



2026:DHC:5516



\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
BEFORE
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

IN THE MATTERS OF:

+ **W.P.(C) 1111/2021 and CM APPL. 3089/2021**

DARSHAN LAL & ORS. Petitioners

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

With

+ **W.P.(C) 11577/2021**

SMT. MEENA KUMARI Petitioner

versus

LT. GOVERNOR, GOVT. OF NCT OF DELHI
& ORS. Respondents

+ **W.P.(C) 11578/2021 and CM APPL. 35719/2021**

SMT. NAHID Petitioner

versus

LT. GOVERNOR, GOVT. OF NCT



2026:DHC:5516



OF DELHI & ORS.

.....Respondents

+ **W.P.(C) 11585/2021**

ARMAN & ANR.

.....Petitioners

versus

LT. GOVERNOR, GOVT. OF NCT OF
DELHI & ORS

.....Respondents

+ **W.P.(C) 11586/2021**

RAHUL SAINI

.....Petitioner

versus

LT. GOVERNOR, GOVT. OF NCT OF
DELHI & ORS.

.....Respondents

+ **W.P.(C) 11587/2021**

AMIR GOHAR @ AKRAM & ANR.

.....Petitioners

versus

LT. GOVERNOR, GOVT. OF NCT
OF DELHI & ORS.

.....Respondents

+ **W.P.(C) 11588/2021 and CM APPL. 35747/2021**

SANJAY LAUMAS

.....Petitioner

versus

LT. GOVERNOR, GOVT. OF NCT



2026:DHC:5516



	OF DELHI & ORS.	Respondents
+	W.P.(C) 12005/2021	
	MOHD. YUSUF	Petitioner
	versus	
	LT. GOVERNOR, GOVT. OF NCT OF DELHI & ORS.	Respondents
+	W.P.(C) 12031/2021	
	SMT. CHANDERWATI	Petitioner
	versus	
	LT. GOVERNOR, GOVT. OF NCT OF DELHI & ORS.	Respondents
+	W.P.(C) 12032/2021	
	RAJNI	Petitioner
	versus	
	LT. GOVERNOR, GOVT. OF NCT OF DELHI & ORS.	Respondents
+	W.P.(C) 12433/2021 and CM APPL. 39100/2021	
	MS. SOFIYA	Petitioner
	versus	
	LT. GOVERNOR, GOVT. OF NCT OF DELHI & ORS.	Respondents



2026:DHC:5516



+ **W.P.(C) 14869/2021 and CM APPL. 46937/2021**

JAHUR

.....Petitioner

versus

LT. GOVERNOR, GOVT. OF
NCT OF DELHI & ORS.

.....Respondents

+ **W.P.(C) 11980/2022 and CM APPL. 35960/2022**

MOHD SAHID

.....Petitioner

versus

AGRICULTURAL PRODUCE
MARKETING COMMITTEE & ANR.

.....Respondents

+ **W.P.(C) 11982/2022 and CM APPL. 35771/2022**

MOHD. SAHID

.....Petitioner

versus

AGRICULTURAL PRODUCE MARKETING COMMITTEE & ANR.

.....Respondents

+ **W.P.(C) 11995/2022 and CM APPL. 35795/2022**

MOHD YUNUS PRAVEZ

.....Petitioner

versus

AGRICULTURAL PRODUCE MARKETING COMMITTEE & ANR.

.....Respondents



2026:DHC:5516



+ **W.P.(C) 12015/2022 and CM APPL. 35928/2022**

YUSUF AZAD

.....Petitioner

versus

AGRICULTURAL PRODUCE MARKETING COMMITTEE & ANR.

.....Respondents

+ **W.P.(C) 12166/2022**

RAMESH KHERA

.....Petitioner

versus

DELHI AGRICULTURAL PRODUCE MARKETING COMMITTEE,
SHAHDRA & ANR.

.....Respondents

+ **W.P.(C) 12171/2022**

SUSHIL MANOCHA

.....Petitioner

versus

DELHI AGRICULTURAL PRODUCE MARKETING COMMITTEE
SHAHDRA & ANR.

.....Respondents

+ **W.P.(C) 12126/2022**

DEEPAK KHERA

.....Petitioner

versus

DELHI AGRICULTURAL PRODUCE MARKETING COMMITTEE
& ANR.

.....Respondents



2026:DHC:5516



+ **W.P.(C) 12192/2022 and CM APPL. 36485/2022**

MOHD YASHIN

.....Petitioner

versus

AGRICULTURAL PRODUCE MARKETING COMMITTEE & ANR.

.....Respondents

For petitioners: -

Mr. Sanjeev Sahay, Mr. Karan Deep Singh, Mr. Archit Rajput and Ms. Nupur Singh, Advs. in W.P.(C) 1111/2021.

Mr. Anup Kr. Das, Mr. Nairit Bansal, Ms. Prachi Sharma and Ms. Ishita Singh, Advs. for Items W.P.(C) 11577/2021, W.P.(C) 11578/2021, W.P.(C) 11585/2021, W.P.(C) 11586/2021, W.P.(C) 11587/2021, W.P.(C) 11588/2021, W.P.(C) 12005/2021, W.P.(C) 12031/2021 & W.P.(C) 12032/2021, W.P.(C) 12433/2021 and W.P.(C) 14869/2021.

Mr. Anil Panwar with Mr. Tanishq Panwar, Mr. Nikhil Goel and Mr. Sahej Sawhney, Advocates in W.P.(C) 11980/2022, W.P.(C) 11982/2022, W.P.(C) 11995/2022, W.P.(C) 12015/2022 and W.P.(C) 12192/2022.

Ms. Kunika, Advocate in W.P.(C) 12166/2022, W.P.(C) 12171/2022 and W.P.(C) 12126/2022.

For respondents: -

Mrs. Avnish Ahlawat, SC for GNCTD Services with Mr. Nitesh Kumar Singh, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advs.

%

Reserved on: 26.05.2026

Pronounced on: 07.07.2026



J U D G E M E N T

INDEX

I. FACTS OF THE CASE.....	8
<i>A. Petitions Arising Out Of The “37 Left Over Licensees” Controversy....</i>	12
<i>B. Petitions Claiming Independent Allotment/Rehabilitation Rights At Gazipur Market.....</i>	13
<i>C. Petitions Seeking Recognition Of Reconstitution/Change In Constitution, Substitution Or Derivative Licensing Rights</i>	14
<i>D. Petition Seeking Issuance Of Fresh ‘B’ Category Licence</i>	15
II. ARGUMENTS ADVANCED ON BEHALF OF PARTIES.....	16
<i>A. Petitioners.....</i>	16
<i>B. Respondents</i>	21
III. ANALYSIS.....	26
<i>A. Legitimate Expectation Of Allotment</i>	26
<i>B. Applicability Of E-Auction Policy.....</i>	31
<i>C. Effect Of Observations In Hukumat Rai Judgment</i>	33
<i>D. Distinction From Sabzi Traders Case</i>	35
<i>E. Reconstitution And Derivative Rights</i>	39
IV. CONCLUSION.....	45

The present batch of writ petitions raises a common challenge to the action of the respondent authorities in declining the claims of the petitioners for allotment of shops/spaces at the Fruit and Vegetable Market, Ghazipur, Delhi [**“Gazipur Market”**] and allied reliefs arising out of renewal/recognition of ‘B’ category licenses, reconstitution/change in constitution claims and, in one matter, issuance



of a fresh license, by the impugned order dated 16.10.2020 passed by the Delhi Agricultural Marketing Board [**“DAMB”**], whereby, the claims/applications preferred by the petitioners came to be rejected.

