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

+ **CONT.CAS(C) 807/2024**

MOHAN LAL

..... Petitioner

Through: Mr. Sanjay Baniwal and Mr. Manish,
Advocates along with petitioner in
person

versus

SHRI GYANESH BHARTI AND ORS.

..... Respondents

Through: Mr. Virendra Singh, Advocate for
Ms. Puja Kalra, Standing Counsel for
MCD.

Mr. Divyam Nanrajog, Panel
Counsel, GNCTD with Mr. Jatin Dua,
Advocate for R-3&4.
SI Kailash, PS Karol Bagh.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

16.05.2024

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1. The present petition has been filed alleging wilful disobedience of the order dated 4th April, 2024 passed by the Division Bench of this Court in *W.P.(C) No.4922/2024*. By way of the aforesaid order, learned Division Bench had directed as follows:-

“6. 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, be permitted to continue his vending activities strictly in accordance with the COV, which requires street vendors to not carry on vending activities at a specific place for more than thirty minutes or such time as may be fixed by the TVC.



7. Learned counsel appearing for the MCD submits that he has no objection to an order passed to the aforesaid effect.

8. 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 MCD in consultation with TVC-IL

9. 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."

2. Learned counsel appearing for the petitioner submits that despite the categorical directions by the Division Bench as aforesaid, the petitioner is not allowed to vend in terms of the Certificate of Vending (CoV).

3. Per contra, learned counsel appearing for the respondent nos.1-3/Municipal Corporation of Delhi submits that as per the terms of the CoV, the petitioner cannot be allowed to vend at a place for more than 30 minutes. He further submits that the petitioner is a mobile vendor and cannot be stationary at a place beyond 30 minutes. It is submitted that the area of Karol Bagh Zone, from where the goods of the petitioner were confiscated, is a 'no vending, no hawking zone'.

4. However, the aforesaid submission is disputed by learned counsel appearing for the petitioner.

5. At this stage, learned counsel appearing for the petitioner submits that the representation of the petitioner for declaring the petitioner as a stationary vendor is already pending with the respondents, which shall be decided in terms of the order passed by the Division Bench of this Court. He, thus, on instructions from the petitioner, who is present in Court, submits that the



petitioner shall comply with the terms and condition of the CoV and he will not vend at a place for more than 30 minutes. The aforesaid undertaking of the petitioner is taken on record and it is directed that the petitioner shall vend strictly in compliance with the terms and conditions of the CoV.

6. Learned counsel for the petitioner submits that, the goods of the petitioner, that had been confiscated by the respondent-MCD on 8th May, 2024, have still not been released. He further submits that the penalty imposed by the respondents may also be waived.

7. The petitioner is at liberty to file an application before the respondent-MCD for release of his goods and also make an application for waiver of the penalty, which shall be considered by the MCD on its merits. The application shall be made by the petitioner to the concerned officer of respondent, i.e., Administrative Officer of the Karol Bagh Zone, for release of the goods. The said application shall be considered accordingly by the concerned official.

8. Recording the aforesaid undertaking made on behalf of the petitioner that the petitioner shall vend strictly in accordance with the terms of the CoV, it is directed that the petitioner shall be allowed to vend, in case there is no violation by the petitioner of the terms and conditions of the CoV.

9. With the aforesaid directions, the present petition is disposed of.

MINI PUSHKARNA, J

MAY 16, 2024

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