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

+ **CONT.CAS(C) 1724/2025**

KUMUDESH KUMAR GUPTA

.....Petitioner

Through: Mr. Yashaswi S.K. Chocksey,
Advocate with Mr. Ankit Singh,
Advocates.

versus

ASHWANI KUMAR AND ORS

.....Respondents

Through: Mr. Pritish Sabharwal,
Advocate for MCD with Ms.
Shweta Singh and Mr. Sanjay
Beniwal, Advocates for MCD.
Mr. Kanav Vir Singh, SPC with
Mr. Prajna Pandita, Advocates
for R-3.
Mr. K. Vir Singh, SPC for
contemnors.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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14.11.2025

1. We have heard learned counsel for petitioner.
2. The present Contempt Proceedings have been instituted by petitioner, who holds a Certificate of Vending ('COV') alleging illegal demolition of his shop by respondents, despite an order dated 17th August 2023 directing *status quo* in **W.P.(C) 10300/2023**, which remains pending.
3. To substantiate his claim of contempt having been committed by the respondents, counsel for petitioner has drawn our attention to COV dated 09th March 2022, wherein the petitioner has been



categorised as ‘*Others*’ in the type of vendor. He has further claimed that respondents have recommended the nature of vending in the category of ‘*others*’ and further the recommendations speak of the petitioner being categorised as a vendor with *fixed location*.

4. As such, according to him, he was vending at the site in view of the recommendations and that being so, respondents ought not to have been demolished his shop, without there being any notice as contemplated under the *Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014*.

5. He further contends that the *status quo* order currently in operation is in accordance with the COV. A perusal of the terms of COV produced on record, shows that the petitioner was never categorized as a *mobile* vendor. In such circumstances, respondents should be held responsible for contempt.

6. As against above, counsel for respondents urges that the categorization of the petitioner *quo* the COV was under clause 6.1 of the National Capital Territory of *Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019* (hereinafter ‘***Delhi Street Vendors Scheme, 2019***’).

7. Out specific attention is invited to Clause 6.1.1 (iii) of the Delhi Street Vendors Scheme, 2019.

8. According to learned counsel for respondent, petitioner in any case cannot be termed as having a fixed vending location and same can be inferred, not only from the aforesaid provision, but also from the COV.

9. Letter of recommendation on which the petitioner intends to



rely upon has no basis, because the said recommendation was never made part of the COV. We have considered these submissions.

10. No doubt, the petitioner holds a COV and he is categorised in ‘*others*’. Rightly so, we are required to refer to Clause 6.1.1 (iii) which specifies the ‘*others*’ category.

11. The said category includes daily/weekly/festival/fair market/temporary etc. may be categorised by the Local Body in consultation with Town Vending Committee (‘*TVC*’).

12. Except for the recommendation letter dated 04th June 2022, we are unable to find any basis to infer that the petitioner was permitted to be a daily vendor, that too one with a permanent or fixed location.

13. Apart from above, *status quo* as ordered was with the rider of petitioner continuing his vending activities ‘*strictly in accordance with the terms and conditions as provided in the COV*’.

14. If the petitioner alleges non-compliance or disobedience of the order of this Court, the burden shifts on petitioner to demonstrate and prove that respondents have intentionally acted in defiance of the order of this Court.

15. We are unable to convince ourselves that petitioner was categorised as a vendor having a fixed location, according to his COV.

16. As such, we are unable to convince ourselves that the respondents have acted contrary to the order of *status quo* in any manner. That being so, no case is made out for taking cognizance under the Contempt of Courts Act, 1971, therefore, the contempt petition stands dismissed.

17. Pending applications (if any) are also rendered infructuous.



18. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

NOVEMBER 14, 2025/RK/sp