2. The petitioners across the present batch claim to be traders/commission agents associated with the erstwhile Fruit and Vegetable Market, Shahdara [**“Shahdara Market”**] and assert that they were either carrying on business therein or were subsequently granted ‘B’ category licenses under the provisions of the Delhi Agricultural Produce Marketing (Regulation) Act, 1998 [**“DAPM Act”**] and the Delhi Agricultural Produce Marketing (Regulation) General Rules, 2000 [**“General Rules, 2000”**]. The grievance projected in the present batch substantially pertains to denial of allotment of shops/spaces at Gazipur Market despite grant and continued renewal of such licenses over a prolonged period of time.

3. Since common questions of fact and law arise for consideration in the present batch of matters, the same were heard together and are being disposed of by way of the present common judgment. However, before advertent to the rival submissions advanced on behalf of the parties, it becomes necessary to briefly notice the factual background giving rise to the present batch as well as the distinct nature of claims raised in the individual petitions.

I. FACTS OF THE CASE

4. The controversy involved in the present batch traces its genesis to the shifting of the erstwhile Shahdara Market consequent upon



acquisition of land for the Delhi Metro Rail Project in 1997 and the subsequent development of the Ghazipur Market by the respondent authorities. The petitioners across the present batch claim association with the erstwhile Shahdara Market either as traders, commission agents, licence holders or persons claiming through such entities or assert that they were carrying on trade/business activities in relation to the said market prior to or after the shifting process.

5. The facts of the present petitions would show that consequent upon the shifting of the Shahdara Market, disputes arose pertaining to rehabilitation, accommodation and licensing of traders/entities at Gazipur Market, leading to multiple rounds of proceedings before this Court as well as before the respondent authorities. Reference in this regard may be made, *inter alia*, to proceedings in ***East Delhi Fruits & Vegetables ThokVikreta Association & Ors. v. Lt. Governor & Ors.***¹, ***Jamunapar Fruit & Veg. Commission Agents Welfare Association v. Govt. of NCT of Delhi & Ors.***², and various proceedings arising therefrom. The petitioners contend that in the aforesaid proceedings, the respondent authorities had undertaken to consider and accommodate claims pertaining to traders/licensees associated with the erstwhile Shahdara Market.

6. The record further reflects that the respondent authorities undertook various deliberations concerning allotment of shops/spaces and regulation of licensing at Gazipur Market. Resolution dated 24.05.2000

¹W.P.(C) 7627/2000; Dated 14.02.2002

²W.P.(C) 3423/2001; Dated 02.02.2009



came to be passed imposing restrictions upon grant of fresh licenses in markets where new markets were being developed. Subsequently, a Sub-Committee constituted by the respondent authorities framed certain eligibility conditions concerning allotment of shops/spaces at Gazipur Market. The petitioners place reliance upon deliberations, resolutions and decisions taken by the respondent authorities from time to time to contend that traders/licensees associated with Shahdara Market continued to remain under consideration for accommodation/allotment at Gazipur Market.

7. The material placed on record further shows that several petitioners claim to have been granted and/or continued under 'B' category licences issued under the provisions of the DAPM Act and the General Rules, 2000, whereas certain petitioners additionally claim rights arising out of reconstitution/change in constitution, substitution, inheritance and allied proceedings concerning such licenses. The petitioners contend that licenses in question continued to be renewed from time to time and Form-K renewal receipts/license fee receipts were issued by the respondent authorities over several years.

8. The petitioners further contend that despite prolonged consideration of their claims and continued recognition allegedly accorded by the respondent authorities, no shops/spaces came to be allotted to them at Gazipur Market. Various representations consequently came to be submitted by the petitioners seeking allotment, renewal, recognition and allied reliefs and in certain cases proceedings again came to be instituted



2026:DHC:5516



before this Court seeking directions to the respondent authorities to consider such claims in accordance with law.

9. The record further reflects that Notification dated 02.09.2014 came to be issued in relation to deregulation of fruits and vegetables beyond notified market yards/sub-yards. Thereafter, Resolution No. 115/2015 came to be passed by the respondent authorities providing for allotment of vacant shops/spaces through the process of e-auction. According to the respondents, the aforesaid developments materially altered the governing framework concerning allotment of shops/spaces at Gazipur Market and consequently, no preferential or vested right could thereafter be claimed merely on the basis of holding or renewal of 'B' category licenses.

10. The petitioners, however, contend that the e-auction mechanism could not have been applied in a manner defeating pending claims allegedly arising out of the earlier rehabilitation/allotment process pertaining to traders/licensees associated with the erstwhile Shahdara Market. Certain petitioners additionally rely upon prior resolutions, minutes of meetings and statements allegedly made by the respondent authorities in earlier judicial proceedings in support of their claims.

11. The claims/applications of the petitioners ultimately came to be rejected vide impugned order dated 16.10.2020 passed by DAMB, primarily on the ground that the petitioners were not fulfilling the prescribed eligibility criteria and that no vested or enforceable right to allotment accrued merely by virtue of grant/renewal of 'B' category



2026:DHC:5516



licenses. The respondents additionally held that allotment of shops/spaces stood governed by the prevailing statutory framework and the e-auction policy adopted by the respondent authorities. The aforesaid order along with consequential actions/policies of the respondent authorities forms the principal subject matter of challenge in the present batch of writ petitions.

12. At this stage, it becomes necessary to notice that though the present batch of writ petitions arises from a common factual background and substantially assails the impugned order dated 16.10.2020, the petitions themselves proceed on distinct factual foundations, separate entitlement structures and differing legal assertions. A conjoint reading of the writ petitions, annexures, concise notes, grounds and prayers would show that the matters are liable to be grouped in the following manner:

A. PETITIONS ARISING OUT OF THE “37 LEFT OVER LICENSEES” CONTROVERSY

13. W.P.(C) 1111/2021, W.P.(C) 11980/2022, W.P.(C) 11982/2022, W.P.(C) 11995/2022, W.P.(C) 12015/2022 and W.P.(C) 12192/2022 arise substantially out of the controversy concerning the “37 Left Over Licensees” associated with the erstwhile Shahdara Market. The petitioners in the aforesaid matters principally contend that though they formed part of the category of traders/licensees whose claims continued to remain under consideration after shifting of the Shahdara Market, they were illegally denied allotment despite subsequent renewal/continuation



of 'B' category licences and prolonged consideration of their claims by the respondent authorities.

