



\$~71

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

+ **W.P.(C) 3117/2025**

MANOJ KUMAR AGARWAL

.....Petitioner

Through: Mr. Akshat Bajpai, Mr. Shobhit
Trehan, Mr. Atul Pandey, Ms. Renuka Parmanand
and Ms. Vedika Dalmia, Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Anushkaa Arora, Senior Panel
Counsel with Mr. Sagar Belwal, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **11.03.2025**

CM APPL. 14763-764/2025

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 3117/2025 & CM APPL. 14762/2025

3. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“a. Issue an appropriate writ, order, or direction to Respondents to grant a three-month extension to the Petitioner’s Railway Catering Stall at Special Minor Unit (SMU) at Platform No.12/13 of New Delhi Railway Station Earmarked for Divyang Category, in terms of order dated 30.05.2024 in WP(C) No. 6771 of 2024, order dated 10.01.2025 in W.P(C) 225/2025 and order dated 05.08.2024 LPA 746/2024 of the Hon’ble Delhi High Court.

b. Issue an appropriate writ, order or direction to the Respondents to grant a further four-month extension to the Petitioner’s Railway Catering Stall at Special Minor Unit (SMU) at Platform No.12/13 of New Delhi Railway Station Earmarked for Divyang Category, in terms of the order



dated 27.08.2024 in SLP(C) No. 19229 of 2024 the Hon'ble Supreme Court."

4. Case of the Petitioner is that he was awarded license for running Special Minor Unit No. 3 (SMU) at Platform No. 12/13 of New Delhi Railway Station earmarked for Divyang category vide Letter of Award dated 25.11.2019 and Master License Agreement dated 09.09.2021 for a period of five years at the stipulated license fee, commencing from 08.01.2020 and ending on 16.03.2025. Petitioner avers that on account of Pandemic COVID-19, he was not able operate his SMU and therefore, in light of a policy decision taken by the Respondents to give extension, treating the pandemic period as *dies non*, benefit of extension was granted to the Petitioner upto 16.03.2025. This petition is preferred for extension of licence period for a period of seven months from 17.03.2025.

5. Learned counsel for the Petitioner submits that licence period of the Petitioner be extended by 07 months at par with 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, wherein extension of license period has been granted.

6. Issue notice.

7. Ms. Anushkaa Arora, 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 ***Manohar Bachani (supra)***, ***Sree Venkateswara Enterprises (supra)*** and ***Arvind Kumar (supra)***.

8. Indisputably, Petitioner was awarded license to operate Special Minor



Unit No. 3 (SMU) at Platform No. 12/13 of New Delhi Railway Station earmarked for Divyang category for a period of five years, which expires on 16.03.2025. Benefit of the *dies non* period on account of COVID-19 statedly given to several vendors has been given to the Petitioner only for a period of 68 days. Petitioner now seeks extension of 07 months as was granted by this Court in *Manohar Bachani (supra)*, *Sree Venkateswara Enterprises (supra)* and *Arvind Kumar (supra)*. There is no dispute between the parties that Petitioner is similarly placed as the Petitioners in the aforesaid writ petitions wherein Courts in similar circumstances allowed the Petitioners to operate their Catering Stalls for a further period of 07 months from the date of expiry of the extended license periods. 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.

9. Accordingly, this writ petition is disposed of with a direction that subject to payment of license fee, Petitioner will be allowed to operate the Special Minor Unit No. 3 (SMU) at Platform No. 12/13 of New Delhi Railway Station earmarked for Divyang category for a period of 07 months from 17.03.2025 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.

10. 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.

11. Pending application stands disposed of.

JYOTI SINGH, J

MARCH 11, 2025/shivam