



\$~8

\*

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

+

**W.P.(C) 3897/2024**

**PREM PAL GUPTA**

..... Petitioner

Through: Mr. Aditya Kumar Mishra, Adv. with  
Mr. Kailash Kumar Jha and Mr.  
Anish Raj, Adv.

versus

**MUNICIPAL CORPORATION OF DELHI AND  
ORS**

..... Respondents

Through: Ms. Payal, Adv. for MCD.  
Mr. Udit Malik, ASC for GNCTD  
with Mr. Vishal Chanda, Adv. for R-  
3,4&5.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**ORDER**

**03.04.2024**

%

1. The petitioner has filed the present petition, *inter alia*, praying that he be permitted to peacefully vend at a site described as “*On the pavement, Near Bharat Gas Godown, Ratiya Marg, Sangam Vihar, Central Zone, Ward-S-85, New Delhi without let or hinderance [sic hindrance]*”.
2. The petitioner also prays that the Certificate of Vending (COV) issued be rectified to reflect its type of vending as that of a “*Stationary Street Vendor*”.
3. Section 6(1) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter “the Act”), provides that street vendors can be classified under three categories:-
  - a. Stationary vendor;
  - b. Mobile vendor; or



- c. Any other category as may be specified under the Scheme.
4. It is contended on behalf of the respondents that the question of classifying the street vendors would be considered by the Town Vending Committee to be constituted shortly (TVC-II) to frame an appropriate vending plan.
5. Admittedly, no specific site has been allotted to the petitioner. The petitioner has been issued a COV which indicates that he is vending from a site which is described as “Central Zone, Ward-S-85”.
6. The Town Vending Committee (TVC) is required to conduct a survey and MCD is required to prepare a vending plan in terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 in consultation with the TVC. Thus, till a decision is taken by the TVC, the petitioner cannot claim any right to carry on his vending activities from a particular fixed site and is required to be considered as “*Mobile Vendor*”.
7. The issue as to the interim arrangement required to be made prior to the TVC-II classifying the street vendors is being considered by this Court in another petition [*W.P.(C) 823/2024* captioned *Rajender Kumar Gupta V. MCD*].
8. In the present case, learned counsel for the petitioner submits that the petitioner would be satisfied if the TVC is directed to consider his representation and, in the interregnum, he is permitted to continue his vending activities strictly in accordance with the COV, which requires street vendors to not carry on vending activities at the specified place, for more than thirty minutes or such time as may be fixed by the TVC.
9. Learned counsel appearing for the MCD submits that she has no



objection to an order passed to the aforesaid effect.

10. In view of the above, we dispose of the petition by directing the concerned TVC to consider the petitioner's representation and take an appropriate decision till the survey is completed and a vending plan is put in place by TVC-II.

11. In the meantime, the petitioner would not be interdicted from carrying on his vending activities provided the same are carried on in accordance with the terms and conditions of the COV issued by the TVC.

12. The petition is disposed of in the aforesaid terms.

**VIBHU BAKHRU, J**

**TARA VITASTA GANJU, J**

**APRIL 03, 2024/SA**

*Click here to check corrigendum, if any*