14. The petitioners in the aforesaid matters principally rely upon proceedings including W.P.(C) 7627/2000, W.P.(C) 3423/2001, observations made in *DAMC v. Hukumat Rai* and subsequent proceedings including W.P.(C) 2009/2017 and connected matters to contend that displaced traders/licensees from Shahdara Market were always intended to be accommodated at Gazipur Market. The petitioners additionally contend that grant and continued renewal of 'B' category licenses over several years created a legitimate expectation in their favour and consequently, the respondent authorities cannot now deny allotment by placing reliance upon the subsequent e-auction framework and policy changes. The challenge in these matters substantially revolves around the legality of denying allotment despite prolonged renewal/recognition of licences and the subsequent treatment accorded to the leftover licensees by the respondent authorities.

B. PETITIONS CLAIMING INDEPENDENT ALLOTMENT/REHABILITATION RIGHTS AT GAZIPUR MARKET

15. W.P.(C) 11588/2021, W.P.(C) 14869/2021 and W.P.(C) 12166/2022 principally seek allotment/recognition at Gazipur Market on the basis of independent claims arising out of alleged entitlement as traders/licensees associated with the erstwhile Shahdara Market. Though the petitioners in these matters also rely upon the larger rehabilitation framework concerning shifting of Shahdara Market and non-allotment at Gazipur



Market, the petitions do not fundamentally proceed on the specific “37 Left Over Licensees” controversy in the manner reflected in Category-A matters.

16. The petitioners in the aforesaid category principally contend that the respondent authorities continued to recognize their status through renewal/continuation of licences, acceptance of fees and prolonged consideration of representations and consequently could not subsequently deny allotment by placing reliance upon the e-auction mechanism and later policy developments.

C. PETITIONS SEEKING RECOGNITION OF RECONSTITUTION/CHANGE IN CONSTITUTION, SUBSTITUTION OR DERIVATIVE LICENSING RIGHTS

17. W.P.(C) 11577/2021, W.P.(C) 11578/2021, W.P.(C) 11585/2021, W.P.(C) 11586/2021, W.P.(C) 11587/2021, W.P.(C) 12005/2021, W.P.(C) 12031/2021, W.P.(C) 12032/2021, W.P.(C) 12171/2022 and W.P.(C) 12433/2021 pertain to matters where the petitioners seek recognition of claims arising out of reconstitution/change in constitution of firms, substitution of legal heirs, inheritance and continuation of rights allegedly flowing from existing licences/entities.

18. The petitioners in the aforesaid category contend that the original licences/entitlements themselves stood acknowledged by the respondent authorities and thereafter applications seeking reconstitution/change in constitution/substitution had been submitted along with requisite charges and supporting documents. It is their case that the respondent authorities



themselves entertained such applications over a prolonged period of time and thereby acknowledged continuity of the petitioners' rights and status. Reliance in this regard has principally been placed upon Section 71 of the DAPM Act read with Rule 24 of the General Rules, 2000 to contend that once requisite formalities stood completed, and the respondent authorities were under an obligation to recognize the changes sought by the petitioners and consequently grant allotment in their favour.

19. The petitioners in the aforesaid matters additionally contend that once the respondent authorities themselves entertained and processed applications pertaining to reconstitution/substitution over several years, they could not thereafter deny consequential allotment by treating the petitioners as disentitled or non-recognized entities. Certain petitioners additionally rely upon prior orders passed by this Court directing the respondent authorities to consider claims pertaining to allotment as well as reconstitution/change in constitution in accordance with law.

D. PETITION SEEKING ISSUANCE OF FRESH 'B' CATEGORY LICENCE

20. W.P.(C) 12126/2022 stands on a distinct footing inasmuch as the petitioner therein principally seeks issuance of a fresh 'B' category licence itself while additionally assailing the policy decision imposing restrictions upon grant of fresh licences. The challenge in the said petition is directed primarily against the continuing operation of the restrictive licensing policy and the refusal of the respondent authorities



to grant a fresh licence despite repeated applications and representations submitted by the petitioner.

II. ARGUMENTS ADVANCED ON BEHALF OF PARTIES

A. PETITIONERS

21. Learned counsel Mr. Sanjeev Sahay submitted that the impugned order dated 16.10.2020 proceeds on an erroneous understanding of the historical background concerning shifting of the erstwhile Shahdara Market to Gazipur Market and completely ignores the prolonged course of conduct adopted by the respondent authorities while dealing with the claims of displaced traders/licensees associated with the erstwhile Shahdara Market.

22. Learned counsel submitted that the petitioners formed part of the category of “37 Left Over Licensees” whose claims allegedly remained pending despite subsequent renewal/continuation of licences and repeated consideration by the respondent authorities. It was contended that though the respondent authorities themselves undertook renewal of licences pertaining to the leftover licensees and continued to recognize them through issuance of Form-K receipts/licence renewals, the petitioners were ultimately denied allotment by relying upon subsequent scrutiny exercises and policy changes.

23. Learned counsel further submitted that the respondent authorities themselves had repeatedly acknowledged before judicial forums as well as in administrative deliberations/resolutions that traders/licensees



associated with the erstwhile Shahdara Market were liable to be considered for accommodation and allotment at Gazipur Market. Reliance in this regard was placed upon proceedings in ***East Delhi Fruits & Vegetables ThokVikreta Association & Ors. v. Lt. Governor & Ors.***, (supra), ***Jamunapar Fruit & Veg. Commission Agents Welfare Association v. Govt. of NCT of Delhi & Ors.***, (supra) observations made in ***DAMC v. Hukumat Rai***³ and subsequent proceedings including ***Yusuf Azad & Ors. v. Agricultural Produce Marketing Committee & Anr.***⁴, and connected matters.

24. It was contended that the respondent authorities themselves had accepted licence fee/market fee and continued to renew the licences of the petitioners over prolonged periods and consequently could not treat the petitioners as non-functional, fictitious or disentitled entities. It was further contended that the subsequent scrutiny undertaken by the respondent authorities concerning the leftover licensees was arbitrary and selective inasmuch as irregularities were allegedly found only in certain cases whereas similarly situated persons had already been granted allotment/recognition.

25. Mr. Anup Kumar Das learned counsel submitted that the respondent authorities had illegally failed to recognize claims arising out of reconstitution/change in constitution, substitution of legal heirs, inheritance and continuation of licensing rights despite entertaining such applications over prolonged periods. It was contended that the original

³Civil Appeal No. 8267/2016; Dated 26.11.2021

⁴W.P.(C) 2009/2017; Dated 05.09.2017



2026:DHC:5516



licences/entities themselves stood acknowledged by the respondent authorities and thereafter applications seeking reconstitution/change in constitution/substitution had been submitted along with requisite documents, charges and supporting material in accordance with the provisions of the DAPM Act and the General Rules, 2000.

26. Learned counsel further submitted that several petitioners represented by him were independently entitled to consideration for allotment/recognition at Gazipur Market in view of their continued association with the erstwhile Shahdara Market and prolonged recognition accorded by the respondent authorities under the licensing framework. It was contended that the respondent authorities continued to renew/recognize the licences of the petitioners and accepted licence fee/market fee over several years and consequently could not subsequently defeat their claims by placing reliance upon the e-auction mechanism and later policy developments.

