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

Date of Decision: 2nd November, 2026
Uploaded on: 5th November, 2026

\# **CNR No. DLHC010526982026**

\+ **W.P.(C) 16182/2026**

SANTOSH KUMAR .....Petitioner

Through: Mr. Kirti Uppal, Sr. Adv. with Ms. Shaini Bhardwaj, Ms. Rukhsar, Mr. Avichal Mishra, Mr. Pratham Diwakar, Mr. Vedic Thukral, Advs. Petitioner in person

versus

NEW DELHI MUNICIPAL COUNCIL & ORS. .....Respondents

Through: Mr. Sriharsha Peechara, SC with Mr. Soumit Ganguli

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 75752/2026 (exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 16182/2026

3. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to recognise the change of trade of the Petitioner from selling *fruits* to selling *readymade garments* in respect of vending site *i.e.*, Mohan Singh Place, Connaught Place, New Delhi in compliance with Circular dated 16th August,

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2016 bearing no. ***D-1043/SO(Estate-I)/2016*** issued by the New Delhi Municipal Council.

4. The Petitioner is a street vendor having a Certificate of Vending *(hereinafter, 'CoV')* bearing ***Vendor ID. no. V2025200823***. As per the said certificate, the details of vending are as under:

Vending No.	V2025200823
Category	Fresh Fruit
Area	Mohan Singh Place

5. The case of the Petitioner is that, although the Petitioner was issued CoV for vending fresh fruits, the Petitioner has been vending garments and clothes. It is his case that since fruit vending does not yield him enough to sustain his family, he wishes to change his category to the sale of readymade garments.

6. At the time of the survey in 2025, the photograph of Petitioner's vend is set out below:



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7. However, the present photograph of Petitioner's vend is as under:



8. The Petitioner has placed reliance upon the Clause 4(iii) of the Circular dated 16th August, 2016 bearing no. ***D-1043/SO(Estate-I)/2016*** issued by the New Delhi Municipal Council *(hereinafter, 'the circular')*. The relevant portion of the *Circular* is set out below:

> *"**4.** **<u>Change of Trade</u>***
>
> *(i) All pending cases shall be dealt as per this decision of the Council.*
>
> *(ii) No trade in the negative list shall be permitted. Negative list for each market to be notified within one month from the date of this circular viz. 16th August, 2016.*
>
> *(iii) For (a) change from 'licence trade' to 'non-licence trade which is not in the negative list', or (b) change from 'non-licence trade' to 'non-*

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licence trade which is not in the negative list', or (c) grouping of non-licence trades which are not in the negative list, permission from NDMC will not be required, and an intimation, without any fee/ increase in licence fee, to the Director Estate, NDMC shall be sufficient for the same……"

9. Ld. Sr. Counsel for the NDMC submits that, as per the said clause in the *Circular*, for change of non-license trade to another non-license trade, which is not in the negative list, no permission is required, if the activities are not in the negative list.

10. Further, it is also submitted by ld. Sr. Counsel for the Petitioner that, on the basis of the *circular*, the intimation of vending as a readymade garment seller has already been given by way of representations on 15th June, 2026 and 09th October, 2026 to the NDMC. However, despite the same, the NDMC officials continue to disturb the peaceful vending activities of the Petitioner.

11. Ld. Counsel for the NDMC submits that the change in the trade activity can only be considered by TVC-II, after it is constituted.

12. The Court has considered the matter. The prayer of the Petitioner is for change of category in the Certificate of Vending. Although the same is to be decided by the TVC-II, in the meantime, so long as the Petitioners are vending items falling within the non-negative list and they have given the requisite intimation, they cannot be disturbed. However, they shall strictly adhere to the terms and conditions governing vending and ensure that the size of their vending space is maintained at 6' x 4'.

13. The Petitioner shall abide by the terms and conditions of vending, which are set out below:

"1. Vendor shall not have any other permanent or long-

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term vending certificate.

2. Vending certificate is non-transferable.

3. It is mandatory for the vendor to follow the vending period and zone as determined by TVC or local body.

4. Vendor shall not give his vending certificate on rent in any way.

5. Vendor shall not have any infectious disease.

6. Vendor shall have to take care of hygiene on vending place/zone and nearby area and also take care of public health.

7. Vendor shall display copy of vending certificate on his place/vending site and will produce original documents to TVC/concerned inspector whenever required.

8. Vendor/Squatter shall insure that no hindrance be caused to pedestrian and vehicular moment.

9. Vendor shall not vend/sell any harmful, dangerous and polluted items. It should also be ensured that the quality of the products sold and services provided to the public conform to the prescribed standards of public health, hygienic conditions and safety.

10. The street vendor shall not do any unauthorized/illegal activity.

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.

12. Vendors will not block footpaths and will not vend on roads. Vendor should take care of space in front of vending stalls/counters on footpath for pedestrians.

13. Vending certificate can be cancelled or suspended on the basis of violations.

14. Vendor shall not build or construct any kind of permanent or temporary structure at vending site.

15. Seller shall adopt health and hygiene conditions as

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required by local laws and court orders.

16. Vendor have to follow all the conditions mentioned in Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019."

14. Subject to the Petitioner complying with the same, they shall not be disturbed.

15. After the TVC-II is constituted, the change of category in the CoV shall be considered by the TVC-II. The above stated directions shall be subject to any plan which the Town Vending Committee–II may be coming up with in terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and no vested rights shall be claimed.

16. The petition is disposed of in above terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 2, 2026/ss/sm

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