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

+ LPA 302/2026

UNION OF INDIA

.....Appellant

Through: Mr. Shashank Dixit & Mr. Kunal Rai,
Advocates.

Versus

GUJARAT CO OPERATIVE MILK MARKETING
FEDERATION LTD

.....Respondent

Through: None.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **24.04.2026**

CM No.27190/2026

1. The Appellant has filed the present Application seeking condonation of delay of 69 days in filing the present Appeal.
2. Having regard to the averments made in the Application, the delay in filing the present Appeal is condoned.
3. The Application stands disposed of.

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4. Heard the learned Counsel for the Appellant.
5. The Appellant has filed the present Appeal seeking setting aside of the order dated 09.01.2026 ("**Impugned Order**") passed by the learned Single Judge in W.P.(C) No.297/2026 ("**Writ Petition**").
6. By the Impugned Order, the learned Single Judge has directed that subject to payment of license fees, the Respondent shall be allowed to operate the Milk-Stall Unit Number / Name MTJ-01 at Mathura Jn. Station of A-1 category for a period of seven months commencing from 07.01.2026.



7. The Impugned Order was passed on 09.01.2026 and since then, more than three months period has already lapsed. The extended period in which the Respondent is to operate the Milk-Stall Unit Number / Name MTJ-01 at Mathura Jn. Station of A-1 category is to end on 06.08.2026. Accordingly, when the aforesaid fact was pointed out to the learned Counsel for the Appellant, he, on instructions, states that the Appellant may be permitted to withdraw the present Appeal, however, requests that the questions of law may be kept open to be decided in some other matter.

8. The learned Counsel for the Appellant has expressed his apprehension that the Impugned Order passed by the learned Single Judge and under challenge in the present Appeal may be cited as a precedent in other matters and therefore, some observations may be made that the Impugned Order is not a binding precedent.

9. Accordingly, the Appeal is dismissed as withdrawn, keeping it open that the questions of law which arise in the present Appeal may be decided in some other appropriate matter.

10. We further observe that the Impugned Order passed by the learned Single Judge in the Writ Petition shall be treated to be an order in the facts of the said case.

11. Accordingly, the Appeal as well as the pending Application stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

APRIL 24, 2026

‘gsr’