27. Reliance in this regard was principally placed upon Section 71 of the DAPM Act read with Rule 24 of the General Rules, 2000 to contend that once requisite formalities stood complied with, the respondent authorities were under an obligation to recognize the changes sought by the petitioners. Learned counsel submitted that once the respondent authorities themselves entertained and processed applications pertaining to reconstitution/substitution over several years and continued to renew/recognize the concerned licences/entities, the respondents could



not subsequently deny consequential allotment or continuation benefits by treating the petitioners as disentitled or non-recognized entities.

28. Learned counsel additionally submitted that the e-auction framework subsequently introduced by the respondent authorities was intended only for residual/surplus shops and could not have been utilized in a manner defeating pending claims of traders/licensees whose cases for allotment allegedly remained under consideration over several years. It was contended that the respondent authorities were bound by the earlier rehabilitation framework and representations made in prior proceedings before this Court.

29. Mr. Anil Panwar learned counsel submitted that the impugned order dated 16.10.2020 had been passed in a mechanical manner without genuinely appreciating the material placed on record by the petitioners. Learned counsel submitted that the petitioners represented by him also formed part of the category of leftover licensees whose licences had continuously been renewed by the respondent authorities and in whose favour Form-K receipts/licence renewals had repeatedly been issued over prolonged periods.

30. It was contended that once the respondent authorities themselves continued to recognize the petitioners as valid licensees/traders associated with Gazipur Market over several years, the respondents could not subsequently deny allotment by treating the petitioners as fictitious, non-functional or disentitled entities. Learned counsel further



submitted that the scrutiny subsequently undertaken by the respondent authorities was arbitrary, selective and unsupported by cogent material.

31. Learned counsel additionally submitted that several petitioners represented by him could not have been non-suited on the ground of alleged non-functioning when admittedly no permanent shops/spaces had ever been allotted to them at Gazipur Market. It was contended that the subsequent e-auction mechanism and policy developments could not be utilized to defeat pending claims of displaced/left over traders/licensees whose cases allegedly remained under consideration over several years.

32. Ms. Kunika learned Counsel appearing on behalf of petitioners submitted that the respondent authorities had adopted an arbitrary and inconsistent approach while dealing with claims pertaining to allotment/licensing at Gazipur Market. Learned counsel submitted that despite repeated applications, representations and requests submitted by the petitioners seeking renewal/recognition/licensing, the respondent authorities failed to take a consistent decision in accordance with the governing statutory framework.

33. Insofar as the claims relating to substitution/legal heirship are concerned, learned counsel submitted that once the respondent authorities themselves entertained applications and accepted licence renewals/fees over prolonged periods, they could not subsequently deny consequential benefits arising therefrom. It was contended that the original licences/entities themselves continued to remain acknowledged



by the authorities and consequently denial of derivative rights was arbitrary and unsustainable.

34. Insofar as the challenge relating to grant of fresh licence is concerned, learned counsel submitted that the policy decision dated 24.05.2000 imposing restrictions upon grant of fresh 'B' category licences was arbitrary, unreasonable and violative of Articles 14 and 19(1)(g) of the Constitution of India. It was contended that despite repeated applications and requests submitted by the petitioner seeking issuance of licence and permission to deposit market fee, the respondent authorities continued to reject the claim solely on the basis of the restrictive licensing policy.

35. Learned counsel additionally submitted that fresh licences had in fact been granted by the respondent authorities in several cases even subsequent to the restrictive policy and consequently refusal to consider the petitioner's application amounted to hostile discrimination and arbitrary exercise of power. Reliance in this regard was also placed upon material obtained under the Right to Information Act to contend that the respondent authorities themselves had not uniformly adhered to the restrictive licensing policy sought to be relied upon against the petitioner.

B. RESPONDENTS

36. Mrs. Avnish Ahlawat and Mr. Nitesh Kumar Singh learned counsel submitted that none of the petitioners possessed any vested, accrued or enforceable right to claim allotment of shops/spaces at Gazipur Market



2026:DHC:5516



merely on the basis of holding or renewal of 'B' category licences. It was contended that grant or renewal of licences under the DAPM Act and the General Rules, 2000 merely entitled the licence holder to carry on notified trading activities in accordance with law and did not confer any indefeasible right of allotment.

37. Learned counsel submitted that the entire case set up by the petitioners proceeds on an erroneous assumption that persons allegedly associated with the erstwhile Shahdara Market were automatically entitled to allotment at Gazipur Market. According to the respondents, no such unconditional or blanket right was ever created either under the statutory framework or under any policy decision/resolution relied upon by the petitioners. It was contended that allotment at Gazipur Market always remained subject to fulfilment of prescribed eligibility conditions and continued compliance with the governing statutory and policy framework.

38. It is further submitted that the respondent authorities had constituted Committees/Sub-Committees from time to time for examining claims relating to allotment at Gazipur Market and specific eligibility conditions were framed in this regard. It was contended that several petitioners failed to satisfy the prescribed criteria including conditions pertaining to continuous functioning/business activity, continuity and validity of licences and compliance with applicable requirements under the governing framework. According to the respondents, the petitioners were



never found eligible by the competent authorities for allotment and consequently no enforceable right ever crystallized in their favour.

39. Learned counsel submitted that serious doubts had arisen with respect to genuineness and continuity of business activities claimed by several petitioners and consequently scrutiny/investigation of such claims became necessary. Particular emphasis was placed upon the controversy relating to the leftover licensees wherein, according to the respondents, various licence holders were found to be non-functional, not carrying on genuine mandi activities or otherwise lacking material demonstrating bona fide operation from the relevant market area. It was contended that mere renewal of licences or issuance of Form-K receipts could not override the requirement of establishing actual eligibility and genuine functioning for purposes of allotment.

40. It was further contended that repeated renewal of licences or acceptance of licence fee/market fee did not create any estoppel against the respondent authorities nor confer any preferential or vested right to claim allotment of shops/spaces. Learned counsel submitted that licensing and allotment operated in distinct fields and consequently renewal of licence by itself could not entitle any petitioner to claim allotment as a matter of right.

41. Learned counsel additionally submitted that Notification dated 02.09.2014 relating to deregulation of fruits and vegetables and Resolution No. 115/2015 introducing allotment through e-auction fundamentally altered the governing framework concerning allotment of



shops/spaces at Gazipur Market. According to the respondents, after deregulation and adoption of the e-auction mechanism, allotment of vacant shops/spaces could only be undertaken in accordance with the prevailing policy framework and consequently no petitioner could claim preferential allotment dehors the said process.

42. It was contended that the petitioners could not rely upon earlier deliberations, minutes, representations or alleged assurances in order to defeat subsequent policy decisions and statutory developments governing allotment at Gazipur Market. Learned counsel submitted that once the governing framework itself stood materially altered, no pending or inchoate claim allegedly arising out of the earlier rehabilitation process could survive contrary to the subsequently adopted regime.

