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

+ **W.P.(C) 15643/2023, CM Nos. 62638/2023 & 62640/2023**

NATIONAL ASSOCIATION OF STREET
VENDORS OF INDIA & ORS.

.....Petitioners

Through: Ms. Kajal S. Gupta, Mr. Varun Singh
and Ms. Somesa Gupta, Advocates

versus

MUNICIPAL CORPORATION OF DELHI & ORS....Respondents

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

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

11.02.2025

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1. The petitioners have filed the present petition, *inter alia*, praying that directions be issued to respondent nos.1 to 3 to issue Certificate of Vending to the petitioners and to conduct the survey as required under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. The petitioners also pray that they be permitted to vend at the sites as mentioned in their Letter of Recommendation (LoR).
2. The petitioners' claim that they are carrying on their vending activities in the area of Nehru Place, New Delhi.
3. This court had considered the petitioners' contention that they are entitled to carry on vending activities on 05.12.2023, and passed the following order:



“3. It is the submission of learned counsel for the petitioners despite the letter of recommendation issued to him, Annexure P-7, his goods have been confiscated by the MCD.

4. The submission of learned counsel for MCD is since the petitioners were hawking in a “*No Vending Zone*”, hence their goods were confiscated and shall be released in case an appropriate application is filed before the concerned authority.

5. The learned counsel for the petitioner submits an application has been moved on 17.07.2023. It be decided by the concerned authority within two weeks from today.

6. It is the submission of learned counsel for the MCD that Nehru Place is a “*No Vending Zone*”, and also rely upon paras 47 and 48 of ***Vyapari Kalyan Mandal Main Pushpa & Anr vs. South Delhi Municipal Corporation & Ors***, reported as **2017 SCC OnLine Del 8962** to say the petitioners can’t be allowed to vend in Nehru Place area, it being a “*No Vending Zone*”. Paras 47 and 48 are as under:-

“47. As per the Act, the declaration of no-vending zone is to be carried out by the Plan for Street Vending to be prepared by the local authority in consultation with the Town Vending Committee [Section 21 read with the First Schedule]. At the same time, Clause 3(e) of the First Schedule provides that till the completion of survey and formulation of the plan, no zone shall be declared as a no-vending zone. This clause merely prohibits any further declaration of no-vending zones and does not nullify the existing demarcation by the municipal authorities. On the contrary, it tacitly recognises that certain areas might have already been declared as no-vending zones.

*48. Accordingly, we also subscribe to the view taken by the coordinate bench of this Court Hawkers Adhikar Suraksha Samiti (Supra) in its order dated 05.10.2016 that as an interim measure, the **non-squatting zones declared under the old schemes shall continue to be non-squatting zones for the time being**. Hence, the protection of Section 3(3) shall not extend to vendors in no-vending zones”*



7. At this stage, the petitioners submit they may be allowed to vend at places, not declared as “No Vending Zone”. At this stage we don’t wish to interfere in the rights, if any, of the petitioners, permissible under the law.

8. The status report, however, be filed by the MCD within four weeks from today.

9. List again on 14.02.2024.”

4. The learned counsel appearing for the petitioners does not dispute that no vending activities can be carried on in an area, which has been declared as a No Vending or No Hawking Zone. The learned counsel now submits that Nehru Place District Centre is a No Vending Zone but a part of the larger Nehru Place area falls in Ward No.86, which is not a No Vending Zone.

5. The learned counsel for the petitioners has also drawn attention of this Court to the Map of Nehru Place, District Centre as well as that of Ward No.86S Greater Kailash. She submits that the petitioners may continue the vending activities in Ward No.86S Greater Kailash.

6. The petitioners have not been issued Certificates of Vending (COVs), as yet. However, several other street vendors have been issued CoVs which are interim certificates, that permit the street vendors to carry on the vending activities in accordance with the standard terms and conditions as applicable. The said terms expressly stipulate that the vendors will not carry on street vending activities from a fixed site for more than thirty minutes. The learned counsel submits that the petitioners shall also comply with the said conditions, if permitted to vend, while reserving their rights to participate in



the survey as well and seek allotment of sites as per the vending plan as and when the same is prepared.

7. The learned Standing Counsel appearing for the MCD submits that the petitioners are unauthorised vendors and, therefore, cannot be permitted to carry on street vending activities.

8. At this stage, we find the contentions advanced on behalf of the MCD unpersuasive. Several persons, who are carrying on vending activities in Delhi, have been permitted to do so as mobile vendors, subject to them conforming with the terms of the interim COVs. It is to be noted that COVs have been issued as a mark of the street vendors participating in the survey. There is no dispute that the petitioners are also entitled to participate in the survey as their activities fall within the scope of activities of a street vendor.

9. In the circumstances, we consider it apposite to direct that the petitioners may be permitted on the basis of parity (by following the standard terms and conditions as are applicable to the interim COVs issued to various street vendors) with other street vendors to carry on their street vending activities, from sites open to sky (6ft x4 ft) in areas which do not fall within the No Vending and No Hawking Zone. This is, of course, subject to the petitioners complying with necessary conditions including ensuring that Right of Ways are not obstructed and their vending activities are otherwise in accordance with law.

10. We further clarify that the petitioners would be entitled to participate in the survey, which is now being conducted and are not precluded from furnishing all documents and material available with them to establish that



they have been carrying on street vending activities.

11. No further orders are required to be passed in the present petition. The petition is disposed of. Pending applications, if any, are also disposed of.

VIBHU BAKHRU, J.

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 11, 2025

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[Click here to check corrigendum, if any](#)