinate Bench of this Court has rejected the preliminary objection of the Railways pertaining to territorial jurisdiction and relevant passages are as follows: -

“8. Learned counsel for the respondents, at the very submit, that this Court lacks territorial jurisdiction to decide these petitions, or alternatively, that the petitions ought not to be entertained in this Court in consonance with the principle of forum non conveniens as laid down by the Supreme Court in Kusum Ingots & Alloys Ltd. v. Union of India [(2004) 6 SCC 254].

9. The issue of jurisdiction has been considered by the coordinate Bench in the judgments dated 29.05.2024 and 30.05.2024, and decided in favour



of the writ petitioners, on the ground that the Northern Railways was headquartered in Delhi was the respondent in some of the petitions and that common issues arise for consideration in all the petitions. In view of the fact that similar petitions, also concerning catering licenses and MPS stalls at stations outside Delhi have been entertained by this Court, I do not consider it appropriate to dismiss these petitions on this ground.”

10. This Court sees no reason to take a different view and accordingly, this writ petition is entertained. Indisputably, Petitioner was awarded a catering stall license for operating SMU Catering Stall No. 22, East side of East FoB between PF Shed Column No. 11/12 at Platform No. 4/5, Patna Junction Railway Junction for a period of five years. However, this period was extended upto 17.04.2025 on account of COVID-19. Petitioner seeks extension of 07 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 Courts in similar circumstances allowed the Petitioners to operate the Catering Stalls for a further period of 07 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.

11. Accordingly, this writ petition is disposed of with a direction that subject to payment of license fee, Petitioner will be allowed to operate the Catering Stall No. 22, East side of East FoB between PF Shed Column No. 11/12 at Platform No. 4/5, Patna Junction Railway Junction for a further



period of 07 months from 18.04.2025 at the stipulated license fee. This would be further subject to an undertaking by the Petitioner on an affidavit before this Court that he will vacate the stall in question on expiry of the extended period of 07 months, failing which Respondents will be at liberty to remove his goods from the stall. The affidavit shall be filed within three weeks from today.

12. Pending application stands disposed of.

JYOTI SINGH, J

MARCH 7, 2025
S.Sharma