43. Learned counsel further submitted that the respondent authorities had already defended the aforesaid position in earlier rounds of litigation including proceedings arising from W.P.(C) 7627/2000, W.P.(C) 3423/2001, W.P.(C) 2009/2017 and connected matters as well as in proceedings before the Division Bench. Reliance was placed upon the judgment rendered in the Letters Patent Appeal proceedings to contend that no indefeasible or vested right of allotment accrued merely on account of holding or renewal of licence and that allotment remained subject to the governing statutory/policy framework and satisfaction of prescribed eligibility conditions.

44. In relation to the petitions seeking recognition of reconstitution/change in constitution, substitution and continuation of



licensing rights, learned counsel submitted that no independent or automatic right accrued merely because applications seeking such changes had been submitted or entertained by the authorities. It was contended that recognition of reconstitution/substitution itself remained subject to scrutiny and fulfilment of statutory requirements under the DAPM Act and the General Rules, 2000.

45. Learned counsel further submitted that a person claiming through reconstitution, inheritance, substitution or change in constitution could not derive any better right than that possessed by the original licence holder himself. According to the respondents, where the original licenceholder himself possessed no vested or enforceable right of allotment, no consequential or derivative right could accrue in favour of successors, legal heirs or reconstituted entities.

46. The respondents additionally contended that several petitions suffered from delay, laches and acquiescence inasmuch as the petitioners approached this Court after prolonged periods despite being fully aware of the alleged denial/non-consideration of their claims. According to the respondents, stale claims could not be permitted to be revived merely on the basis of repeated representations or subsequent correspondence exchanged with the authorities.

47. Insofar as the challenge relating to grant of fresh licence is concerned, learned counsel submitted that the policy decision dated 24.05.2000 imposing restrictions on grant of fresh licences constituted a conscious administrative policy decision taken in public interest keeping



in view regulation of market operations, infrastructure constraints and market requirements. It was contended that no person could claim issuance of a fresh licence as a matter of vested right and the petitioner in W.P.(C) 12126/2022 failed to establish any enforceable legal entitlement contrary to the prevailing policy framework.

48. Learned counsel lastly submitted that the impugned order dated 16.10.2020 had been passed pursuant to directions issued by this Court in earlier proceedings and the respondent authorities had duly considered the claims, documents and materials placed on record before passing the said order. According to the respondents, the impugned order constitutes a detailed and reasoned determination rendered upon consideration of the prevailing statutory framework, policy decisions and factual scrutiny undertaken by the competent authorities and consequently warrants no interference under Article 226 of the Constitution of India.

49. I have heard the parties and perused the record, in light of the rival submissions advanced on behalf of the parties.

III. ANALYSIS

A. LEGITIMATE EXPECTATION OF ALLOTMENT

50. The principal contention advanced on behalf of the petitioners is that since they were holding valid 'B' category licences and were associated with the erstwhile Shahdara Market, they possessed a legitimate expectation of allotment of shops/spaces at Gazipur Market. According to the petitioners, the very purpose underlying development of Gazipur Market was rehabilitation and accommodation of traders/licensees



operating from Shahdara Market and consequently denial of allotment despite continued renewal/recognition of licences is arbitrary and unsustainable.

51. *Per contra*, the respondents contend that grant or renewal of licence under the DAPM Act and the General Rules, 2000 never conferred any vested or enforceable right of allotment and that allotment at Gazipur Market always remained subject to fulfilment of the prescribed eligibility conditions and the prevailing policy framework.

52. This Court finds considerable merit in the aforesaid submission advanced on behalf of the respondents. At the outset, it becomes necessary to observe that neither the statutory framework governing the field nor the various proceedings relied upon by the petitioners create any unconditional or infeasible right of allotment merely on account of holding or renewal of a licence.

53. At this stage, reference may first be made to the observations rendered by this Court in ***Jamunapar Fruit & Veg. Comsis v. Govt. of NCT of Delhi & Ors.*** (supra). The said writ petition arose out of allegations of large-scale irregularities in the grant of licences and allotment of spaces in the newly established Gazipur Mandi during the process of shifting from Shahdara Mandi. While noticing the stand of the respondents regarding such irregularities, this Court directed the APMC to examine each licence issued and each allotment made during the relevant period, after affording an opportunity of hearing to the concerned parties, to determine whether the same could be sustained in



accordance with law. Reference may first be made to the observations rendered by this court in ***Jamunapar Fruit & Veg. Cosmis*** (supra):-

5. It is evident from the above stand of the respondent that even according to it serious irregularities took place which led to criminal action against the then Secretary of Market Committee. Those criminal proceedings are of course pending before the appropriate authority, but the accused appears to be enlarged on bail. However, having regard to the stand taken by the APMC and the Government of NCT of Delhi, this Court is of the opinion that the remedial action, is to be taken in accordance with law. This would necessarily extend to consideration of the licences granted between 21.05.1999 and 28.06.2000 (when the APMC issued an order banning issuance of fresh licences) and also reviewing the correctness and bona fides of allotment of spaces made in the market Committee. Since the beneficiaries i.e. licencees or allottees are not parties to these proceedings, this Court is not passing any adverse orders. However, respondents, in view of the decision indicated by them, should take speedy steps to ensure that those who were granted licenses or space illegally or irregularly are put to notice, and after complying with fair procedure necessary action either by cancellation or recall of the orders, taken as early as possible.

6. In view of the above, the respondents APMC is hereby directed to examine each license issued and each allotment made during the relevant period and determine which of them can be sustained. The concerned parties shall be granted liberty of hearing in accordance with law against any proposed action that may be taken against them. However, the respondents shall follow the procedure as mandated in law. The entire process shall be completed as early as possible; since the market was shifted almost a decade ago, the process shall be completed preferably within a period of six months from today.

[Emphasis Supplied]

54. A plain reading of the aforesaid observations would show that the this court never recognized any automatic or unconditional entitlement of allotment in favour of all licensees. The directions issued were



confined to scrutiny and examination of licences/allotments and determination of their sustainability in accordance with law.

55. Similarly, reliance placed by the petitioners upon the order dated 05.09.2019 passed in **Yusuf Azad & Ors.**, (supra) also does not carry the case of the petitioners any further. The aforesaid order merely directed consideration of the applications submitted by the petitioners and did not create any indefeasible or automatic right of allotment in their favour. The determination regarding allotment was expressly left to be considered by the respondent authorities in accordance with law. The relevant observations contained therein are reproduced below:-

9. The above sequence of events show the complete arbitrary manner in which the respondents have acted against the petitioners. The petitioners had to repeatedly file petitions before this Court eventually leading to the grant of licenses in their favour. However, in spite of grant of these licenses, the petitioners were not allotted the space. By the Impugned Communications, without giving any opportunity of hearing to the petitioners, a decision was taken to refuse the renewal of the licenses for the year 2016-17. As noted hereinabove, the same is claimed to have been done on the basis of some investigation pending against the licensees including the petitioners of which no details are forthcoming.

