

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**CWP No.16334 of 2025****Decided on: 16.10.2025**

Himalayan Mussafir Guest House and Restaurant

....Petitioner

Versus

Union of India & Ors

....Respondents

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

Whether approved for reporting?¹

For the Petitioner : Ms. Prajwal Busta, Proxy
Counsel.

For the respondents : Mr.Balram Sharma, DSGI with
Mr. Rajeev Sharma, Advocate,
for respondents-UIO.

Mr. Rakesh Dhaulta,
Additional Advocate General
for the respondents-State.

G.S. Sandhawalia, Chief Justice(Oral)

Notice. Mr. Rajeev Sharma, Advocate and Mr.
Rakesh Dhaulta, Additional Advocate General, accept
notice on behalf of respondents No.1 & 2 and
respondents No.3 & 4, respectively.

¹ *Whether the reporters of Local Papers may be allowed to see the judgment?*

2. Counsel for the parties are agreed that the issue in question is covered by the decision of this Court in LPA No.169 of 2025, titled ***Union of India and another versus Atul Sharma and others, along with connected matters***, decided on 16.07.2025. The relevant portion of the said judgment reads as under:

“10. Learned Single Judge found that the appellant Union of India could not in the first set of cases, deny the fact that the applications had been forwarded during currency of the Scheme and therefore, consideration had not been done. In such circumstances, he came to the conclusion that at least the consideration had to be made as per the terms of the policy dated 23.04.2018 (Annexure P-1). Thus, we cannot find any fault as such with the reasoning of the learned Single Judge to this extent.

11. Counsel for Union of India also admits that since each and every individual case will have to be considered within the parameters of the said policy, it would be appropriate that a decision making is done by the Empowered Committee by fixing a time frame as such. We are also of the considered opinion that the findings as such that the consideration was to be done by the Empowered Committee, thus cannot be faulted in any manner, once it is the case of the State also that they had forwarded their cases to the Empowered Committee. If that is so, then the decision making as such had to be done as per the parameters of the notification and as noticed above, has now been done in one case though, the rejection is here.

12. In such circumstances, we are of the considered opinion that present LPAs are liable to be disposed of in the above terms along with writ petitions that each and every individual case has to be considered afresh by the Empowered Committee. Let the said exercise be done within a period of four months from today. Needless to say that it will be open to the applicants, as such, to seek their remedy in accordance with law in case there is rejection of their case.

13. All pending applications stand disposed of accordingly.”

3. In view of the above, the present petition is disposed of in terms of the aforesaid judgment.

4. Pending miscellaneous application(s), if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

October 16, 2025
(mamta)

(Jiya Lal Bhardwaj)
Judge