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

% ***Date of Decision: 15.10.2025***

\+ W.P.(C) 15845/2025 & CM APPL. 64897/2025, CM APPL. 64898/2025

M/S SOPAN RESTAURANT .....Petitioner

Through: Mr. Akshat Bajpai, Mr. Shobhit Trehan, Ms. Renuka Parmanand, Ms. Vedika Dalmia and Ms. Jayashree Mishra, Advocates (through VC)

versus

UNION OF INDIA & ORS. .....Respondents

Through: Mr. Jagdish Chandra, CGSC with Mr. Sujeet Kumar, Advocate for UOI (through VC)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J *(ORAL)*

1. The present writ petition has been filed by the petitioner with respect to the *catering stall, i.e., General Minor Unit ("GMU") at PF-01 (Unit No. 136/2019, CNB/D-01/01/19) of Kanpur Railway Station.*

2. It is submitted that the Letter of Allotment dated 24th June, 2020 was issued by the Divisional Railway Manager's Office, North Central Railway, Prayagraj, by way of which, the said catering stall was allotted in favour of the petitioner for five years, which was valid for the period of 25th October, 2020 to 24th October, 2025.

3. It is submitted that this Court, on previous occasions, has granted relief in similar matters, wherein, extension has been granted beyond the

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

6. Having heard learned counsels for the parties, this Court notes that *vide* judgment dated 30th May, 2024, in the case of ***W.P.(C) 6771/2024,*** titled as ***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:*

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"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)

7. Considering the aforesaid, it is to be noted that the issue, as regards

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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.

8. This Court notes the submission made by learned counsel appearing for the petitioner that the petitioner is only pressing for the grant of extension of the license period for 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.

9. It is to be noted that, *vide* order dated 20th March, 2025, in ***W.P.(C) 3474/2025,*** titled as ***Shri Kishori Lal Versus Union of India and Others***, this Court has, in similar circumstances, granted extension in favour of the petitioner therein.

10. 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.

11. Accordingly, it is directed that, subject to payment of the license fees, the petitioner will be allowed to operate the *catering stall, i.e., GMU at PF-01 (Unit No. 136/2019, CNB/D-01/01/19) of Kanpur Railway Station*, for a period of 7 months from 24th October, 2025, at stipulated license fees.

12. The petitioner is directed to file an undertaking, on an affidavit,

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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.

13. 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.

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

MINI PUSHKARNA, J

OCTOBER 15, 2025
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