10. In view of the above, the Impugned Communications dated 16.02.2017 and 01.02.2017 are set aside. The respondents are directed to consider the applications of the petitioners for renewal of their licenses in accordance with law. The respondents shall further consider the applications of the petitioners for grant of space in the Gazipur Sabzi Mandi. I may only note that in regard to the allotment of the spaces, the counsel for the petitioners has relied upon the Minutes of Meeting dated 25.08.2014 of the Agricultural Marketing Committee wherein, inter alia, it was decided to make temporary arrangements for the petitioners to carry out their business. The said decision shall also be kept in mind by the respondents while taking decision on the applications of the petitioners for the allotment of



2026:DHC:5516



spaces. Decision on the applications of the petitioners shall be taken within a period of eight weeks from the communication of this order.

56. The material placed on record further demonstrates that allotment at Gazipur Market was always intended to be governed by prescribed eligibility conditions framed by the competent authorities. In this regard, the Sub-Committee Resolution dated 07.07.2009 assumes significance. The said Resolution specifically contemplated that only those traders who fulfilled the prescribed conditions, namely: (i) temporary shifting from Shahdara to Gazipur in the year 2000; (ii) continuous functioning for the preceding five years and allotment of temporary space; and (iii) absence of any break in renewal of licence during the relevant period, would be considered for allotment.

57. The aforesaid conditions themselves demonstrate that allotment was never envisaged as an automatic consequence flowing merely from existence or renewal of a licence. Rather, the respondent authorities consistently maintained a distinction between grant/renewal of licence on the one hand and eligibility for allotment on the other. Consequently, mere continuation or renewal of licence by itself could not create any vested or enforceable right of allotment in favour of the petitioners.

58. This Court is therefore unable to accept the contention that holding of a valid licence or continued recognition under the licensing framework by itself created any indefeasible or legitimate expectation of allotment enforceable in exercise of jurisdiction under Article 226 of the Constitution of India.



B. APPLICABILITY OF E-AUCTION POLICY

59. The next contention advanced on behalf of the petitioners is that the e-auction policy subsequently introduced by the respondent authorities was intended only for residual/surplus shops and could not have been applied to shops/spaces allegedly liable to be allotted to existing licensees/traders associated with the erstwhile Shahdara Market.

60. *Per contra*, the respondents contend that after introduction of the e-auction regime, all vacant shops/spaces at Gazipur Market became liable to be dealt with strictly in accordance with the prevailing policy framework and no preferential or vested right survived in favour of any existing licensee.

61. In this regard, it becomes relevant to note that the APMC Board vide Resolution No. 115/2015 resolved that all vacant shops at Gazipur Market would be allotted through the process of e-auction and the reserve price for such allotment was also approved accordingly.

62. The aforesaid policy decision itself became subject matter of challenge before this Court in ***Sabzi Traders Wholesellers Association Ghazipur Sabji Mandi Delhi v. APMC & Ors.***⁵. The challenge raised therein came to be rejected by the co-ordinate bench and the said view was subsequently affirmed by the Division Bench in ***Agricultural***

⁵W.P.(C) 8690/2020; Dated 05.11.2020



***Produce Marketing Committee v. Sabzi Traders Wholesellers Association Ghazipur Sabji Mandi Delhi & Ors.*⁶**

63. The aforesaid decisions clearly recognize the authority of the respondent authorities to regulate allotment of shops/spaces at Gazipur Market in accordance with the prevailing policy framework including through the process of e-auction. The challenge to the e-auction mechanism having already been negated, it is not open for the petitioners to contend that they possess any preferential or automatic right of allotment *dehors* the said policy framework.

64. This Court also finds merit in the submission advanced on behalf of the respondents that mere holding of an existing statutory licence did not confer any preferential right of allotment in favour of the petitioners. The licensing framework under the DAPM Act and the allotment of shops/spaces at Gazipur Market operate in distinct domains and one cannot automatically flow from the other.

65. The petitioners continue to remain entitled to participate in the e-auction process in accordance with the governing framework. Merely because the rates under the e-auction mechanism may be higher than the earlier allotment price cannot constitute a ground to claim allotment at subsidized or concessional rates *dehors* the prevailing policy regime.

66. It also cannot be overlooked that after deregulation of fruits and vegetables, the petitioners are not confined to carrying on trade only

⁶LPA 335/2020; Dated 09.11.2020



within the notified market area and are otherwise free to conduct their business activities in accordance with law outside the designated market yards as well.

67. In view of the aforesaid, this Court finds no merit in the contention that the e-auction policy was confined only to residual/surplus shops or that the petitioners possessed any superior or preferential claim to allotment outside the framework of the e-auction policy adopted by the respondent authorities.

C. EFFECT OF OBSERVATIONS IN HUKUMAT RAI JUDGMENT

68. The petitioners have also placed reliance upon the stand taken by the respondent authorities before the Supreme Court in **DAMC v. Hukumat Rai & Ors.**, (supra) to contend that shops at Gazipur Market were intended exclusively for traders/licensees displaced from the erstwhile Shahdara Market and consequently the respondents cannot now deny allotment to the petitioners.

69. In support of the aforesaid contention, reliance has been placed upon the observations recorded by the Supreme Court in **Hukumat Rai** (supra):-

“3. The writ petition was opposed by the appellants by submitting that ‘B’ category license can be granted only to those who were bona fide licensees of APMC, Shahdara. Thus, the petitioner was not eligible for allotment of shop in the said market. The learned Single Judge allowed the writ petition on the ground that the petitioner was waiting for allotment of shop since the year 1985 and was entitled to be accommodated at Gazipur particularly when no other markets were coming up in the near future.”



70. The submission advanced on behalf of the petitioners is that the aforesaid observations constitute an acknowledgment on the part of the respondent authorities that shops at Gazipur Market were liable to be allotted only to *bona fide* licensees associated with Shahdara Market and consequently the petitioners, being holders of 'B' category licences, are entitled to allotment.

71. This Court, however, finds it unable to accept the aforesaid submission in the manner sought to be canvassed by the petitioners. The observations recorded in ***Hukumat Rai*** (supra) cannot be read divorced from the context in which they came to be made. The issue before the Supreme Court, therein, pertained to the entitlement of the concerned claimant to seek allotment at Gazipur despite not falling within the category of *bona fide* licensees associated with Shahdara Market.

72. The aforesaid observations, therefore, merely recognize the stand of the respondent authorities that allotment at Gazipur Market was intended for *bona fide* licensees/traders associated with Shahdara Market. However, the said observations cannot be construed to mean that every holder of a licence or every person claiming association with Shahdara Market automatically acquired an indefeasible or vested right of allotment.

73. As noticed hereinabove, the material placed on record itself demonstrates that the respondent authorities had framed specific eligibility conditions governing allotment at Gazipur Market. The Sub-Committee decision dated 07.07.2009 specifically contemplated that



only such traders/licensees who fulfilled the prescribed conditions, including temporary shifting to Gazipur, continuous functioning, uninterrupted renewal of licence and allotment of temporary space, would be considered eligible for allotment.

