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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P. (C) 11350/2016**

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Date of Judgment: 30th November, 2016

PALIKA YOUTH STREET VENDORS WELFARE SOCIETY
(REGD) Petitioners

Through: Mr. Bhupesh Narula and Mr. Sunny
Arora, Advocates.

Versus

GOVT OF NCT OF DELHI AND ORS Respondent

Through: Ms. Mahua Kalra for Mr. Piyush Kalra,
Advocate for R-1.
Ms. Vasundhara Nayyar, Adv. for R-2.
Mr. Sri Harsha Peechara, Addl. Standing
Counsel for NDMC with Mr. Mananjay
Mishra, Mr. Shailja Nanda Mishra, and
Ms. Vidhi Jain Advocates.

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE VINOD GOEL

G.S. SISTANI, J. (ORAL)

CM No. 44508/2016

Exemption allowed subject to just exceptions.

The application is disposed of.

W.P.(C) 11350/2016

1. This is a petition filed by petitioner, Palika Youth Street Vendors Welfare Society (Regd.), seeking a direction to the respondents to follow the due process of law as per Sections 103(2) and 225 of the

New Delhi Municipal Council Act, 1994, (in short '*NDMC Act*') and to give duplicate copy of form of inventory of property distrained and notice of sale to the street vendors at the time of seizure of their goods.

2. The counsel for petitioner submits that the Street Vendors not only suffer loss of livelihood as they are illegally removed by the officers of NDMC but they also face acute financial losses on account of insensitive and malicious acts of the officers, who seize the legitimate goods of the street vendors without following due process of law. It is submitted that since the officers of the NDMC do not prepare an inventory of the goods seized, goods are pilfered and stolen as in the absence of an inventory there is no accountability.
3. Learned counsel for the petitioner submits that it is mandatory for the NDMC to provide a duplicate copy of the inventory, which is to be prepared at the time of seizure of the goods. In support of this contention, counsel has relied upon the Section 103(2) of the NDMC Act.
4. Learned counsel for the respondents enters appearance on an advance copy and submits that reliance on Section 103(2) of the NDMC Act by the petitioner is misplaced and misleading. Counsel submits that Section 103 (2) of the NDMC Act forms part of the Chapter, which deals with recovery of Taxes.
5. We have heard learned counsel for the parties. We may notice that the petitioner has not even bothered to place reliance on the relevant provisions of law. Reliance on Section 103 (2) of NDMC Act is without any application of mind and is misplaced. Section 19 of The

Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, reads as under: -

“19. Seizure and reclaiming of goods. – (1) If the street vendor fails to vacate the place specified in the certificate of vending, after the lapse of the period specified in the notice given under sub-section (3) of section 18, the local authority, in addition to evicting the street vendor under section 18, may, if it deems necessary seize the goods of such street vendor in such manner as may be specified in the scheme:

Provided that where any such seizure is carried out, a list of goods seized shall be prepared, as specified in the scheme, and a copy thereof, duly signed by the person authorised to seize the goods, shall be issued to the street vendor.

(2) The street vendor whose goods have been seized under sub-section (1) may, reclaim his goods in such manner, and after paying such fees, as may be specified in the scheme:

Provided that in case of non-perishable goods, the local authority shall release the goods within two working days of the claim being made by the street vendor, and in case of perishable goods the local authority shall release the goods on the same day of the claim being made by the street vendor.”

6. As per Section 19 of The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the inventory of the goods seized is to be prepared, the same is to be signed by the person authorized to seize the goods and copy whereof is to be issued to the street vendor, whose goods are seized. However, perishable goods can be released on the same day and non-perishable goods can be

released within two days, subject to payment of such fees as described by the Scheme.

7. At this state, learned counsel for the NDMC submits that although the Scheme has been stayed, however, in future as and when the goods of the street vendors are seized, inventory thereof would be prepared and a copy of the inventory would be supplied to the street vendors at the spot, duly signed by the person preparing the inventory. Counsel further submits that the members of the petitioner Society, whose goods have been seized, can approach the office of the NDMC and after payment of necessary fine, they can recover their seized goods.
8. Having regard to the submissions, we direct the NDMC to ensure that as and when goods of the street vendors are seized, proper inventory is made by following Section 19 of The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 in letter and spirit. The inventory shall be duly signed by the street vendors and the officers preparing the inventory without causing loss and damage to the seized goods.
9. With these directions, the writ petition is disposed of.

CM APPL. No. 44464/2016

Application stands disposed of in view of the order passed in the writ petition.

G. S. SISTANI, J.

VINOD GOEL, J.

NOVEMBER 30, 2016

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