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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2453/2023

ARVIND GUPTA & ORS.

..... Petitioners

Through: Mr. Deepak Kumar Vijay & Mr.
Shubham Shivansh, Advs.

Versus

TOWN VENDING COMMITTEE-1 (TVC-1)

THROUGH CHAIRPERSON, TOWN VENDING

COMMITTEE (TVC) & ORS.

..... Respondents

Through: Ms. Puja Kalra, Adv. for MCD.
Mr. Arjun Pant, Adv. for DDA.
Mr. Divyam Nandrajog & Mr. Jatin Dua,
Advs. for GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

02.04.2024

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1. The petitioners have filed the present petition, *inter alia*, praying as under:

- “a) Issue a direction/order in the nature of a writ of mandamus thereby directing the Respondents to allow the petitioners to peacefully vend in accordance with the vending certificates issued to them;
- b) Issue a Direction that in case petitioners are not allowed to vend in Nehru Place area for the reason that the Respondents stand is that it is a No vending area then Petitioners be relocated to any other area in the same manner as some other street vendors are relocated;
- c) Issue a order/direction to the respondent to provide location of Site on the Certificate of Vending;”

2. The petitioners claim that they were carrying on their vending activities at Nehru Place, which is now declared a non-vending / non-hawking zone. In the aforesaid context, the petitioners claim that the respondents be directed to allocate another vending site to the petitioners from where the petitioners can carry on their vending activities peacefully.



3. The learned counsel appearing for the petitioners also draws the attention of this Court to an order dated 03.02.2022 whereby the earlier petition filed by the petitioners [being W.P.(C) No.1871/2022 captioned *Arvind Gupta & Anr. v. Town Vending Committee-I & Ors.*] was disposed of in the following terms:

“Consequently, the present writ petition is disposed of with a direction to the Town Vending Committee to decide the petitioners’ representation dated 30th August, 2021 for an alternative site within four weeks, in accordance with law. This Court clarifies that it has not commented on the merits of the controversy. The rights and contentions of all the parties are left open.”

4. The learned counsel appearing for the petitioners states that although a representation was made but no site has been allocated to the petitioners as yet. He submits that the TVC has also expressed its inability to allocate any site to any street vendor at this stage.

5. The learned counsel appearing for the Municipal Corporation of Delhi (MCD) / respondent no.2 submits that there is no dispute that the petitioners are entitled to a Certificate of Vending (hereafter *CoV*) and to carry on their vending activities in the area of ward Kalkaji other than the areas that have been declared as non-vending zones. She submits that no particular site can be allocated to any street vendor at this stage as the TVC-II has not been constituted. In terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the concerned municipal authority is required to make a Vending Plan in consultation with the TVC. It is stated that the Vending Plan would determine the areas where vending activities can be carried out and the sites that may be available for allocation. Thus, until this exercise is undertaken, no specific site can be allocated to the petitioners.

6. In view of the above, the learned counsel appearing for the petitioner



submits that directions be issued to the respondents that as and when TVC-II is constituted, the same would consider the petitioners' request in accordance with law. The learned counsel appearing for the MCD also submits that there is no objection to this direction being issued. Thus, it is so directed.

7. Insofar as the present status is concerned, it is clarified that the petitioners would be entitled to carry on their vending activities in the area of ward Kalkaji other than the areas which have been declared as non-vending/ non-hawking zones. Subject to the petitioners strictly complying with the terms and conditions, as are applicable to the street vendors that have been issued a CoV, the petitioners shall not be disturbed from carrying on their vending activities. It is noted that one of the terms and conditions applicable to CoV issued by the TVC require the street vendors to not carry on their vending activities from a place for not more than thirty minutes or till such time as may be fixed by the TVC. Since the petitioners have not been allocated any fixed site, the petitioners would necessarily have to comply with this condition as well.

8. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

SHALINDER KAUR, J

APRIL 02, 2024

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[Click here to check corrigendum, if any](#)