74. The expression “bona fide licensees” appearing in ***Hukumat Rai*** (supra), therefore, necessarily has to be understood in the backdrop of the governing statutory and policy framework and not in isolation. Mere possession or renewal of a licence by itself could not result in automatic conferment of allotment rights *dehors* the eligibility conditions framed by the competent authorities.

75. This Court is, therefore, of the considered opinion that the observations made in ***Hukumat Rai*** (supra) do not advance the case of the petitioners to the extent sought to be urged and cannot be construed as creating any unconditional or enforceable right of allotment in favour of every holder of a ‘B’ category licence.

D. DISTINCTION FROM SABZI TRADERS CASE

76. The petitioners have sought to distinguish the present batch of matters from the decision rendered in ***Sabzi Traders Wholesellers Association Ghazipur Sabji Mandi Case v. APMC*** (supra), and the judgment of the Division Bench in ***APMC v. Sabzi Traders Wholesellers Association Ghazipur Sabji Mandi Case*** (supra) by contending that the petitioners therein pertained to Category-‘A’ licensees/Mashakhores whereas the petitioners in the present batch are holders of Category-‘B’ licences.



77. At this stage, the relevant observations rendered by the Division Bench may be noticed:-

“16. The issue is as to whether the appellants would be entitled to a licence to carry out business inside the Gazipur Subzi Mandi, only on the plea that they were carrying on business of sale of fruits and vegetables in the Shahdara Subzi Mandi.

17. Mr. Panwar, learned counsel for the appellants/petitioners has not been able to show any such rule which mandates grant of a licence to every person carrying on business in the Shahdara Subzi Mandi or outside the Mandi within the Gazipur Subzi Mandi. When Shahdara Subzi Mandi was shifted to Gazipur, the appellants could not have claimed entitlement to a licence in Gazipur Mandi as a matter of right. It therefore cannot be said that just because they were sitting in Shahdara Subzi Mandi, upon the Mandi being shifted to the Gazipur Subzi Mandi, the appellants should be granted Acategory licences on their asking. The appellants cannot base their right to seek a licence by invoking the doctrine of legitimate expectation when the procedure to grant a licence is governed by the Act and the Rules framed thereunder.

22. In the case in hand, the doctrine of legitimate expectation cannot be invoked by the appellants in the light of the statutory rules which regulate grant/renewal/suspension or cancellation of licence. It is well known that the doctrine of legitimate expectation cannot be invoked contrary to a statute or a policy. The appellants have not been able to show that the respondents had at any time, promised them that they would be issued a licence to conduct business inside the Gazipur Subzi Mandi.

23. The respondent No.2/Board had taken a decision vide Resolution No. 34/2000 dated 24.05.2000 that no fresh licence shall be granted by Market Committees where new markets are being developed and any individual who wanted to carry out trade of fruits and vegetables as wholeseller or commission agent can do so without any restrictions anywhere in Delhi, outside the notified market yard. A perusal of the decision rejecting the recommendation of the Market Committee shows that the respondent No.2/Board had vide a Resolution No. 115/2015 had resolved that all the vacant shops will be allotted through e-auction. The Board observed that in spite of rejection of the representation of the appellants, the Market Committee, Shahdara had passed resolutions dated 08.12.2018,



2026:DHC:5516



07.02.2019 and 03.01.2020 with the recommendation to consider issuance of licences and allotment of shops. The respondent No.2/Board therefore came to the conclusion that the resolutions being contrary to the decisions taken by it, cannot be accepted. We do not find any infirmity in the order dated 16.10.2020, setting aside the recommendation of the respondent No.1/Committee.”

78. A plain reading of the aforesaid observations would show that the Division Bench rejected the claim of entitlement founded upon the doctrine of legitimate expectation and categorically held that no person could claim grant of licence as a matter of right merely on the basis of carrying on business at Shahdara Market.

79. The reasoning adopted by the Division Bench was founded upon the statutory framework governing grant, renewal, suspension and cancellation of licences under the DAPM Act and the General Rules, 2000. Significantly, the statutory provisions referred to therein govern both Category-‘A’ as well as Category-‘B’ licences.

80. In this regard, Rule 15 of the General Rules, 2000 assumes significance and may be noticed at this stage:-

“15. Grant of Licences (1) Marketing committee or the Director where a marketing committee is not functioning, after making such inquiries as it deem fit may grant or renew a licence or may, after recording reasons in writing refuse to grant or renew any such licence.

(2) A person desirous of obtaining a licence for the use of any place in the market yard/area for the marketing of agricultural produce or for operating there in as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or in any other capacity in relation to the marketing of agricultural produce, shall apply in Form ‘A’ or ‘I, in duplicate to the Secretary of the committee in whose jurisdiction he wishes to carry on his business



2026:DHC:5516



or marketing of agricultural produce and shall deposit with the committee, the requisite licence fee and requisite security in cash.

(3) Subject to security amount as may be fixed by the marketing committee under bye-laws, the licence fee for licences issued under this rule shall be as under:

<i>Category of Licencees</i>	<i>Licence Fee (Rs.)per annum</i>
<i>A. Traders (wholesalers) including flour mills,oil expellers, dal mills, who purchase the agricultural produce to sell it after processing –</i>	<i>100/-</i>
<i>B. Commission agents carrying on business in the principal market or subsidiary market–</i>	<i>100/-”</i>

81. A plain reading of Rule 15 would show that both Category-‘A’ traders/wholesalers and Category-‘B’ commission agents are governed by the same statutory framework regulating grant and renewal of licences. The competent authority retains discretion to grant or renew a licence after conducting such inquiry as may be deemed fit and may also refuse grant or renewal by recording reasons in writing.

82. The distinction now sought to be drawn by the petitioners between Category-‘A’ and Category-‘B’ licences, therefore, does not materially alter the legal principle recognized by the Division Bench, namely, that no vested or enforceable right can be claimed contrary to the governing statutory provisions and policy framework.

83. The observations rendered by the Division Bench in relation to Resolution No. 34/2000, Resolution No. 115/2015 and allotment through e-auction are equally applicable to the present batch of petitions. The Division Bench expressly upheld the authority of the respondent Board



to regulate grant of licences and allotment of shops/spaces in accordance with the prevailing policy regime.

84. In the considered opinion of this Court, the ratio laid down by Division Bench in *APMC v. Sabzi Traders Wholesellers Association Ghazipur Sabji Mandi Case* (supra), squarely governs the principal controversy arising in the present batch of petitions and the distinction sought to be urged on the basis of Category-‘A’ and Category-‘B’ licences is liable to be rejected.

E. RECONSTITUTION AND DERIVATIVE RIGHTS

85. The last issue which arises for consideration pertains to those petitions wherein the petitioners seek recognition of reconstitution/change in constitution, substitution and continuation of licensing rights on the basis of Section 71 of the DAPM Act, 1998 and Rule 24 of the General Rules, 2000.

