

(2025) 11 DEL CK 1856

In the Delhi High Court

Case No : Writ Petition (C) No. 5073 Of 2025 & Civil Miscellaneous Application
No. 23246 Of 2025

M/s Seema Pandey

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 06-11-2025

Acts Referred:

Constitution of India, 1950 — Article 226(1), 226(2)
Railways Act, 1989 — Section 73, 79

Citation : (2025) 11 DEL CK 1856

Hon'ble Judges : Mini Pushkarna, J

Bench : Single Bench

Advocate : Akshat Bajpai, Shobhit Trehan, Vedika Dalmia, Atul Pandey, Renuka Parmanand, Jayashree Mishra, Neha Rastogi, Animesh Rastogi, Rajat Dubey

Final Decision : Disposed Of

Judgement

Mini Pushkarna, J

1. The present writ petitions have been filed by the petitioners seeking extension of seven months, with respect to their catering stalls. The details of the catering stalls, along with the period sought by the petitioners, is reproduced as under:

2. Perusal of the aforesaid table clearly shows that the period of seven months, if extension is granted by this Court, for catering stalls, i.e., CSMTS- 1 (GMU) under General Category Women Quota at CSMT Station of A-1 category under Double packet system on PF- 18 (Under FOB Bridge CSMT End) at CSMT Station and CSMTS- 2 (GMU) Under General Category Women Quota at CSMT Station of A-1 Category under Double Packet System on PF No.18 (in front of Pole No.1821, MSD End) at CSMT Station will expire on 31st December, 2025. Whereas, for the catering stalls at CSMT-5 (GMU) under General Category Women Quota at CSMT station of A- 1 Category under double packet system on PF No.16 & 17 (Between pole No. 1603 & 1604) CSMT Station and GMU No. NDLS S-33 (New Delhi) at PF No. 14/15 pole No. 24 at New Delhi Railway will expire on 02nd December, 2025

and 28th November, 2025, respectively.

3. 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.

4. Thus, it is submitted that the license period of the petitioners in the present case also, ought to be extended for another period of 7 months and that the petitioners are ready to give an undertaking on affidavit before this Court, that the petitioners will vacate the stall in question, on expiry of the extended period of 7 months.

5. 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 dehors 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)

6. 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.

7. Learned counsel appearing for the petitioners, at this stage, states that the petitioners are 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.

8. This Court notes the submissions made by learned counsel appearing for the petitioners that 7 months’ extension was granted on previous occasions also, to various parties who were similarly placed, as the petitioner.

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

10. 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.

11. This Court further notes the order dated 06th February 2025, passed in W.P. (C) 1460/2025, and other connected matters, wherein, it has been directed as

follows:-

"xxx xxx xxx

11. Indisputably, Petitioners in both writ petitions were awarded contracts of operating catering stalls in various railway stations across the country for a period of 05 years, commencing on different dates. Petitioners seek extension of 7 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 Petitioners are similarly placed as the Petitioners in Arvind Kumar (supra), Sree Venkateswara Enterprises (supra) and Manohar Bachani (supra), wherein the Courts in similar circumstances allowed the Petitioners to operate the Catering Stalls for a further period of 7 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 7 months to the Petitioner therein. I am of the view that Petitioners cannot be discriminated and are entitled to the same relief.

12. Accordingly, these writ petitions are disposed of with a direction that subject to payment of license fee, Petitioners shall be allowed to operate their respective stalls as detailed above, for a further period of 7 months from the respective dates of expiry of the original/extended license periods. This would, however, be subject to undertakings by the Petitioners, on affidavits, before this Court that they will vacate the stalls in question on expiry of the extended period of 7 months, failing which Respondents will be at liberty to remove their goods from the stalls. The affidavits shall be filed within three weeks from today.

xxx xxx xxx"

(Emphasis Supplied)

12. Further, vide order dated 07th March 2025 passed in W.P.(C) 2967/2025, titled as M/S Shiv Shakti Foods vs. Union of India & Ors., it has been directed as follows:-

"xxx xxx xxx

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 Special Minor Unit (SMU) at Platform No. 1 Chheoki Railway Station, Allahabad 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 Special Minor Unit (SMU) at Platform No. 1 Chheoki Railway Station, Allahabad for a further period of 07 months from 01.04.2025 at the stipulated license fee. This would be further subject to an undertaking by the Petitioner on an affidavit before this Court that it 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.

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(Emphasis Supplied)

13. This Court further takes note of the order dated 26th March, 2025 passed by this Court in W.P.(C) 3761/2025, titled as Naman Food Centre vs. Union of India & Ors., wherein, it has been directed as follows:-

“xxx xxx xxx

8. 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.

9. 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.

10. Accordingly, it is directed that, subject to payment of license fees, the petitioner will be allowed to operate the tea stall, General Minor Unit (“GMU”) no. KMZ-CS-3 Near TRD Pole No. KMZ GS 11-12 at PF-1 of Katni Murwara Railway Station for a period of 7 months from 10th April, 2025, at stipulated license fees.

11. 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.

12. 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.

xxx xxx xxx''

(Emphasis Supplied)

14. 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.

15. Accordingly, considering the aforesaid position, it is directed that the petitioners shall vacate the respective units/catering stalls on the dates as reflected in the aforesaid table, i.e., 31st December, 2025, 02nd December, 2025 and 28th November, 2025.

16. The petitioners are directed to file undertaking, on an affidavit, before this Court, within a period of four weeks from today, that the petitioners shall vacate the stall in question, on expiry of the said period, failing which, the respondents will be at liberty to remove the goods of the petitioners, from the stall in question.

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

18. Accordingly, with the aforesaid directions, the present writ petitions, along with the pending applications, are disposed of.