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

+ **W.P.(C) 5459/2024**

RUPAM DEVI AND ORS.

..... Petitioners

Through: Mr. Sanjay Baniwal and Ms.
Manisha, Advocates

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

..... Respondents

Through: Mr. Nikhil Palli, ASC for MCD
Mr. Divyam Nandrajog, Panel
Counsel , GNCTD with Ms. Surbhi
Soni, Advocate for R-2, 3 & 4

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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16.04.2024

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

"I. Pass an order directing the Respondents not to disturb the operation of the vending unit of the Petitioners at South Zone, Ward - S - 70 in reference/ compliance of the Certificates of Vending (COV) issued by the Respondents;

II. Pass an order directing the Respondent MCD to rectify the category of Petitioners as Stationary Street Vendors in their Certificates of Vending;"

2. The petitioners (15 in number) have been issued Certificates of Vending (COV) and have been carrying on the vending activities. The grievance of the petitioners stems from the action of the authorities in insisting that the petitioners not carry out the vending activities from a fixed place for more than 30 minutes.



3. At present, the respondents are treating the petitioners as mobile vendors in terms of the Clause 11 of the terms and conditions of the COV. They are proscribed from vending from a fixed place for more than 30 minutes or such time as may be fixed by the Town Vending Committee (TVC).

4. The petitioners claim that they are stationary vendors and pray that the COVs be corrected to reflect the same.

5. It is, however, the respondents' contention that the COVs issued to the petitioners are interim COVs and the final COVs are required to be issued by the New Town Vending Committee (TVC-II) that would be constituted after the survey is complete.

6. Since it is an admitted case that the petitioners have not been allocated any fixed site for carrying on their vending activities, they cannot be considered as stationary vendors at this stage.

7. It is also relevant to note that in terms of the Section 6(1) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 (hereafter *the Act*) the street vendors are required to be classified under three categories:-

- a. Stationary vendor;
- b. Mobile vendor; or
- c. Any other category as may be specified under the Scheme.

8. However, the COVs issued by the respondents do not carry any such classification. Thus, there is merit in the contention that the petitioners have not been issued COVs in conformity with the Act.

9. This Court is considering the said issue in another writ petition being W.P.(C) 2265/2024 titled ***Shiv Prasad and Ors. vs. Municipal Corporation***



of Delhi and Ors., however no interim orders have been passed in the said matter.

10. Undisputedly, any orders passed in regard to issuance of COVs classifying the category of street vendors or for examining the same would enure the benefit to all street vendors. Thus, we do not consider it necessary to keep the present petition pending. At this stage, it is also not apposite to consider the classification of the petitioners, as the same would be required to be considered by the concerned TVC/MCD.

11. In view of the above, this Court considers it apposite to dispose of the present petition by directing that the petitioners would not be disturbed from carrying on their vending activities subject to the petitioners strictly complying with the COVs.

12. The petitioners have also made representations to the Chairman, MCD and TVC. This Court also considers it apposite to direct the concerned TVC/MCD to examine the representation made by the petitioners including with regard to the issue that they be treated as stationary street vendors.

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

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

APRIL 16, 2024

g.joshi

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