86. The contention advanced on behalf of the petitioners is that change in constitution is merely an act of intimation and once the requisite information and prescribed fee are furnished, the respondent authorities are bound to recognize the reconstitution/change in constitution as a matter of right.

87. In support of the aforesaid contention, reliance has been placed upon Section 71 of the DAPM Act, 1998 and Rule 24 of the General Rules, 2000:-

Section 71 of the DAPM Act, 1998 :-



“71. Intimation about change of constitution of a firm etc. – Every trader or commission agent shall furnish to the Marketing Committee the information about the change of constitution, discontinuance of the business, dissolution, partition of a firm, company, corporation, association of persons, etc. or the death of any person connected therewith within fifteen days of the occurrence of any of such event.”

Rule 24 of the General Rules, 2000:

“24. Intimation about change of constitution of a firm etc.

(1) Every trader or commission agent shall furnish to the Marketing Committee the information about the change of constitution, discontinuance of the business, dissolution, partition of a firm, company, corporation, association of persons etc. or the death of any person connected therewith within fifteen days of the occurrence of any of such event.

(2) The committee, on being satisfied about the correctness of the intimation shall order necessary corrections to be made in the licence subject to the terms and conditions of allotment of shop / plot, if any, to the licensee.

(3) Notwithstanding anything contained in sub-rule (1) if the firm fails to give necessary intimation to the Secretary of the committee within the specified time, the changes, referred in sub-rule (1) above, shall be deemed to result in the constitution of a new firm / company etc. necessitating a fresh licence.”

88. The petitioners have also placed reliance upon Resolution No. 83/2013 dated 13.06.2013 and Resolution No. 18/2015 dated 16.06.2015 to contend that once the prescribed reconstitution fee stood deposited, the respondent authorities were under an obligation to recognize the change in constitution and consequential rights flowing therefrom.

89. A plain reading of Section 71 of the DAPM Act and Rule 24 of the General Rules, 2000 would show that the statutory scheme merely contemplates furnishing of information regarding change in constitution, dissolution, discontinuance or related events concerning the licence



holder. Rule 24(2) further contemplates that the Committee, upon being satisfied regarding correctness of the intimation, may order necessary corrections in the licence subject to the terms and conditions of allotment of shop/plot, if any, applicable to the licensee.

90. The statutory framework therefore does not support the proposition canvassed by the petitioners that mere furnishing of intimation or payment of reconstitution fee automatically compels the respondent authorities to recognize a derivative claim for allotment irrespective of the governing allotment policy and eligibility conditions.

91. The Resolutions relied upon by the petitioners also do not advance their case any further. The said Resolutions essentially prescribe the fee structure and procedural mechanism governing applications relating to reconstitution/change in constitution. However, neither the said Resolutions nor the statutory provisions relied upon by the petitioners override the governing policy framework concerning allotment of shops/spaces at Gazipur Market.

92. The expression employed in Rule 24(2), namely, “*subject to the terms and conditions of allotment of shop/plot, if any,*” assumes significance and clearly preserves the authority of the respondent Board and the competent authorities to regulate allotment in accordance with the prevailing policy framework and applicable eligibility conditions.

93. Consequently, even assuming that a change in constitution or substitution came to be recognized or recorded by the respondent authorities, the same by itself could not create any independent or



enforceable right of allotment contrary to the prevailing policy regime including the e-auction framework adopted by the respondent Board.

94. In the considered opinion of this Court, the derivative claims founded upon reconstitution/change in constitution, substitution or continuation of licensing rights cannot travel beyond the rights originally available to the licence holder himself and consequently remain subject to the same statutory limitations, eligibility conditions and policy framework governing allotment at Gazipur Market.

95. The present batch of petitions essentially emanates from the historical transition of the wholesale fruits and vegetables trade from the erstwhile Shahdara Market to Gazipur Market and the competing claims which thereafter arose concerning grant of licences, rehabilitation and allotment of shops/spaces. Over the years, the controversy has travelled through multiple rounds of litigation, administrative deliberations, committee recommendations and policy decisions. However, notwithstanding the prolonged history of the dispute and the repeated assertions advanced by the petitioners, this Court finds that the foundational premise underlying the present batch of petitions, namely, that holding or renewal of a 'B' category licence by itself creates an enforceable right of allotment at Gazipur Market, is legally unsustainable.

96. The statutory framework governing the field consistently maintains a distinction between grant/renewal of licence on the one hand and allotment of shops/spaces on the other. The material placed on record



further establishes that allotment at Gazipur Market was never contemplated as an automatic consequence flowing from mere possession of a licence. The various resolutions, committee deliberations and judicial proceedings relied upon by the petitioners at best contemplated consideration of eligible claims in accordance with law and subject to the governing policy framework. None of the same can be construed as creating an indefeasible or vested right of allotment enforceable in proceedings under Article 226 of the Constitution.

97. This Court also cannot lose sight of the fact that the governing framework itself underwent substantial change over a period of time. The restriction imposed upon grant of fresh licences, the subsequent deregulation of fruits and vegetables and finally the adoption of the e-auction mechanism under Resolution No. 115/2015 fundamentally altered the manner in which shops/spaces at Gazipur Market were liable to be dealt with. The validity of the said framework already stands affirmed by this Court including by the Division Bench in ***APMC v. Sabzi Traders Wholesellers Association Ghazipur Sabji Mandi Case***, (supra). Consequently, the petitioners cannot now seek to assert a preferential or protected right contrary to the prevailing statutory and policy regime.

98. The attempt made by the petitioners to distinguish the present batch from the principles laid down by the Division Bench on the basis of Category-‘A’ and Category-‘B’ licences also does not merit acceptance. The legal principle recognized therein was not confined merely to the



nature of licence involved but rather to the broader proposition that no claim founded upon legitimate expectation can override the governing statutory framework and policy decisions regulating the field. The statutory provisions governing grant and renewal of licences apply equally to both categories and consequently the ratio laid down by the Division Bench squarely governs the controversy involved in the present batch as well.

99. Insofar as the petitions seeking recognition of reconstitution/change in constitution, substitution and continuation of licensing rights are concerned, this Court finds that the statutory provisions relied upon by the petitioners merely contemplate furnishing of intimation and correction of licensing records subject to the governing terms and conditions. Recognition of such changes by itself cannot create any independent or derivative right of allotment contrary to the prevailing allotment policy and eligibility conditions framed by the competent authorities.

100. Ultimately, what the petitioners seek from this Court is not merely consideration of their claims, but a declaration of entitlement to allotment *dehors* the governing policy framework. Grant of such relief would amount to substituting the statutory and administrative framework governing allotment at Gazipur Market with judicially created preferences unsupported either by the statute or by the policy decisions operating in the field. Such an exercise would clearly fall beyond the



2026:DHC:5516



permissible contours of writ jurisdiction under Article 226 of the Constitution of India.

IV. CONCLUSION

101. For all the aforesaid reasons, this Court finds no infirmity in the impugned order warranting interference. The present batch of writ petitions is accordingly dismissed. Pending applications, if any, shall also stand disposed of.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

JULY 07, 2026
SA