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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 7837/2024 & CM APPL. 32448/2024**

REKHA DEVI

..... Petitioner

Through: Mr. V.K. Mishra, Adv.

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through: Ms. Shilpa Dewan, ASC with Mr.  
Rahul Agarwal, Adv.

**CORAM:**

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

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

**ORDER**

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**28.05.2024**

**CM APPL. 32449/2024 (Exemption)**

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

**W.P.(C) 7837/2024 & CM APPL. 32448/2024 (stay)**

3. The petitioner is a street vendor and has filed the above petition, *inter alia*, praying that the petitioner be permitted to squat and vend at the place from her "Booth type cabin" till a new Certificate of Vending (COV) is issued to the petitioner.
4. The petitioner had participated in the survey and has been issued a COV. The COV granted to the petitioner indicates that she is carrying on vending activity from a site described as "at/near Vikaspuri Colony opposite Metro Pillar No.635, Uttam Nagar Terminal, New Delhi".
5. The petitioner is essentially aggrieved by being called upon by the concerned respondent 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 COV issued to the petitioner. The COV granted to the petitioner is in the category of “*Others*”. The petitioner also seeks a direction to vend from a fixed site.

6. We are not persuaded to accept the same as admittedly, no specific site has been allotted to the petitioner. The learned counsel for the respondent also explains that at the present stage, COVs issued to all persons who have not been allocated fixed sites, are vending as a Mobile Vendor. The question of allocating a fixed site or permitting street vending from a fixed place would be considered after the survey is completed and a vending plan is prepared by the Municipal Corporation of Delhi/local authorities in consultation with the Second Town Vending Committee (TVC-II) in terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter *the Act*).

7. We have in a number of similar matters noted that calling upon the mobile vendors to move or relocate would inevitably put a higher pressure on the streets, in addition to causing substantial amount of inconvenience to the vendors.

8. Section 6(1) of 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.

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

10. Learned Counsel for the petitioner submits that the petitioner would file a representation with the TVC in regard to be considered as a Stationary



Vendor. It would be necessary for the TVC and the concerned authorities to take an appropriate decision in this regard till the survey is completed and a vending plan is put in place. However, at the present stage, we direct that the petitioner shall not be disturbed from carrying on vending activities provided that the same are carried out strictly in accordance with the terms and conditions of the COV.

11. We dispose of the present petition by directing the concerned TVC to consider the representation of the petitioner, as and when filed, and take an informed decision.

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

**VIBHU BAKHRU, J**

**TARA VITASTA GANJU, J**

**MAY 28, 2024/r**

*Click here to check corrigendum, if any*