

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

Date of decision: 20th APRIL, 2023

IN THE MATTER OF:

+ **W.P.(C) 6583/2017 & CM APPLs. 27297/2017, 15459/2018, 30681/2018, 43621/2019, 17531/2022**

REFRIGERATED WATER LICENSEES ASSOCIATION (REGD)
AND ANR Petitioners

Through: Mr. Ashok Chhabra and Ms. Shefali
Gupta, Advocates.

versus

THE COMMISSIONER SOUTH DELHI MUNICIPAL
CORPORATION AND ORS Respondents

Through: Mr. Sanjeev Sabharwal, Standing
Counsel for MCD with Ms. Shweta,
Advocate.

Ms. Kanika Agnihotri, ASC for
NDMC.

Mr. Anuj Aggarwal, ASC for
GNCTD with Ms. Ayushi Bansal, Mr.
Sanyam Suri and Ms. Arshya Singh,
Advocates for R-5.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

1. The instant Writ Petition under Article 226 of the Constitution of India has been filed as a Public interest Litigation (PIL) by Refrigerated Water Licensees Association (Regd), a registered association having more than 300 water cooling units, with the following prayers:-

“a) The present writ petition may be allowed and writ in the nature of mandamus be passed and the Respondents be directed to forthwith put total ban on the sale of contaminated water by unlicensed roadside hawkers Selling through E-Rickshaw & through unauthorised permanent structure and selling artificially flavoured colour drinks made from harmful chemicals and substances and styling them as Shikanjavi, lassi, aamras etc.

b) The Respondents be directed to ensure the implementation of their own guidelines, rules and Law as already stated herein above.

c) No hawkers should be permitted to sell artificially flavoured colour drinks made from harmful chemicals and substances and styling them as Shikanjavi, lassi, aamras etc.

d) The Respondents should be ordered to forthwith confiscate such E-Rickshaw/ vendors selling such contaminated water and drinks and take action including imposition of penalty and prosecution & Demolish permanent structure from where the water is sold.

e) The Commissioner of Police, Respondent No.7 should be ordered to issue instructions to all Police Stations to assist the MOD and ensure that no unlicensed hawkers sell artificially flavoured colour drinks made from harmful chemicals and substances and styling them as Shikanjavi, lassi, aamras etc.

f) The persons selling water outside the said Metro stations and other places be immediately removed and stopped from selling contaminated water and action in accordance with law be taken against them”

2. Notice was issued in the instant Petition on 17.08.2017, and this Court directed the Respondents to file counter affidavits.
3. The Respondents have filed Status Reports from time to time. The Respondents being the North, South, East MCD *vide* these status reports have from time to time placed on record the action taken in the form of raids conducted, sub-standard ice destroyed, and prosecutions undertaken.
4. From time to time, the Petitioners also addressed communications to the Respondents apprising them of sale of shikanjavi, aamras, coloured drinks, etc. and unlicensed water trolleys/ Water ATM selling water without the license. In this regard, the Petitioners have also filed applications dated 14.04.2018, 27.07.2018, 11.03.2019, 25.09.2019 (Local Commissioner), 05.04.2022 (banning of sale of contaminated). Notice was issued on all such applications.
5. Pursuant thereto, on 17.08.2022, the Ld. Counsel for the Respondent No.1/SDMC informed this Court that all Corporations have now been merged into one corporation which is the Delhi Municipal Corporation and will be filing a consolidated status report on behalf of the Corporation.
6. A latest common Status Report dated 09.11.2022 was filed on behalf of the Municipal Corporation of Delhi. The MCD has placed on record that there are 12 zones falling under its jurisdiction and the MCD has been regularly taking action against various persons running unauthorized business of sale of water through unlicensed water trolleys, unlicensed sugarcane juice shops, other persons selling ice cream, unauthorised water cooling plants and other products made from water. With regard to the action taken in respect of the unauthorised water cooling plants in these 12

zones, the following data has been presented before this Court in tabular format:

South Zone:

