

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Spl. Appl. Writ No. 698/2025

Municipal Board, Rawatsar, District Hanumangarh, Through Its
Executive Officer.

----Appellant

Versus

1. Nand Ram Sharma S/o Shri Hari Ram Sharma, Aged About 45 Years, Resident Of Ward No. 21. Sanjay Colony. Rawatsar. District Hanumangarh.
2. The State Of Rajasthan, Through Director, Local Bodies, Rajasthan, Jaipur.
3. Dy. Director (Regional), Local Bodies, Bikaner.
4. District Collector, Hanumangarh.

----Respondents

For Appellant(s) : Mr. Abhinav Pareek for
Mr. Rajesh Parihar

For Respondent(s) : Mr. Sanjeev Beniwal

**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU**

Order

26/02/2026

1. This is an appeal challenging the order dated 27.01.2025 passed by the learned Single Judge, whereby the learned Single Judge has considered the undisputed fact that there was a lock-down on account of COVID-19 for the period from April, 2020 to July, 2020. Resultantly, the Court moulded the relief in the interest of justice and directed refund of the amount of license fee for the period from April, 2020 to July, 2020, along with interest at the rate of 12% per annum in case the said amount is not refunded within a period of three months from the date of the order.

2. Learned counsel for the appellant submits that there was no occasion to mould the relief as no prayer for refund of license fee was made in the writ petition. Learned counsel has relied upon the judgment passed by the Hon'ble Supreme Court in "*the Silppi Constructions Contractors v. Union of India & Anr. Etc.*" and submitted that in cases relating to contracts, the Courts should be slow in interfering and invoking writ jurisdiction.

3. The Hon'ble Supreme Court in "*the Silppi Constructions Contractors*" (*supra*) held that a writ petition would be maintainable on account of actions even in contractual matters and the same does not help the appellant.

4. We have carefully considered the judgment passed by the learned Single Judge and found that the equitable justice has been done by moulding the relief. Admittedly, the State and its authorities cannot be permitted to unjustly enrich themselves solely on account of a default which occurred due to the COVID-19 lock-down. It is also an admitted position that from April, 2020 to July, 2020, the canteen could not be operated. Therefore, the license fee for the said period could not have been retained by the appellant. The directions issued by the learned Single Judge do not warrant any interference.

5. Hence, the appeal being misconceived is accordingly, dismissed.

6. All pending applications also stand disposed of.

(BALJINDER SINGH SANDHU),J (SANJEEV PRAKASH SHARMA),ACJ