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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 11073/2024

BHARAT BHUSHAN

.....Petitioner

Through: Mr. Kotla Harshavardhan, Ms
Rishbha Arora & Ms. Komal
Pandey, Advs. (M: 9958400199)

versus

MUNICIPAL CORPORATION OF DELHI & ANR....Respondents

Through: Ms. Tajinder Viridi, SC for MCD
with Mr. Rahul Panwar, Assistant
Commissioner. (M:981883444)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **01.04.2026**

1. This hearing has been done through hybrid mode.

CM APPL. 20515/2026 (for compliance of the directions)

2. On the previous date of hearing i.e., 17th February, 2026, the Petitioner had filed an application seeking directions to the Respondent to issue the Certificate of Vending (hereinafter, 'CoV') to the Petitioner.

3. The brief background of the present case is that the Petitioner is a visually impaired person who is running a fruit selling *Khokha*, near the Sultanpuri Bus Stand, Rohini, Delhi. The Petitioner is 100% visually impaired, with a certificate of disability issued by the Sanjay Gandhi Memorial Hospital, Mongolpuri bearing Certificate No. 149.

4. In the year 2017, the Petitioner was dispossessed of his *Khokha* by one Ms. Shakuntala Devi, who was engaged in the business of illegally



renting and selling *Khokhas*. The Petitioner complained to the Respondents multiple times, however, the Respondents took no steps against Ms. Shakuntala Devi.

5. Being aggrieved by this and the fact that the Petitioner was in constant fear that the Respondents may take any action against him, the Petitioner filed **W.P.(C) 1333/2018** titled '**Bharat Bhushan v. Municipal Corporation of Delhi and Anr.**', wherein the Court had directed the Town Vending Committee (*hereinafter*, 'TVC') to consider the case of the Petitioner, as and when it becomes functional. However, the case of the Petitioner was not considered by the TVC despite directions being issued by this Court.

6. Thereafter, the Petitioner filed a contempt petition being **CONT.CAS(C) 984/2019** titled '**Bharat Bhushan v. Varsha Joshi**' wherein the Court *vide* order dated 21st April, 2023 directed the TVC of the Municipal Corporation of Delhi (*hereinafter*, 'MCD') to hold a survey within 8 weeks, and in any case, not later than 24 weeks. However, no relief was granted to the Petitioner. The TVC in the Minutes of the Meeting dated 16th January, 2023 permitted the Petitioner to carry out vending activities without erecting any permanent structure.

7. Pursuant to the order dated 21st April, 2023 in **CONT.CAS(C) 984/2019**, the Petitioner collected his *Khokha* and a request was made to the MCD for electricity connection for the *Khokha*. However, the same was denied on the ground that the CoV had not been granted to the Petitioner.

8. Even the Police officials are creating obstacles for the Petitioner to carry out his vend. It is the case of the Petitioner that the Police Authorities as also the MCD have been harassing the Petitioner and are not allowing



the Petitioner to run his *Khokha* peacefully at his site of vending.

9. According to the Petitioner, the same is being done as the CoV is not being issued to the Petitioner, despite participating in the survey and specific directions passed by this Court.

10. The Petitioner had participated in the survey conducted by TVC on 29th August, 2025 and accordingly, on 21st November, 2025, the present petition was disposed of. However, the Petitioner did not receive any communication from the TVC regarding the CoV. Hence, the **CM APPL. 10973/2026** was filed by the Petitioner.

11. Accordingly, this Court on 17th February, 2026 directed as under:

“18. Ms. Tajinder Viridi, Id. Counsel for the MCD is stated to be unavailable.

19. Ms. Lalam, appearing on behalf of Id. Counsel for the MCD submits that she is only a proxy Counsel and does not have any instructions in the matter.

20. It is noticed that on several dates, adjournments have been sought in the present matter.

21. The plight of the Petitioner does not appear to evoke any response from the MCD. The Petitioner, who is a 100% visually disabled person, has been made to run from pillar to post by the MCD.

22. The Petitioner has been in litigation with the MCD for several years now and despite repeated orders of this Court, both in writ jurisdiction as well as in the contempt jurisdiction, the MCD has not issued the CoV to the Petitioner

23. Under these circumstances it is directed that the Assistant Commissioner, MCD, Rohini Zone shall



remain present in Court, on the next date of hearing.

24. In addition, an affidavit shall be filed by the Assistant Commissioner, MCD, Rohini Zone stating the following:

(i) The reasons for non-issuance of the CoV to the Petitioner, despite repeated orders passed in this regard;

(ii) The affidavit shall also address as to what reasonable accommodation can be extended to the Petitioner, in compliance with the provisions of the Rights of Persons with Disabilities Act, 2016, having regard to the fact that he is a visually disabled person.

25. Though the Petitioner is being represented by a legal aid Counsel, the MCD shall pay costs of Rs. 10,000/- to the Petitioner for the expenses that the Petitioner has repeatedly incurred.

26. List on 12th March, 2026.

27. Copy of this order shall be communicated to the Assistant Commissioner MCD, Rohini Zone through the Id. Counsel for the MCD.

