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* IN THE HIGH COURT OF DELHI AT NEW DELHI

*Date of Decision: 24th September, 2026**Uploaded on: 28th September, 2026*

CNR No. DLHC010460072026

+ W.P.(C) 14136/2026 and CM APPL. 66240/2026

SUSHILA DEVI

.....Petitioner

Through: Ms. Shivani Verma, Advocate for Mr.
Kamlesh Kumar Mishra, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS. .Respondents

Through: Ms. Namrata Mukim Standing
Counsel for MCD and Ms. Niharika
Singh, Advocate.

Mr. Kamendra Mishra, Adv. (CGSC)

Mr. Arnav Mittal, Adv. (GP).

Ms. Vaishali Gupta, Panel Counsel
(Civil) GNCTD, Adv.**CORAM:****JUSTICE PRATHIBA M. SINGH****JUSTICE DINESH BHATT****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The Petitioner is a street vendor selling snacks and packaged water from a cart near Sarai Kale Khan Metro Station, Gate No. 2, Railway Road, New Delhi (hereinafter “vending site”).
3. The Petitioner’s husband, namely, late Shri. Laxmi Narayan Shahu was the holder of the provisional Certificate of Vending (CoV) having **URI No. 9743476** under the category of “Others” with authorised vending area being Central Zone, Ward S - 56.
4. The case of the Petitioner is that her husband had passed away on 3rd



September, 2024 and thereafter she had made a representation on 19th August, 2026 for transfer of the provisional CoV in her name. In respect of the same, certain challans and other representations filed by the Petitioner are placed on record.

5. The image of the Petitioner's cart is set out below:-



6. The submission of Id. Counsel for the Petitioner is that the Petitioner who is the wife of the provisional CoV holder may be permitted to vend peacefully during the pendency of the application for transfer of the CoV in her name.

7. Id. Counsel for the Petitioner further relies upon Clauses 2.1.2 and 2.1.12 of the Government of National Capital Territory of the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019 in support of her case.

8. Ms. Mukim, Id. Standing Counsel for the MCD, on the other hand, submits that in terms of Clause 2.1.1 of the 2016 Scheme the TVC has



jurisdiction to deal with the transfer of CoV.

9. Heard. The Petitioner has placed on record the copy of the provisional CoV dated 6th November, 2021 and death certificate of the Petitioner's husband.

10. In terms of Section 5(2)(a) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, (hereinafter "*the Act*") whenever a street vendor, to whom a certificate of vending was issued, dies or suffers from any permanent disability, in his place one of the other family members including the spouse may vend. Section 5(2) of the Act is set out below:-

"5. Conditions for issue of certificate of vending:

[...]

(2) Where a street vendor to whom a certificate of vending is issued dies or suffers from any permanent disability or is ill, one of his family member in following order of priority, may vend in his place, till the validity of the certificate of vending—

(a) spouse of the street vendor;

(b) dependent child of the street vendors"

11. Further, Clauses 2.1.2 and 2.1.12 of the 2016 Scheme are extracted below:-

"2.1.2 COV shall be issued in the name of registered street vendor (individual only) and shall be non-transferable except in the case of incapacity, insanity and demise of the registered vendor.

2.1.12 In case of death or incapacitation of the registered street vendor, the legal heir(s) or a surviving parent of the vendor in case the registered vendor's age is below 18 years may apply to the TVC for transfer of



registration/or the COV in the name of the legal heir(s) or legal guardian(s) provided he/she has no other means of livelihood. There shall be no change in the date of expiry of the COV in case transfer is allowed.”

12. A conjoint reading of the provisions of the Act and the 2016 Scheme make it clear that the spouse of the CoV holder would be considered as a legal heir in order to continue the vending business as it would be a matter of livelihood for the family.

13. It is common knowledge that the TVC-2 of the MCD is in the process of being constituted. Under these circumstances, the following directions are issued:-

i) The Petitioner shall continue to vend strictly in terms of the provisional COV conditions which are extracted below:-

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

- ii) The representation of the Petitioner dated 19th August, 2026 shall be considered by TVC-2 within three months after it is constituted and the issue of transfer of the provisional CoV in the name of the Petitioner shall be taken by the TVC-2. All formalities shall be complied with by the Petitioner.

14. Subject to the above, the Petitioner shall not be disturbed from vending.

15. The petition is disposed of, along with all pending applications, in the above terms.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

SEPTEMBER 24, 2026/MR/msh