



2026:DHC:3479



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 21.04.2026

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CONT.CAS(C) 286/2026 and CM APPL.11384/2026

MUKESH KUMAR GUPTA

.....Petitioner

Through: Mr. Swagata Gupta, Mr. Kamlesh Kr. Mishra, Mr. Piyush Singh, Ms. Mansi and Mr. Aakash Tiwari, Advocates.

versus

SHRI SANJEEV KHIRWAR AND ORS

.....Respondents

Through: Mr. Manoj K. Shharma, Addl. Standing Counsel for MCD.
Mr. Shashi Pratap Singh and Ms. Laqshyaa Saluja, Advocates for PWD.
Ms. Akansksha Gupta, SPC along with Ms. Priya, Advocates for R-7, 8 and 9 (UOI).
SI Naveen, PS Kashmere Gate.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition alleges wilful disobedience of the directions contained in the order dated 10.10.2023 passed in W.P.(C) 12827/2023. The operative directions therein are as under:-

*“8. In view of the foregoing, learned counsel appearing on behalf of the petitioner, limits the relief in the present writ petition, to a direction to the Municipal Corporation of Delhi, to permit the above-mentioned street vendor, to continue to vend within **City-SP Zone, Ward-83-N**, strictly and scrupulously in compliance with the terms and conditions of the said certificate of vending.*

9. In view of the above, the present writ petition is partly allowed and the Municipal Corporation of Delhi is directed to permit the abovementioned



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street vendor, to vend within his respective zone, subject to the terms and conditions as specified in the certificate of vending, without any let or hindrance.”

2. Learned counsel for the respondents does not dispute that in terms of aforesaid directions, the petitioner is entitled to continue vending within City-SP Zone, Ward-83-N. However, the bone of contention between the parties pertains to the following stipulation in the vending certificate:

11. Mobile vendors shall not stay or vend more than 30 minutes or time prescribed by the TVC at place in a vending/squatting zone.

3. Learned counsel for the petitioner submits that since vending by the petitioner involves use of gas cylinder / fire, he be exempted from the aforesaid stipulation.

4. The same is, however, seriously disputed by the learned counsel for the respondents, who submits that the said contention / insistence of the petitioner is at variance with the directions contained in the order dated 10.10.2023 (of which wilful disobedience is alleged).

5. During the course of hearing, learned counsel for the petitioner has drawn attention to multiple orders passed by Division Bench/es of this Court, wherein, in the context of similar conspectus involving use of gas cylinder / fire, the Court exempted the applicability of the aforementioned stipulation (regarding vendor being obliged to move every 30 minutes). In this regard, reference is made to the order dated 17.09.2025 passed in W.P.(C) 14387/2025.

6. Reference is also made to the order dated 10.09.2025 passed in W.P.(C) 13399/2025. Again, *vide* order dated 23.12.2025 passed in W.P.(C) 7393/2025, it was ordered as under:

“1. It is not in dispute that petitioners are vending based on Certificate of



Vending ('COV') under which the type of vending activity permitted is food/snacks with gas cylinder/fire.

2. In view of the use of gas cylinder/fire, petitioners cannot be forced to be a mobile vendor, as per the conditions of COV.

3. That being so, we hereby declare that in case of use of gas cylinder /fire by petitioners, they should not be termed as a mobile vendor.

4. However, we make it clear that if so desired, the respondent may take out proceedings for changing the type of vending in COV, which is held by petitioners, so as to have the vending activity of petitioners in accordance with the provisions of Street Vendors (Protection of Livelihood and Regulation of Street Vending), Act, 2014.

5. With above observations, the present petition is disposed of.

6. Pending applications (if any) are rendered infructuous.”

7. In the circumstances, since identical stipulation in the vending certificate has been construed by the Division Bench, the same cannot be applied differently to the petitioner. Accordingly, in line with the aforesaid orders passed by the Division Bench, it is evident that condition No.11 of the Vending Certificate is directory and not mandatory *qua* the petitioner and the petitioner cannot be made to vend in a mobile manner.

8. The respondents are directed to adhere to the aforesaid directions and refrain from interfering with the vending activities of the petitioner.

9. In case of any violation / non-adherence on the part of the respondents with the aforesaid directions, this Court shall be constrained to take appropriate action against the respondents for committing wilful disobedience of the orders passed by this Court.

10. At this stage, however, no further orders are required to be passed in the present petition. The same is, accordingly, disposed of with the aforesaid directions. Pending application also stands disposed of.



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11. Needless to say, the petitioner shall be at liberty to revive the present proceedings in case the aforesaid directions are not complied with by the respondents.

SACHIN DATTA, J

APRIL 21, 2026/r