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

+ W.P.(C) 17511/2025

KANHIYA LAL

.....Petitioner

Through: Mr. Aditya, Mr. Vipin Kumar, Mr. Anjani Kr. Mishra, Mr. Kailash Kr. Jha, Mr. Pralika Chakraborty, Mr. Fariduddin & Mrs. Srejal Mishra, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Ms. Shilpa Ohri, ASC for R-1 & 2.
Mr. Abhishek Khanna, SPC with Mr. Atul Tanwar & Mr. Ansafer Rahman, Advs. for R-4 & 5.
Ms. Vaishali Gupta, Adv. for R-3/GNCTD.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **18.11.2025**

1. Issue notice.
2. *Ms. Shilpa Ohri*, Additional Standing Counsel waives notice for respondent nos.1 & 2- *Municipal Corporation of Delhi*, *Mr. Abhishek Khanna*, learned Senior Panel Counsel, waives notice for respondent nos.4 & 5-*Delhi Police*, and *Ms. Vaishali Gupta*, learned counsel, waives notice for



respondent no.3-Government of NCT of Delhi.

3. The learned counsel for the petitioner states that the petitioner shall be complying with all the conditions of the Certificate of Vending ('COV'), provided *Condition No. 11* of the vending certificate be modified to mean that petitioner will be a non-mobile vendor, as he is permitted to use a gas cylinder/fire.

4. The COV indicates that petitioner is permitted to use the gas cylinder in the course of vending activities. However, under *Condition No.11*, the petitioner categorized as a mobile vendor, cannot stay at any specific location for more than 30 minutes. It is difficult to reconcile these two conditions.

5. In such an eventuality, *Condition No.11* of the COV 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 conditions after giving an opportunity of hearing.

6. In the aforesaid background, the only contention which is canvassed by learned counsel appearing for the respondents is that the petitioner should be a vendor per terms of the COV and not a permanent vendor by installing the permanent structure to carry out the vending activity. The same can be taken care of in view of the assurance given by the petitioners.

7. We further clarify, in light of submission made by learned counsel for the respondents, that the petitioner shall not take any liberty to make any permanent structure/ construction for the purpose of carrying out vending activities.

8. The petition accordingly stands disposed of in the above terms.



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

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

NOVEMBER 18, 2025

ab/as