



2025:DHC:9068



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Decision: 09th October, 2025**+ **W.P.(C) 15442/2025, CM APPL. 63195/2025 & CM APPL. 63196/2025****ARTI ENTERPRISES**

.....Petitioner

Through: **Mr. Tamim Qadri, Mr. Anubhav Bhasin and Mr. Saeed Qadri, Advs.**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Mr. Himanshu Pathak, SPC with Mr. Ashish Rawat, GP and Mr. Amit Singh, Adv.****CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL):**

1. The present writ petition has been filed seeking directions for quashing Clause 11 of the *Commercial Circular No. 20/2017*, issued by the respondent-Railways on 27th February, 2017, with further prayer for commanding the respondent to follow the Indian Railway Code for Traffic (Commercial) Department ("Railway Code"), issued on 25th August, 2023, and thereby renew the Catering Units of the petitioner in light of Chapter VII Clause 712 of the said Railway Code.
2. After some arguments, learned counsel appearing for the petitioner submits that he gives up the aforesaid prayers and confines the prayer only

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with respect to seven months extension period in order to vacate the premises in question which have been allotted to the petitioner on license basis by the respondents.

3. The list of the Catering Units, along with the original date of license and last date for extension, is reproduced as under:

Sr. No	Item no.	W.P no.	Stall location	Original date of license	Last date of extension period
1	72	15442 of 2025	(1). General Minor Unit (GMU) Catering Stall no. 4 on Platform no. 1, waiting hall inside at PF no. 1 of Ara Railway Station.	09.12.2019	<u>08.12.2025</u>
			(2). General Minor Unit (GMU) Catering Stall no. 13 on Platform no. 2/3, near TP No. 592/29 at PF No. 2/3 Ara Railway Station.	10.12.2019	<u>30.12.2025</u>
			(3). Multi Purpose Stall No. 3 at Platform no. 2/3 in middle at Chhapra Railway Station.	04.02.2021	<u>03.02.2026</u>

4. Learned counsel appearing for the petitioner draws the attention of this Court to *Annexure P-20* and *P-21* attached with the present petition to submit that initially license was granted to the petitioner for a period five years. Further, on account of the concession being granted for the COVID-19 period, the period from 25th March, 2020 to 22nd June, 2020 was taken as '*dies non-period*' and accordingly, extension was granted to the petitioner as aforesaid.

5. He draws the attention of this Court to the previous orders passed by Coordinate Benches of this Court to submit that, in similar circumstances, the benefit has been granted to various petitioners for vacating the premises by granting benefit of further period of seven months from the date of expiry of the license.



6. *Per contra*, learned counsel appearing for the respondents draws the attention of this Court to the judgment dated 30th May, 2024, passed in ***W.P.(C) 6771/2024 and other connected matters***, to submit that in the said case, benefit was granted to the respective parties only on the ground that the said catering units were within the jurisdiction of the Northern Railways.

7. He submits that since only some of the matters pertained to South East Central Railways, Chhattisgarh, therefore, only in the facts and circumstances of the said case that their cases were entertained.

8. He submits that in the present case, since the Catering Units of the petitioner are situated in Bihar, therefore, the Northern Railways does not have jurisdiction. Thus that the present writ petition would not be maintainable.

9. *Per contra*, learned counsel appearing for the respondent draws the attention of this Court to the various orders passed by this Court, wherein, the issue of jurisdiction has been adjudicated and decided by this Court.

10. 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)



11. 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.

12. This Court takes note of order dated 12th March, 2025 passed by predecessor bench of this court in W.P.(C) 3181/2025, titled as ***Rajendra Singh Bhadouriya versus Union of India and Others***, wherein, in a similar case, it was held as follows:

“xxx xxx xxx

5. Learned counsel for the Petitioner, at the outset, submits that Petitioner does not press his challenge to Clause 11 of Commercial Circular No. 20/2017 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. Manish 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 General Minor Unit (‘GMU’) Catering Stall Unit No. KMZ-CS-1, near TRD Pole No. KMZ GS 8-9, Bina End, Platform No. 1, Katni Railway Station for a period of five years. However, this period was extended upto 09.04.2025 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 GMU 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 (‘GMU’) Catering Stall Unit No. KMZ-CS-1, near TRD Pole No. KMZ GS 8-9, Bina End, Platform No. 1, Katni Railway Station for a further period of 07 months from 10.04.2025 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. It is, however, made clear that extension of the license 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.

13. Pending application stands disposed of."

(Emphasis Supplied)

13. At this stage, learned counsel appearing for the respondents draws the attention of this Court to the order passed by the Division Bench in a similar matter, wherein, four months extension had been granted, by relying upon order of the Supreme Court, in a similar matter.

14. However, learned counsel appearing for the petitioner submits that the extension of four months was granted in addition to the 3 months' extended period, as granted by the Single Judge of this Court. Thus, he submits that in total, 7 months' extension was granted on previous occasions also.

15. The aforesaid submissions made on behalf of the parties are noted.

16. 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.

17. Thus, considering the fact that similar orders have been passed by this Court on previous occasions as well, thereby, granting an extension of time for running the stalls, 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.



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18. Accordingly, it is directed that, subject to payment of license fees, the petitioner will be allowed to operate the stalls, namely, the *General Minor Unit ("GMU") Catering Stall No.4 on Platform No. 1, Waiting Hall inside at PF No.1 of Ara Railway Station, GMU Catering Stall No. 13 on Platform no. 2/3, near TP No. 592/29 at PF No. 2/3 Ara Railway Station and Multi Purpose Stall No. 3 at Platform no. 2/3, in middle at Chhapra Railway Station* for a period of 7 months from 08th December, 2025, 30th December, 2025 and 03rd February, 2026, respectively, at stipulated license fees.

19. 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 stalls 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 stalls in question.

20. 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.

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

MINI PUSHKARNA, J

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