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

+ W.P.(C) 12843/2024, CM Nos.53623/2024 & 53624/2024

OMKAR GUPTA

.....Petitioner

Through: Mr. Abhishek Saxena, Mr. Singh
Nishant Sanjay Kumar, Mr. Vaibhav,
Mr. Saurav Dewal, Mr. Rahul Marwah,
Mr. Muunish, Mr. Navdeep, Mr.
Prashant Kumar Pandey & Ms.
Kamini, Advs.

Versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Mr. Vishal Chadha, Adv. for R-1.
Mr. Mohit Bhardwaj, Adv. for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

12.09.2024

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1. Issue notice.
2. The learned counsel appearing for the respondents accept notice.
3. The petitioner claims that he is a street vendor and carrying on his vending activities at a site described as "On the Footpath of Sector-12, R.K. Puram, New Delhi situated at South Zone Ward S-65". The petitioner prays that the respondents be restrained from interfering with the petitioner carrying on his vending activities at the said site. The petitioner is essentially aggrieved by the action of the respondents of insisting that the petitioner cannot carry on his vending activities from a fixed site beyond a period of thirty minutes. The petitioner has been issued a Certificate of Vending (COV) which reflects the area of his vending as South Zone, Ward S-65.
4. The petitioner in effect seeks that he be considered as a stationary vendor. The petitioner's prayer to the said effect cannot be acceded to at this



stage as admittedly the petitioner has not been granted license of any fixed place. The petitioner has been issued the COV, which expressly requires a mobile vendor not to carry on their vending activities from a fixed site for more than thirty minutes or for such time as may be fixed by the Town Vending Committee (TVC). This Court is also informed that the CoV issued to the petitioner at the current stage is an interim COV and the final COV will be issued by the second TVC which would be constituted after the survey of the street vendors is completed. The second TVC would also include the representatives of the street vendors.

5. The petitioner's prayer that he be issued a COV reflecting him as stationary vendor in terms of Section 6 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter *the Street Vendors Act*) can only be considered at that stage.

6. The learned counsel for the petitioner submits that the petitioner would be satisfied if the direction is issued to the respondents not to interfere with his vending activities if the same are carried out in terms of the COV and a further direction be issued to the concerned authority to consider the representation of the petitioner at an appropriate stage.

7. The learned counsel appearing for the Municipal Corporation of Delhi (MCD) has no objection to the same. He, however, submits that the petitioner is not carrying on his vending activities from the space allotted to the petitioner, that is measuring 6'x4', but has constructed a semi permanent structure.

8. In view of the above, we dispose of the present petition by directing that the petitioner shall not be interdicted in carrying on his vending activities subject to the petitioner complying with the terms and conditions of the COV. The concerned authority shall also consider the petitioner's representation at



an appropriate state.

9. The petition is disposed of in the aforesaid terms. All pending applications are also disposed of.

VIBHU BAKHRU, J

SACHIN DATTA, J

SEPTEMBER 12, 2024

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Click here to check corrigendum, if any