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

Date of decision: 12th March, 2026

Uploaded on: 17th March, 2026

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W.P.(C) 11073/2024

BHARAT BHUSHAN

.....Petitioner

Through: Mr. Kotla Harshavardhan and Ms. Rishbha Arora, Advs. with Petitioner in person.

versus

MUNICIPAL CORPORATION OF DELHI & ANR. ...Respondents

Through: Ms. Tajinder Viridi, SC for MCD with Mr. Dhirender Kumer Singh, Assistant Section Officer.
(M: 9818834444/9718834444)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 10973/2026 (for direction)

2. On the last 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 disabled person who is running a fruit selling *khokha*. The Petitioner is 100% visually impaired with a certificate of disability issued by the Sanjay Gandhi Memorial Hospital, Mongolpuri bearing Certificate No.



149. 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 Respondent took no steps against Shakuntala Devi. 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.

4. 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.

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

6. The Petitioner had participated in the survey conducted on 29th August, 2025 conducted by the TVC and accordingly, on 21st November, 2025, the present petition was disposed of. However, till date the Petitioner has received no communication from the TVC regarding the CoV. Hence, the present application was filed by the Petitioner.

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

“18. Ms. Tajinder Virdi, ld. Counsel for the MCD is stated to be unavailable.

19. Ms. Lalam, appearing on behalf of ld. 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 ld. Counsel for the MCD.*

28. *Dasti.”*

8. Today, a status report has been filed by the MCD which reveals a further shocking state of affairs.

9. Ms. Viridi, ld. Counsel on behalf of the MCD submits 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. The survey is, thus, incomplete. Moreover, whatever survey was done has also not been finalised.

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.



2026:DHC:2188-DB



19. List on 9th April, 2026 in the *Supplementary List*.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

MARCH 12, 2026/b/ck