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

+ **W.P.(C) 2966/2025**

C.R. CATERING CO.

.....Petitioner

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

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Niraj Kumar, Senior Central Government Counsel, Mr. Abhishek Saket, SPC with Mr. Krishna Chaitanya, GP, Mr. Abhigyan and Mr. Manish Madhukar, Advocates for UoI.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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07.03.2025

CM APPLs. 14056/2025 and 14057/2025

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

W.P.(C) 2966/2025 and CM APPL. 14055/2025

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

“a. Issue an appropriate writ, order, or direction to Respondents to grant a three-month extension to the Petitioner’s Railway Catering Stall General Minor Unit at PF 5-6 at Howrah end of water booth No.10 to 17 at Asansol Railway Station, in terms of order dated 30.05.2024 in WP(C) No. 6771 of 2024, order dated 10.01.2025 in W.P.(C) 225/2025 and order dated 05.08.2024 LPA 746/2024 of the Hon’ble Delhi High Court.



b. Issue an appropriate writ, order or direction to the Respondents to grant a further four-month extension to the Petitioner's Railway Catering Stall General Minor Unit at PF 5-6 at Howrah end of water booth No.10 to 17 at Asansol Railway Station, in terms of the order dated 27.08.2024 in SLP(C) No. 19229 of 2024 the Hon'ble Supreme Court."

4. Case of the Petitioner is that it was awarded license for running General Minor Unit at Platform No. 5-6 at Howrah, Asansol Railway Station vide license agreement dated 30.09.2019 for a period of five years commencing from 26.02.2020, at the stipulated license fee. Petitioner avers that on account of Pandemic COVID-19, it was not able operate its stall and therefore, in light of a policy decision was taken by the Respondents to give extension after treating the said period as *dies non*, extension was granted to the Petitioner upto 04.05.2025.

5. Learned counsel for the Petitioner submits that licence period of the Petitioner be extended by 07 months at par with 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 Central Government 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 General Minor Unit at Platform No. 5-6 at Howrah, Asansol Railway Station for a period of five years. However, this period was extended upto 04.05.2025 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 General Minor Unit at Platform No. 5-6 at Howrah, Asansol Railway Station for a further period of 07 months from 05.05.2025 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