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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5958/2026**

KISHAN GUPTA

.....Petitioner

Through: Mr. Aditya, Mr. Vipin Kumar, Mr.
Anjani kr. Mishra, Mr. Kailash kr. Jha,
Ms. Pralika Chakraborty, Mr.
Fareeduddin & Ms. Srejal Mishra,
Advs. (M:8699723746)

versus

**MUNICIPAL CORPORATION OF DELHI AND
ORS**

.....Respondents

Through: Mr. Prasanta Varma, SCGC, U.O.I,
along with Mrs. Prativarani Varma,
Mr. Rajat Choudhary & Mr. Rajender
Nath Sharma, Advs.
SI Laukesh Kumar, PS Govind Puri.
Ms. Pooja S, Kalra, Adv. for MCD.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **30.04.2026**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner-Mr. Kishan Gupta under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to allow the Petitioner to peacefully vend from the vending site *i.e.*, on the open space, opposite Booster pump, Madhyamarg Chowk, Tughlakabad extension, Central Zone, Ward S-82, New Delhi (*hereinafter*, 'vending site').
3. The case of the Petitioner is that he is a street vendor who has been running a tea stall with food items from the vending site, for several years.



The Petitioner has been issued a *provisional* Certificate of Vending (*hereinafter*, 'CoV') bearing **URI No.5955074** under the category of '**Food Snacks without gas cylinder/fire**' for Central Zone, Ward S-82.

4. However, the grievance of the Petitioner in the present petition is that the concerned officials of the Municipal Corporation of Delhi (*hereinafter*, 'MCD') and Delhi Police are not allowing the Petitioner to peacefully vend at the vending site.

5. The photograph of Petitioner's vend is also placed on record and is set out below:



6. Mr. Aditya, Id. Counsel for the Petitioner submits that earlier the Petitioner was using an electrical connection, however, now he is using a cylinder.



7. The Court has considered the matter. A perusal of the *provisional* CoV of the Petitioner would show that the same is under the category of '***Food Snacks without gas cylinder/fire***'. The photograph placed on record would show that the Petitioner is using a gas cylinder. Clearly, the Petitioner cannot use a gas cylinder and has to adhere to the terms and conditions of the Provisional CoV.

8. Under these circumstances, the directions sought by the Petitioner cannot be granted. The only direction that the Court is inclined to pass is that the Petitioner shall strictly abide by the terms and conditions of the *provisional* CoV and shall vend without a gas cylinder. However, the Petitioner is at liberty to obtain an electrical connection, in order to run his coffee machine, if so permissible.

9. Subject to the Petitioner adhering to the terms and conditions of the *provisional* COV, he shall not be disturbed by the concerned officials of the MCD and Delhi police from vending his wares.

10. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

APRIL 30, 2026

dj/sm