S. No.	Action	Numbers
1.	<i>Shikanji Rehri Seized</i>	47
2.	<i>Lassi Rehri Seized</i>	54
3.	<i>Cold Drink Rehri Seized</i>	23
4.	<i>Juice Rehri Seized</i>	68
5.	<i>Jaljira Rehri Seized</i>	54
6.	<i>Sugar Trolleys Seized</i>	13
7.	<i>Water Trolleys Seized</i>	19
8.	<i>Water Trolleys Checked</i>	547 (Rounds)

West Zone:

S. No.	Action Taken	Status
1.	<i>Shikanji, Lassi, coloured drinks and Jal Jeera etc. seized</i>	47
2.	<i>Sugarcane Crusher seized</i>	54
3.	<i>Unlicensed Water Trolley Seized</i>	23
4.	<i>Removal action of Nimboos, Lemon from water trolley</i>	68
5.	<i>Prosecution actions taken against illegal water cooling plant</i>	54

Central Zone:

S. No.	Trades	Total
1.	<i>Rehri Jal Jeera</i>	45
2.	<i>Rehri Shikanji</i>	55
3.	<i>Rehris Lassi</i>	35
4.	<i>Rehris coloured drinks</i>	35
5.	<i>Rehris Aam Panna and drinking materials</i>	35
6.	<i>Water Trollies</i>	08

7.	<i>Suger cane crushers</i>	04
8.	<i>Prosecution actions taken against illegal water cooling plants</i>	06
9.	<i>Show cause/Improvement notice issued to Water cooling plants</i>	29

Najafgarh Zone:

S. No.	Action Taken	Status
1.	<i>Shikanji, lassi, Coloured Drinks and Jaljira etc.</i>	12
2.	<i>Sugarcane Crushers seized</i>	6
3.	<i>Unlicensed Water Trolley seized</i>	Nil
4.	<i>Removal action of neembus / lemon from water trolleys</i>	Nil
5.	<i>Prosecution action against illegal water cooling plant / trolley</i>	Nil

Civil Lines Zone:

S. No.	Action Taken	Status
1.	<i>Lassi, Cold drinks, Jaljeera etc. Seized</i>	28
2.	<i>Sugarcane Crusher Seized</i>	18
3.	<i>Unlicensed Water Trollies Seized</i>	04
4.	<i>Removal action of Nimbus/Lemon from Water Trollies</i>	09
5.	<i>Prosecution action against water cooling plant</i>	0
6.	<i>Closure notice/notice issued against water cooling plant</i>	15
7.	<i>Ice cream push cart</i>	11

City-SP Zone

S. No.	Action Taken	Status
1.	<i>Lassi, Cold Drinks, Jaljeera etc.</i>	124

	<i>Seized</i>	
2.	<i>Sugarcane Crushers Seized</i>	<i>17</i>
3.	<i>Unlicensed Water Trolley Seized</i>	<i>24</i>
4.	<i>Removal action of Neembus/Lemon from Water Trollys</i>	<i>15</i>
5.	<i>Prosecution action against Water Cooling Plant</i>	<i>05</i>
6.	<i>Closure Notice issued against Water Cooling Plant</i>	<i>Nil</i>

Shahdara (South) Zone:

S. No.	Action	Status
1.	<i>Lassi, Cold Drinks, Jaljeera etc. Seized</i>	<i>21</i>
2.	<i>Sugarcane Crusher Seized</i>	<i>7</i>
3.	<i>Unlicensed Water Trolleys Seized</i>	<i>1</i>
4.	<i>Removal action of Nimbus/Lemon from Water Trollies</i>	<i>1</i>
5.	<i>Prosecution action against Water Cooling Plant</i>	<i>1</i>
6.	<i>Closure Notice issued against Water Cooling Plant</i>	<i>Nil</i>

Shahdara (North) Zone:

S. No.	Action Taken	Status
1.	<i>Lassi, Cold Drinks, Jaljeera etc. Seized</i>	<i>06</i>
2.	<i>Sugarcane Crushers Seized</i>	<i>18</i>
3.	<i>Unlicensed Water Trolley Seized</i>	<i>03</i>
4.	<i>Removal action of Neembus/Lemon from Water Trolleys</i>	<i>03</i>
5.	<i>Prosecution action against Water Cooling Plant</i>	<i>10</i>
6.	<i>Closure Notice issued against Water Cooling Plant</i>	<i>Nil</i>

