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

+ **CONT.CAS(C) 186/2026**

MOTI LAL AND ANR.

.....Petitioners

Through: Mr. Shashank Rai, Ms. Shreya Shankar, Mr. Himalaya Sharma, Mr. Saikat Gangopadhyay, Advs.
Mr. Sanjay Baniwal, Ms. Manisha and Mr. R.K. Seewal, Advs.

versus

SANJEEV KHIRWAR, COMMISSIONER, MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Ms. Beenashaw N Soni, Standing Counsel, MCD with Ms. Ann Joseph, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **02.02.2026**

1. This hearing has been through hybrid mode.
2. The present contempt petition has been filed by the Petitioners under Section 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India alleging contempt against the Respondents for non-compliance of order dated 18th December, 2025.
3. *Vide* order dated 18th December, 2025 the Court had directed as under:
“[...]

5. *It is the contention of counsel for petitioners that,*



while carrying out vending activities in accordance with Section 12 of the Act of 2014 read with the conditions stipulated in the COV, petitioners are being victimised by respondents due to a misinterpretation of the category under which they have been placed. Prima facie, there appears to be substance in the claim made by the petitioners.

6. Day in and day out, we are coming across cases wherein categorization is carried out by Town Vending Committee ('TVC'), and vendors who are termed as a 'mobile vendors', are permitted to use gas cylinder and fire.

7. We have independently dealt with such issues and have observed that vendors who are permitted to vend using fire or gas cylinders cannot be termed as 'mobile vendors', as the same, in our opinion, is hazardous.

8. Also, while categorising the vendors in the category of 'others' it is for the TVC to further classify the same, which is absent in all the cases which were cited before us.

9. Prima facie, we have reason to believe that there is complete failure on the part of the TVC to comply with the provisions of Section 12 of the Act of 2014 read with Clause 6.1 of the Scheme of 2019.

10. That being so, issue notice to the respondents.

11. Notice is accepted by Ms. Shilpa Ohri, Standing Counsel who appears on behalf of respondent



no.1/Municipal Corporation of Delhi (MCD) and Ms. Nidhi Banga, Senior Panel Counsel who appears on behalf of respondent nos. 2-3.

12. We direct the highest Officer who heads the TVC to file an affidavit dealing with aforesaid issue within a period of three weeks....”

4. In terms of the above order, the case of the Petitioners is that the affidavit has not been placed on record by the Town Vending Committee, MCD.
5. Ld. Standing Counsel for the MCD has placed on record certain photographs to show that the entire pavement area near the vending site at Eros Cinema, Jangpura Extension, New Delhi have been encroached upon by the street vendors, who have created permanent vends in this area. Ld. counsel further submits that the affidavit shall be filed, as directed, shortly.
6. Heard. The concerned authorities have to take action since the pavement area is no longer available for pedestrians to walk. A perusal of the photographs would show that the street vendors appear to have completely encroached upon the entire pavement area.
7. Moreover, mobile vendors are expected to be mobile, in terms of the Certificates of Vending which were issued to the Petitioners in the main matter *i.e., W.P(C) 19215/2025*.
8. The *W.P(C) 19215/2025* in which the order dated 18th December, 2025 was passed is listed on 10th March, 2026. Let the affidavit now be filed by the MCD, by 10th February, 2026, along with all the relevant photographs.
9. All the issues shall be considered in the main matter. The present contempt petition is dismissed as not maintainable as mere delay in filing of



affidavit cannot be alleged to be contempt.

PRATHIBA M. SINGH, J

MADHU JAIN, J

FEBRUARY 2, 2026/prg/sm