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

+ **W.P.(C) 12709/2023 & CM APPL. 50172/2023**

PAWAN KUMAR GUPTA

.....Petitioner

Through: Ms Suman Kapoor and Mr M K
Parwez, Advocates.

versus

GOVERNMENT OF NCT DELHI & ORS.

.....Respondents

Through: Mr Sriharsha Peechara, SC, Mr
Mananjay Kumar Mishra, ASC, Mr
Akshat Kulshrestha and Mr D S
Bhanu, Advocates for NDMC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

20.02.2025

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1. The petitioner has filed the present petition, *inter alia*, praying that the directions be issued to the respondents not to disturb or obstruct the petitioner from carrying on his vending activities from the site described as “Regal building N1, 102, Gate No.1, Palika Bazar, Opposite Subway, Connaught Place, New Delhi-110001” (hereafter *the subject site*) in view of Section 3(3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter *the Act*).

2. The petitioner claims that he is engaged in the business of vending books and magazines and had commenced the said activity at a site near Regal Building, Connaught Building, New Delhi in the year 1993-94. He



claims that thereafter he shifted the place of vending to the subject site and has been continuously vending at the subject site till his removal in the year 2018. He claims that he had applied for a *tehbazari* license in the year 2007 and also furnished the processing/vending fees of ₹100/- *vide* Application No. 2704, the receipt of which is annexed with the present petition.

3. The petitioner claims that after verification, the petitioner's name featured in the list of six hundred and twenty eight eligible vendors that was prepared in the year 2012. The petitioner claims that he was removed from the subject site on several occasions and he has also submitted challans indicating the penalty / removal charges charged by respondent no.2 (New Delhi Municipal Council) for unauthorised vending at the subject site. Additionally, the petitioner claims that he has continued the vending activities from the year 2018 to 2023 but at different sites.

4. It is noted that the petitioner had also filed a writ petition in the year 2022 being W.P.(C) 16643/2022, *inter alia*, praying as under:

“(a) Direct the respondent to allot the squatting site under the aforesaid provisions of law, keeping in view the facts and circumstances mentioned above and in the interest of justice.

(b) Direct the respondent not to disturb the peaceful possession of the petitioner at the aforesaid site i.e. N-1,102 Gate No.1, Palika Bazar, Opp. Subway, Connaught Place, New Delhi.”

5. The petitioner had withdrawn the said petition on 10.01.2023 with liberty to approach the Town Vending Committee (TVC) by way of a representation. He had thereafter filed the representation dated 31.07.2023,



which has not been entertained.

6. In order to establish that the petitioner is regularly carrying on his vending activities in the NDMC area, the petitioner has produced several *tehbazari* receipts.

7. The petitioner's claim is stoutly contested by the NDMC and the NDMC has filed a counter-affidavit affirming that all the *tehbazari* receipts annexed with the present petition, except one, are fake and fabricated.

8. The NDMC acknowledges that the receipt dated 26.08.2015 for a sum of ₹9,504/- was issued to the petitioner, however, it claims that the same was issued inadvertently. Mr Peechara, learned counsel appearing for the NDMC submits that the fees was deposited at the NDMC counter and, therefore, was not verified at the material time.

9. NDMC disputes that the petitioner was carrying on his activities at the subject site till his removal in the year 2018.

10. It is relevant to note that the subject site falls in a no-vending/no-hawking zone and, therefore, the petitioner is not permitted to vend at the said site. In view of the counter-affidavit affirmed by the NDMC, we are unable to accept that the petitioner was carrying on his vending activities from the subject site on 01.05.2014 (the date on which the Act came into force) and thereafter. In view of the above, the protection under Section 3(3) of the Act as sought for by the petitioner is not available to him.

11. The petition is, accordingly, dismissed. However, we clarify that this order will not preclude the petitioner from participating in the survey, which is now being conducted and to seek allotment of a vending site, if otherwise



entitled in law, in accordance with the Act and the scheme framed thereunder. Pending application is also disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

FEBRUARY 20, 2025

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Click here to check corrigendum, if any