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

+ W.P.(C) 5273/2025 & CM APPL. 24022/2025, CM APPL. 24023/2025, CM APPL. 24024/2025

SH. BASUKI NATH

....Petitioner

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

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Iram Majid, CGSC with Mr. M.
Sehana Khan, Mr. Mohd. Suboor,
Advocates (M:9873811531)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

24.04.2025

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1. The present writ petition has been filed by the petitioner with respect to the *Special Minor Unit ("SMU")/Catering Stall No. 17 at Platform No. 2/3 of Patna Jn. Railway Station under OBC Category.*
2. It is submitted that a Letter of Award dated 12th September, 2019 was issued by the Senior Divisional Commercial Manager, Danapur, by way of which, the said catering stall was allotted in favour of the petitioner, which was subsequently extended till 20th May, 2025, *vide* letter dated 27th November, 2024, for the period during which the catering stalls remained closed due to Covid-19, which has been considered as "*dies non*" period.
3. It is submitted that this Court, on previous occasions, has granted relief in similar matters, wherein, extension has been granted beyond the



“*dies non*” period. 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.

4. 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.

5. Issue notice.

6. Notice is accepted by the learned counsel appearing on behalf of the respondents.

7. Having heard learned counsels for the parties, this Court notes that *vide* order dated 07th March, 2025, in the case of ***W.P.(C) 2953/2025***, titled as ***Sadeek Ali Versus Union of India and Ors.***, this Court with respect to the issue of territorial jurisdiction, has held as follows:

“xxx xxx xxx

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.”

xxx xxx xxx”

8. 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.

9. 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.

10. It is to be noted 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.

11. 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.

12. Accordingly, it is directed that, subject to payment of license fees, the petitioner will be allowed to operate the *SMU/Catering Stall No. 17 at Platform No. 2/3 of Patna Jn. Railway Station under OBC Category*, for a period of 7 months from 20th May, 2025, at stipulated license fees.

13. 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.

14. It is further made clear that extension of the license 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.

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

MINI PUSHKARNA, J

APRIL 24, 2025

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