



\$~49

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 14399/2025 & CM APPL. 59094/2025, CM APPL.
59095/2025

BABLU KUMAR

.....Petitioners

Through: Ms. Renu, Ms. Swagata Gupta, Ms.
Pragya Jaishwal and Mr. Kamlesh Kr.
Mishra, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Ms. Puja S. Kalra, SC with Mr.
Virender Singh and Mr. Sanjay
Beniwal, Advs. for MCD.
Mr. Ravi Kant Srivastava, SPC with
Mr. Robert Laishram and Mr.
Bhupender, Advs. for R-3 & 4.
Ms. Beenashaw N. Soni, SC for MCD
with Ms. Ann Joseph, Adv. for MCD.
Inspector Karmveer Singh, PS-
Kalkaji.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

17.09.2025

%

1. *Ms. Puja S. Kalra*, learned counsel appearing for respondent-1/MCD states that respondents are bound by the Division Bench judgment dated



21st July 2023 in ***W.P.(C) 7705/2023*** titled as “***VIRPAL AND ORS Vs. MUNICIPAL CORPORATION OF DELHI AND ORS***” and that the respondents have never relocated the petitioner.

2. We accept the said statement on record.
3. Needless to clarify that in consequences of the above, petitioner shall be entitled to vend in accordance with terms and conditions of *Certificate of Vending* (***‘COV’***) in South Zone, Ward S-86.
4. We further make it clear that since the COV issued in favour of petitioner contains the nature of vending to be snacks with *gas cylinder/fire*, the petitioner cannot be made to vend in a mobile manner.
5. In such an eventuality, *Condition No.11* of the *Vending Certificate* has to be held to be directory and not mandatory *qua* the petitioner. However, we are equally sensitive to the nature of vending certificate being provisional and we make it clear that it shall always be open for the respondents to issue final vending certificate, if so required, by modifying the said condition after giving an opportunity of hearing.
6. Accordingly, we dispose of the present petition in above terms.
7. Pending applications also stand disposed of.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

SEPTEMBER 17, 2025/sky/ss