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

+ **W.P.(C) 6130/2016**

HAWKERS ADHIKAR SURAKSHA SAMITI Petitioner

Through: Mr. Kirti Uppal, Sr. Advocate with
Ms. Aashta Dhawan & Ms. S.
Bhardwaj, Advocates

versus

UNION OF INDIA AND ORS Respondents

Through: Mr. Devesh Singh, ASC (Civil)
(GNCTD) with Ms. Sukriti Ghai,
Advocate
Ms. Kritika Gupta for Ms. Mrinalini
Sen, Advocate for S-1/UOI
Mr. Kapil Dutta & Mr. Rajat Rajoria
Singh, Advocates for SDMC
Mr. Sri Harsha Peechara, ASC
(NDMC) with Ms. Kriti Sinha,
Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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07.01.2020

**C.M. Appl. No. 25149/2016 (Stay), C.M. Appl. No. 33033/2016
(Modification of order dated 08.08.2016) & C.M. Appl. No.
38740/2018 (For directions)**

1. Mr. Kirti Uppal, learned Senior Advocate appearing for the petitioner states on instructions that insofar as the sole surviving relief set out in prayer clause (c) of the writ petition is concerned, which is for striking down Section 20(4) of the Street Vendors (Protection of

Livelihood and Regulations of Street Vending) Act, 2014, being *ultra vires*, a coordinate Bench of this Court has already pronounced a judgment dated 18.05.2016, in a batch of Intra-court appeals, lead matter being **LPA No.136/2016**, entitled “Bhola Ram Patel vs. New Delhi Municipal Council and Anr.”, wherein it was specifically noticed in para 25 that there is an incongruity in Section 20 (4) of the Act, which needs to be redressed by way of an amendment to the Act. Learned counsel concedes that in view of the aforesaid position, the relief sought in prayer clause (c) also does not survive. However, having regard to the fact that no steps have been taken so far to amend Section 20 (4) of the Act, the appellant reserves its right to seek appropriate remedies against the respondent, as may be available in law.

2. Leave as prayed for, is granted. The present petition is disposed of alongwith pending applications.

HIMA KOHLI, J

ASHA MENON, J

JANUARY 07, 2020

sm/pkb