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

+ W.P.(C) 4236/2025 & CM APPLs. 19522/2025, 19523/2025 &
19524/2025

KAUSHALYA MEENA

.....Petitioner

Through: Mr. Jitender Mehta with Mr. Lalit
Kumar, Mr. Shivam Pahal and Mr.
Abhinav Kumar, Advocates.
(M): 9625461696

Email: katyanilegalservices@gmail.com

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Viplav Acharya, SPC with Ms.
Laavanya Kaushik, GP for UOI.
(M): 9971801123

Email: viplavacharya@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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03.04.2025

1. The present writ petition has been filed challenging the letter dated 07th March, 2024, issued by the Divisional Commercial Manager, Moradabad Division, North Central Railway, Railway Station Moradabad, against the petitioner and seeking directions to the respondents to extend the benefit of extension of license period to the petitioner in proportionate to the reduced license fee during the Covid-19 pandemic and as per the benefit given to other similarly placed persons.



2. The petitioner is a catering stall licensee and running/operating *SMU/Catering Stall at Platform No. 1 of Moradabad Railway Station*.
3. The respondent no. 2 had issued a Letter of Award dated 12th June, 2019 in favour of the petitioner with respect to the allotment of contract to the petitioner with respect to the catering services at Platform No. 1 of Moradabad Railway Station.
4. The respondent no. 2 thereafter, issued the impugned letter dated 07th March, 2024, regarding tenure and license fee of SMU/catering stall at Platform No. 1 of Moradabad Railway Station. As per the impugned letter, the license of the petitioner's stall is stipulated to expire on 28th April, 2025.
5. It is submitted that this Court, on previous occasions, has granted relief in similar matters. Attention of this Court has been drawn to the order dated 07th March, 2025, passed by the Predecessor Bench of this Court in *W.P.(C) 2953/2025*, titled as *Sadeek Ali Versus Union of India and Ors.*, wherein, further extension of 7 months has been granted to the petitioner therein. Attention of this Court has also been drawn to other similar orders passed in other petitions.
6. Thus, it is submitted that the license period of the petitioner in the present case also, ought to be extended for another period of 7 months and that the petitioner is ready to give an undertaking on affidavit before this Court, that the petitioner will vacate the stall in question, on expiry of the extended period of 7 months.
7. Issue notice.
8. Learned counsel appearing for the respondent Railways submits that the present matter pertains to the Northern Railways. Therefore, this Court will not have jurisdiction over the present matter.



9. However, this Court notes that *vide* judgment dated 30th May, 2024, in the case of W.P.(C) 6771/2024, *Ved Prakash Mishra Versus Union of India and Ors. and other connected matters*, this Court with respect to the issue of jurisdiction has held as follows:

“xxx xxx xxx

9. In *Jayaswals Neco (supra)*, the petitioner therein impugned letter of demands raised by South East Central Railway, Chhattisgarh; they also impugned para 1744 of the Indian Railway Commercial Manual, framed by the Railway Board in Delhi. **This Court held that even though no part of cause of action has arisen in Delhi since a writ striking down para 1744 of the Indian Railway Commercial Manual would have to be issued to the Railway Board which is in New Delhi, from the standpoint of Article 226 (1) of the Constitution, this Court would have jurisdiction inasmuch as the authority to whom the writ is to be issued is located within the normal territorial limits of this Court.** Relevant extract from the said judgment is as under:

“55. In the light of the discussion above, it has now to be determined as to whether in the present case this Court has territorial jurisdiction to entertain the writ petitions. As noticed above, the question as to whether the Court has territorial jurisdiction to entertain a writ petition has to be arrived at on the basis of the averments made in the petition, the truth or otherwise thereof being immaterial. [see *Kusum Ingots (supra)* and *ONGC v. Utpal Kumar Basu (supra)*]. It has been averred in the petitions that paragraph 1744 of the Indian Railways Commercial Manual, which is an executive instruction issued by the Railway Board, is the root cause for the raising of the punitive demands, which are challenged in this petition. Mr Kaul submitted that if paragraph 1744 had not existed then the demands challenged herein would not have been raised. He submits that paragraph 1744 is violative of Section 73 and 79 of the Railways Act, 1989. Without going into the question of truth or otherwise of these averments and without examining the merits of the challenge to paragraph 1744 of the Indian Railways Commercial Manual, it is clear that the challenge exists and that the said paragraph 1744 forms part of the Indian Railways Commercial Manual, which was issued by the Railway Board at New Delhi. A writ striking down the said paragraph would have to be issued to the Railway Board which is in New Delhi. Therefore, from the standpoint of Article 226 (1) of the Constitution, this Court



would have jurisdiction inasmuch as the authority to whom the writ is to be issued is located within the normal territorial limits of this Court. It is true that if the case rested only on a challenge to the demands de hors the question of validity of para 1744 then, only Article 226(2) would be applicable and this Court would not have territorial jurisdiction as no part of the cause of action has arisen in Delhi. But, that is not the case.”

12. ***In the present case, it cannot be said that this Court is devoid of the jurisdiction to entertain the present writ petitions challenging Clause 11 of the Catering Policy 2017. Considering that in some of these petitions the concerned zonal railways is Northern Railway, headquartered in Delhi and also considering that common issues arise for consideration in this batch of matters, this Court deems it apposite to entertain the present petitions and adjudicate the same on merits.***

xxx xxx xxx”

(Emphasis Supplied)

10. Considering the aforesaid, it is to be noted that the issue as regards the jurisdiction of this Court, already stands settled. Further, this Court notes that as far as the catering policy of the Indian Railways is concerned, the same is uniform throughout the country. Therefore, since in similar matters, the Division Bench of this Court as well as the Supreme Court has already granted relief, considering the uniformity of the policy of the Indian Railways, this Court proceeds to adjudicate the present matter.

11. Learned counsel appearing for the petitioner, at this stage, states that the petitioner is only pressing for the grant of extension of the license period for the period of 7 months, in terms of the orders passed previously, and gives up other challenges with regard to the policy of the Indian Railways.

12. Having heard learned counsels appearing for the parties, this Court notes that, vide order dated 20th March, 2025, in W.P.(C) 3474/2025, *Shri Kishori Lal Versus Union of India and Others*, this Court has, in similar circumstances, granted extension in favour of the petitioner therein.



13. Thus, considering the fact that similar orders have been passed on previous occasions also by this Court, thereby, granting an extension of time for running the stall, this Court is of the view that in parity with the orders passed earlier by this Court, a similar order ought to be passed in the present case also. This Court sees no reason to take a different view from the orders passed earlier.

14. Accordingly, it is directed that, subject to payment of license fees, the petitioner will be allowed to operate the *SMU/Catering Stall at Platform No. 1 of Moradabad Railway Station* for a period of 7 months from 28th April, 2025, at stipulated license fees.

15. The petitioner is directed to file an undertaking, on an affidavit, before this Court, within a period of four weeks from today, that the petitioner shall vacate the stall in question, on expiry of the extended period of 7 months, failing which, the respondents will be at liberty to remove the goods of the petitioner, from the stall in question.

16. It is further made clear that extension of the licence fees of the petitioner will not preclude the Railways from inviting fresh tenders, for awarding of the license, on expiry of the extended period of license of the petitioner.

17. Accordingly, with the aforesaid directions, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

APRIL 3, 2025

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