28. Dasti.”

12. Thereafter, the matter was heard on 12th March, 2026. On the said date a status report was filed by the MCD, which revealed a shocking state of affairs. Ms. Viridi, Id. Standing Counsel on behalf of the MCD had submitted that the survey was conducted in the Rohini Zone by the empanelled agency namely, Nidan. However, the same could not be completed due to the fact that the elected members of the TVC had not



participated in the survey proceedings. Thus, it was stated that the survey was incomplete. Moreover, whatever survey was done has also not been finalised.

13. After hearing the Id. Counsels for the parties, the Court on 12th March, 2026 had observed as under:

“10. Heard. A perusal of the document on record which is referred to by Ms. Viridi, Id. Counsel, dated 6th January, 2026 signed by the Administrative Officers in Rohini Zone reveals that the name of the said officer signing the letter is not clear. The said letter dated 6th January, 2026 reads as under:

*“With reference to Office Memorandum No, AC/CL&EC/2025/D-154 dated 12.06.2025, and subsequent letter dated 24.10.2025 of CL&EC/HQ, for extension of contract for three month to agencies, **it is submitted that the members of the Town Vending Committees (TVCs) of Rohini Zone are currently not participating in the said survey, citing non-receipt of their allowances.** A letter to All TVC members end M/s Nidan, 6 School Lane, 2nd Floor, New Delhi-110001 was served upon them for completing the survey within the stipulated period of 03 month w.e.f 23.10.2025 (Copy enclosed).”*

11. A perusal of the above would show that the TVC members are not participating in the survey due to non-receipt of allowances. Obviously, if the allowances are not paid, the members will not participate in the survey. Therefore, the agency cannot conduct the survey and the survey remains incomplete. Due to the survey remaining incomplete, no CoV can be issued and persons like the Petitioner continue to be harassed.



12. It was under these circumstances that the Assistant Commissioner was directed to be present vide order dated 17th February, 2026. However, Mr. Dhirendr Kumar Singh, Assistant Section Officer has been deputed today by the MCD.

13. It is shocking as to how when this Court has directed an affidavit to be filed by the Assistant Commissioner, MCD and was directed to be present in Court, the MCD continues to deal with this issue in a callous manner.

14. The status report which has been filed by the MCD and has been signed by Mr. Rahul Panwar, Assistant Commissioner, MCD does not give any reasons as to why the members of TVC did not participate in the survey. Moreover, there are no timelines given by the MCD as to when the survey is to be completed. The MCD appears to be working in the most dysfunctional manner.

15. Under these circumstances, the Court has no option but to direct the Commissioner, MCD to remain physically present in the Court at 10:30 AM on the next date of hearing.

16. In the meantime, since the Petitioner has participated in the survey, it is directed that his vend shall not be hampered or obstructed in any manner by the MCD or the Delhi Police.

17. The costs which were imposed on the last date have not been paid and the reasons given thereto by the MCD are as under:

“With respect to the costs of Rs.10,000/- directed by this Hon’ble Court, the answering Respondent most respectfully seeks liberty to place the matter before the competent authority for appropriate directions as



the Order dated 7.02.2026 has been obtained with suppression and concealment of true and correct facts and thus, Petitioner deserves no costs for misleading this Hon'ble Court”

18. *In view of the above, the costs is increased to Rs. 20,000/- which shall be paid to the Petitioner within a period of one week by the MCD.”*

14. As can be seen from the above, this Court had observed that the MCD had dealt with the matter in a completely callous manner, as the repeated orders of this Court were not being complied with.

15. Today, Mr. Rahul Panwar, Assistant Commissioner, MCD is present in the Court. An application being **CM APPL. 20515/2026** has been filed on behalf of the MCD stating that the orders dated 17th February, 2026 and 12th March, 2026 of this Court have been complied with and *provisional* CoV has been issued to the Petitioner on 24th March, 2026 bearing **URI No. 16163**.

16. The compliance of the orders dated 17th February, 2026 and 12th March, 2026 has been set out in paragraphs 2 to 8 of **CM APPL. 20515/2026**. Further, it is also stated that the costs of Rs.20,000/- have also been paid by the MCD.

17. The prayer in the **CM APPL. 20515/2026** is for exemption of the personal appearance of the Commissioner, MCD.

18. In view of the fact that the orders dated 17th February, 2026 and 12th March, 2026 stand complied with, the costs having been paid by the MCD as also the fact that the *provisional* CoV has been issued to the Petitioner, no further orders are called for in the present petition.



19. The next date of hearing *i.e.*, 9th April, 2026 stands cancelled.
20. The Commissioner, MCD is exempted from personal appearance.
21. However, with regard to the incomplete survey as recorded in paragraphs 13 and 14 of the previous order dated 12th March, 2026, the MCD is directed to file a status report clarifying the manner in which the TVC is proposed to be constituted, and whether the survey already conducted is to be reconsidered or placed before the TVC for approval or not. The status report shall also indicate the timelines for completion of the said process. An updated status report shall be filed by the MCD, before the next date.
22. Mr. Rahul Panwar, Assistant Commissioner, MCD shall remain present in the Court on the next date of hearing.
23. Accordingly, **CM APPL. 50515/2026** is disposed of.
24. List on 27th April, 2026 for compliance.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

APRIL 1, 2026/dk/sm