Rohini Zone:

S. No.	Item Seized	Total No's
1.	Water Trolley	1
2.	Sugarcane Crusher	15
3.	Rehri Shikanji	8
4.	Rehri Lassi	5
5.	Rehri Jal Jeera	6
6.	Rehri Juice	12
7.	Ice cream Trollies	5
8.	Aamras/Coloured Drinks	3
9.	Banta Lemon	0
10.	Ice Destroyed	6500 KG

Karol Bagh Zone:

S. No.	Items Seized	Total No
1.	Water trolley seized	00
2.	Sugar cane crusher	01
3.	Rehri Shikanji Seized	06
4.	Rehri Lassi Seized	07
5.	Rehri Jal Jeera	22
6.	Rehri Juice	32
7.	Ice cream Trollies	00
8.	Aamras/Coloured Drinks	07
9.	Banta Lemon	01
10.	Ice destroyed	8758

Narela Zone:

S. No.	Items Seized	Total Nos
1.	Water Trolleys seized	-
2.	Sugar Cane (Kolhu) Seized	18
3.	Rehri Shikanji Seized	8
4.	Rehri Lassi Seized	9
5.	Rehri Jal Jeera	6
6.	Rehri Juice	6

7.	<i>Ice cream Trolleys</i>	4
8.	<i>Aamras/Coloured Drinks</i>	1
9.	<i>Banta Lemon</i>	1
10.	<i>Ice destroyed</i>	960 kg

Keshav Puram Zone:

S. No.	Items Seized	Total No.
1.	<i>Water Trolleys Seized</i>	19
2.	<i>Sugar Cane (Kolhu) Seized</i>	13
3.	<i>Rehri Shikanji Seized</i>	6
4.	<i>Rehri Lassi Seized</i>	5
5.	<i>Rehri Jal Jeera</i>	4
6.	<i>Rehri Juice</i>	1
7.	<i>Ice cream Trollies</i>	8
8.	<i>Aamras/Coloured Drinks</i>	3
9.	<i>Banta Lemon</i>	2
10.	<i>Ice destroyed</i>	1790

7. From a perusal of the above tables, it appears that hygiene raids were carried out in the South Zone from 01.05.2022 to 07.11.2022. In such raids, 47 Shikanji rehris, 54 lassi rehris, 23 cold drink rehris, 68 juice rehris, 54 jaljeerzrehris, 13 sugarcane crusher rehris, 19 water trolley were seized and 547 water trolleys were checked. Further, it appears that 132 shikanji, lassi, and coloured drinks rehris, 11 sugarcane crushers, 03 unlicensed water trolleys were seized, 148 rehris of nimboos, lemon were removed, and 07 illegal water colling plants were prosecuted in the West Zone. Similar action has been taken in the Central, Najafgarh, Civil Lines, City SP, Shahdara (South), Shahdara (North), Public Health Department, Karol Bagh, Narela, and Kesha Puram Zones as well.

8. It appears that the Respondents, which are now the Common Municipal Corporation of Delhi, along with the aid and assistance of the

police, has been from proactively taking action against the illegal dissemination of contaminated water and/or artificially flavoured colour drinks made from harmful chemicals and substances in all the prevalent zones. It appears that the Respondents had been taking such action from 2018 itself. In light of this, this Court does not find it necessary to furnish further status/action taken reports from the Respondents.

9. Needless to state that the Respondent/MCD must continue to ensure that hawkers are prohibited from selling contaminated water or from passing of any contaminated beverages as Shikanji, Lassi, coloured drinks, soda water, lemon soda, cut fruits, sugarcane juice, Jal Jeera and Ruhafza, Kanji bottle etc. In this regard, the Respondents must continue to carry out regular raids, confiscate illegal material, and initiate prosecution against individuals engaged in the selling of contaminated water or from passing of any contaminated beverages as Shikanji, Lassi, coloured drinks, soda water, lemon soda, cut fruits, sugarcane juice, Jal Jeera and Ruhafza, Kanji bottle etc.

10. In light of this, the instant PIL stands disposed of, along with pending application(s), if any.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

APRIL 20, 2023

S. Zakir/ss