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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7693/2024 & CM APPL. 32020/2024

GEDAN LAL

..... Petitioner

Through: Mr. Abhishek Saxena, Mr. Singh
Nishant Sanjay Kumar, Mr. Vaibhav
Patel, Mr. Munish, Ms. Mumtaz
Shaikh and Ms. Kamini, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND OTHERS

.... Respondents

Through: Mr. Aditya Vaibhav Singh, Advocate.
Mr. Mohit Bhardwaj, Advocate for R-
2 and 3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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27.05.2024

CM APPL. 32021/2024 (Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The Application is disposed of.

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3. The petitioner is a street vendor and has filed the above petition, *inter alia*, praying that he be not disturbed in carrying on his vending activities from the site, i.e., ward 16-E, Shahdara South Zone. New Delhi.
4. The petitioner is essentially aggrieved being called upon by the concerned respondents to re-locate from the said vending location every thirty minutes. The said stipulation is contained in Clause 11 of the Terms and Conditions applicable to the Certificate of Vending (COV) issued to the



petitioner.

5. The COV granted to the petitioner indicates that he is vending 'Food/Snack with gas cylinder/fire'. It is submitted that it may not be feasible for such street vendors to move every 30 minutes.

6. The petitioner has also sought a direction that he be not removed from his vending site and that he be declared as a "*Stationary Street Vendor*".

7. We are not persuaded to accept the same as admittedly, no specific site was allotted to the petitioner. The petitioner is also not vending from a permanent or semi-permanent structure. Thus, until a decision is taken by the Town Vending Committee (hereinafter referred to as 'TVC') in this regard, the petitioner is required to be considered as a Mobile Vendor.

8. The issue as to the interim arrangement required to be made prior to the TVC classifying the street vendors is being considered by this Court in another petition [*W.P.(C) 823/2024* captioned *Rajender Kumar Gupta V. MCD*].

9. Section 6(1) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 (hereafter *the Act*) expressly provides that the COV can be issued under three categories:-

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

10. Undisputedly, the COV is required to be in terms of the Act and thus, must clearly classify the category of the street vendors.

11. It is also noted that the petitioner is engaged in vending "Food/Snacks with gas cylinders/fire". Plainly, it would be difficult for such street vendors to move every thirty minutes.



12. The petitioner has already filed a representation with the TVC. It is necessary for the TVC to take an appropriate decision in this regard till the survey is completed and a vending plan is put in place.

13. We dispose of the present petition by directing the concerned TVC to consider the representation moved by the petitioner and take an informed decision. Needless to state, the denial of relief, as sought for by the petitioner, from this Court would not preclude the TVC from considering the same.

14. We also direct that the respondents shall not obstruct or disturb the petitioner from carrying on his vending activities provided the same are carried on in accordance with the terms and conditions of the COV.

15. The petition and pending application stand disposed of in the aforesaid terms.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 27, 2024

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Click here to check corrigendum, if any