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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9956/2018, C.M.Nos.38773-38774/2018
HEMANT AGGARWAL Petitioner
Through: Mr.Ratan Lal, Advocate

versus

MUNICIPAL CORPORATION OF DELHI AND ORS. Respondents
Through: Mr.Annirudh Sharma, Advocate for
SDMC.
Mr.Raghvendra Pandey, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER
% **24.09.2018**

C.M.38773/2018 (exemption)

Exemption is allowed subject to just exceptions.

Application stands disposed of.

W.P.(C) 9956/2018 & C.M.38774/2018 (stay)

The petitioner claims to be regular street vendor and stated to be vending at side no.9, PVR complex, Vasant Vihar, Opp. U China Bank of Baroda, New Delhi-57. The petitioner seeks a direction to respondent no.1 to grant him a vending certificate and an identity card.

Learned counsel for the respondent, who enters appearance on an advance copy, submits that rules of TVC have been framed and elections for formation of the TVC have been conducted. He further submits that the petitioner should approach the TVC for the relief so claimed.

At this stage, counsel for the petitioners submits that the petitioners would approach the TVC as and when it is functional with all supporting documents. He further seeks a direction to the TVC to consider the case of the petitioners in accordance with law and merely because the petitioners may not find squatting

at the time of survey, that alone should not be a ground to reject their case.

Mr. Anirudh Sharma, counsel for the South DMC/respondent, without admitting any of the averments made in the writ petition, submits that should the petitioner make an application with all supporting documents before the TVC, the same would be considered in accordance with law and merely because the petitioner is not found squatting at the time of survey, that itself alone would not be a ground to reject their case.

Accordingly, the present petition is disposed of with the following agreed directions:-

- (a) The petitioner would approach the TVC as and when it is constituted with all supporting documents;
- (b) The TVC will consider the case of the petitioner in accordance with law after taking into consideration all the material placed on record;
- (c) Merely because the petitioner is not found vending at the site when the survey is conducted, that by itself would not be a ground alone to reject his case.

We make it clear that we have not expressed any opinion on the merits of the matter and this order is being passed without prejudice to the rights and contentions of both the parties.

In above terms, the writ petition and the stay application stand disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

**SEPTEMBER 24, 2018/rb/
W.P.(C) 9956/2018**

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