

AD-15
Ct No.09
05.01.2024
TN

WPA No. 177 of 2024

M/s A.H. Wheeler & Co. (Pvt.) Ltd.
Vs.
Indian Railways and others

Ms. Sonal Shah,
Mr. Kushagra Shah

.... for the petitioner

- 1.** Despite service, none appears for the respondents at the time of call.
- 2.** Affidavit-of-service filed today be kept on record.
- 3.** The petitioner has made out a strong *prima facie* case as to the respondent-authorities having deviated from the Multi-Purpose Stalls (MPS) Policy, which stipulates that the minimum licence fee fixed shall not be less than 12 per cent of the “estimated sales turnover for the corresponding period”, by not giving effect to the joint sales assessment with regard to the stalls run by the petitioner but asking for exorbitant licence fees.
- 4.** It transpires *prima facie* from the impugned communication dated November 09, 2023, annexed at page-44 (Annexure P-6), that the claim of the railway authorities is disproportionate with the joint sales assessment

for the particular division-in-question, that is, the Howrah Division of the said railways.

5. Accordingly, the respondent(s) shall file their affidavit(s)-in-opposition within three weeks from date; reply/replies thereto, if any, shall be filed within a week thereafter.
6. The writ petition shall be listed for final hearing on the issues as indicated above on February 08, 2024.
7. There shall be stay of operation of the impugned claim dated November 09, 2023 (Annexure P-6 at page-44 of the writ petition) as well as the communication dated December 13, 2023 (Annexure P-9 at page-53 of the writ petition) till March 15, 2024 or until further order, whichever is earlier.

(Sabyasachi Bhattacharyya, J.)