

GAHC010229892023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6214/2023

M/S DEEPAK AND CO. AND ANR
A PARTNER SHIP FIRM REGISTERED UNDER THE INDIAN PARTNERSHIP
ACT 1932 HAVING ITS OFFICE AT 7 HARGOBIND ENCLAVE ANAND
VIHAR DELHI 110092 THROUGH ITS PARTNER POONAM PORWAL

2: POONAM PORWAL
W/O RAKESH KUMAR GUPTA PARTNER MM/S DEEPAK AND CO 7
HARGOBIND ENCLAVE ANAND VIHAR DELHI 11009

VERSUS

UNION OF INDIA AND 4 ORS
THROUGH THE SECRETARY MINISTRY RAILWAY RAIL BHAWAN RAIL
BHAWAN RAISINA ROAD NEW DELHI 110001

2:THE RAILWAY BOARD
THROUGH THE CHARIMEN RAIL BHAWAN RAISINA ROAD NEW DELHI
110001

3:THE GENERAL MANAGER
MOBILE CATERING SERVICES IRCTC STATESMAN HOUSE B 148
BARAKHMBA ROAD NEW DELHI 11001

4:THE GROUP GENERAL MANAGER
NZ
EZ WZ SCZ AND SZ IRCTC STATEMAN HOUSE B 148 BARAKHAMB
ROAD NEW DELHI 110001

5:THE INDIAN RAILWAY CATERING AND TOURSIM CORPORATION LTD.
A GOVT OF INDIA ENTERPRISE THROUGH THE REGIONAL MANAGER
IRCTC REGIONAL OFFICE 4 D MANDOLI APARTMENT OPPOSITE
RABINDRA BHAWAN GNB ROAD AMBARI GUWAHATI 781001 ASSA

Advocate for the petitioner(s): Mr. PK Goswami,
Senior Advocate
Ms. M Borah

Advocate for the respondent(s): Mr. H Gupta, CGC
Mr. GN Sahewalla Senior Advocate
Mr. N Anix Singh for IRCTC

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

06.05.2026

Heard Mr. PK Goswami, the learned Senior Counsel assisted by Ms. M Borah, the learned counsel appearing on behalf of the petitioners. Also heard Mr. H Gupta, the learned CGC, who appears on behalf of the Railways and Mr. GN Sahewala, the learned Senior Counsel assisted by Mr. N Anix Singh, the learned counsel, who appears on behalf of the IRCTC.

2. The issue involved in the present writ petition is as to whether the IRCTC has been empowered by the Railways to revise the license fee.

3. It is very pertinent to take note of that the petitioner herein was initially granted a license in the year 2014. This license was issued in terms with the *Indian Railways Catering Policy 2010*. Taking into account that the Catering Policy of the year 2010 had a provision for extension, more particularly, at Clause 17.5, the petitioner was granted an extension in the year 2019, which expired in the year 2024. There is no material before this Court which would

show that there has been a further extension beyond 2024 to the petitioner. Rather, the claim of the petitioner seeking extension in terms with the *Indian Railways Catering Policy 2010* has been rejected by this Court which was also confirmed by the learned Division Bench of this Court and thereupon, the Supreme Court had also upheld the order passed by the learned Division Bench of this Court, thereby directing the petitioner to handover the vacant possession by 27.12.2024 after clearing all dues.

4. Be that as it may, while the said proceedings pertaining to the renewal was going on, the petitioner by way of the present writ petition has raised the issue as to whether the IRCTC had the authority to revise the license fee. It is alleged that in terms with the *Indian Railways Catering Policy 2010*, the power is only there with the Railways. The petitioners have, therefore, assailed the Circular issued by the IRCTC dated 08.04.2022, the Demand made on 08.02.2023, as well as the Demand Notice dated 10.08.2023 by way of the present writ proceedings.

5. The records reveal that this Court, vide an order dated 18.10.2023 directed that there shall not be any coercive action taken against the petitioners and the interim order passed was extended from time to time.

6. Taking into account that the petitioners had challenged the power of revision of the IRCTC, this Court enquired with Mr. PK Goswami, the learned Senior Counsel appearing on behalf of the petitioners as to whether the petitioners had paid the license fee without applying the revisional rates. The learned Senior Counsel submitted that he would ask Ms. M Borah, the learned Assisting Counsel to obtain instructions in that regard.

7. This Court having heard the matter is of the opinion that the interim order

which was passed earlier requires certain modifications. This Court, accordingly, directs that no coercive action shall be taken against the petitioners subject to the petitioners depositing the license fee before the IRCTC at the rate which was in existence prior to the revision being carried out, within 15(fifteen) days from today. This modification is done to the interim order as the petitioners do not dispute the rate which existed prior to the revision. It is further observed that the IRCTC shall accept the said amount and such acceptance shall not prejudice the IRCTC in the present proceedings.

8. It is further observed that in the circumstance, the petitioners had already made payments of the license fee as per the rates prior to the revision, no coercive action shall be taken against the petitioners.

9. List this matter again on 12.06.2026.

10. For the sake of clarity this Court observes that the present order so passed shall not be construed in any manner that this Court has passed any direction for renewal of the licence or creating any rights.

JUDGE

Comparing Assistant