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

Date of Decision: 18th December, 2024

+ **W.P.(C) 13022/2024**

SS EXHIBITION AND MEDIA PVT. LTD. Petitioner

Through: Mr. Sandeep Bajaj, Mr. Soayib Qureshi, Mr. Rishabh Dua, Mr. Mayank Biyani and Ms. Chetna Alagh, Advocates.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Piyush Sharma, Advocate for R-2.
Mr. Vipin Singh, Advocate for R-3.

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA
JUDGMENT**

SANJEEV NARULA, J. (Oral):

CM APPL. 74351/2024 (seeking directions)

1. Considering the nature of prayer made in the application, the Court considers it appropriate to call the main petition on board for final hearing, with consent of counsel for parties.

2. Disposed of.

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3. The Petitioner, SS Exhibition and Media Pvt. Ltd, challenges the amendment dated 18th June, 2024¹ to the Circular bearing No.

¹ "impugned amendment"



144/ITPO(624)/MKTG/2012, dated 20th June, 2013,² issued by Respondent No. 2, India Trade Promotion Organisation.³

4. The Petitioner describes themselves as an exhibition forum for the exchange of information between institutions/ universities and students. The Petitioner asserts that they are engaged in the business of information exchange forums and conduct various exhibitions and fairs, connecting institutions to their clientele. Respondent No. 2, ITPO is a Mini-Ratna Category-1 Central Public Sector Enterprise wholly owned by the Government of India, and manages major exhibition and convention facilities, including those at Pragati Maidan.

5. On 18th April, 2024, the Petitioner applied with the ITPO for hall reservation at Pragati Maidan for the purpose of hosting an educational exhibition, titled '*Educatus Expo International*', and paid the requisite booking fee. At that stage, the booking policy was governed by circular bearing No. 144/ITPO(624)/MKTG/2012 issued by the ITPO on 20th May, 2013, which prohibited the concurrent conduct of exhibitions at Pragati Maidan by third-party organisers. This 2013 Circular stipulated a mandatory time gap of three days before and after an ITPO fair and a third-party fair of similar product profile.

6. The Petitioner contends that relying on these provisions, they anticipated an exclusive timeframe, ensuring that their event would face no simultaneous competitive shows. Confident in this expectation, the Petitioner invested heavily in marketing and promotion.

7. The Petitioner's grievances stem from the impugned amendment of the 2013 Circular made on 18th October, 2024, which carves out an

² "2013 Circular"

³ "ITPO"



exception for educational and career-related events, exempting them from the restriction imposed on third-party organisers from conducting concurrent exhibitions or fairs at Bharat Mandapam, located within Pragati Maidan.

8. In light of the aforesaid factual background, Mr. Sanjeev Bajaj, counsel for the Petitioner, makes the following submissions:

8.1 The impugned amendment abruptly dilutes the exclusivity in respect of the venue that the Petitioner had anticipated at the time of making the booking.

8.2 The selective exemption under the impugned circular discriminates against organisers of educational or career events, leaving other event categories untouched. By extending the privilege of concurrent hosting solely to educational and career fairs, the amendment treats the Petitioner and its rivals on unequal footing without any legitimate, discernible justification, contravening Article 14 of the Constitution.

8.3 Respondent No. 3, admittedly a competing organizer in the same educational space, applied in June 2024 for hall bookings during the exact dates the Petitioner had planned its event.

8.4 Respondent No. 3's application was approved by ITPO, and the booking allotment was granted to them for the same dates, from 18th April, 2025 to 20th April, 2025, for which the Petitioner intends to hold their own exhibition. Respondent No. 3's application was submitted on the same date that the impugned amendment was enacted. The impugned amendment should not have been applied retrospectively, and, as such, the bookings made by the Petitioner for the aforementioned dates should have been protected.

8.5 The Petitioner has incurred substantial expenses in marketing and advertising the exhibition. Respondent No. 3, as a competitor, would be able



to exploit the benefits of such promotional efforts, as the Petitioner will no longer have exclusivity over the prospective clients/visitors attending the event(s). Respondent No. 3 will effectively be able to capitalize on the interest generated by the Petitioner's advertisements and will siphon prospective visitors, piggybacking on the Petitioner's brand-building and outreach without incurring the same promotional expense.

8.6 The Petitioner had made bookings prior to the impugned amendment. Therefore, Respondent No. 3, who had other available slots, should have been accommodated on those dates instead. There is no justifiable reason to permit Respondent No. 3 to hold an exhibition on the same dates as the Petitioner.

8.7 As public authorities, the Respondents are obligated to act with objectivity and non-arbitrariness. The discretion vested in them ought not to be exercised in a capricious or unreasonable manner, particularly when such actions result in financial and other detriment to the Petitioner. The actions of the Respondents, as described above, are arbitrary, unreasonable, and irrational.

9. The Court has considered the aforementioned contentions. At the outset, it is pertinent to emphasize that the scope of judicial intervention in matters pertaining to government policy is circumscribed, and intervention is warranted only in instances where the policy appears to be manifestly arbitrary, irrational, or *mala fide*. However, since the Petitioner has alleged that the impugned amendment is arbitrary and violative of Article 14, the Court had called upon the Respondent to respond to the allegations made by the Petitioner. In this regard, the Senior Manager of ITPO has filed a common counter affidavit on behalf of Respondent Nos. 1 and 2, highlighting that the ITPO is empowered to make policy decisions regarding



the organisation of events at Bharat Mandapam. Furthermore, the Respondents have provided a detailed justification for the impugned amendment to the Circular, which includes the following reasons:

9.1 ***Increase in Capacity:*** Under the 2013 Circular, concurrent third-party events featuring similar product profiles could not be held at Pragati Maidan (now Bharat Mandapam) due to limited infrastructure, with only approximately 60,000 sq. m of exhibition space across a small number of halls. However, following the redevelopment, Bharat Mandapam now has 20 exhibition halls covering 110,000 sq. m of air-conditioned indoor space, along with a convention centre comprising five levels, 16 meeting rooms (ranging from 50 to 200 pax), and two auditoriums (600 and 900 pax). The extensive facilities, spread over 123 acres, have significantly enhanced the capacity, enabling the ITPO to host multiple concurrent events.

9.2 ***Prime time for Career/ Educational Events:*** Over the past several years, the results of various examinations are usually announced during the period from early April to mid-June, followed by the commencement of the admission processes for schools, colleges, and career/ educational institutions. Consequently, numerous organisers seek to host educational fairs at Bharat Mandapam during this limited window spanning from April to mid-June. Within this timeframe, there are only two weekends when students and their parents are able to devote time to attend such fairs.

9.3 ***Equality of opportunity:*** The policy of prohibiting the simultaneous hosting of different events results in many organisers losing out on valuable business opportunities. Moreover, since the dates for examination results are not disclosed in prior and organisers are required to pay rental fees in advance, only those organisers with greater financial resources or profits can afford to commit to the anticipated dates. This is due to the risk that, should



their event fail to attract sufficient exhibitors or participants, they would incur significant losses in the form of licence fees and cancellation penalties after having already made early financial commitments. The expansion of capacity has, therefore, enabled the ITPO to offer equal opportunities to all organisers to hold parallel events during the limited April-June window, fostering healthy competition among them.

9.4 Furthermore, as a number of students and parents are likely to visit Bharat Mandapam during the limited weekends of the summer months, it is automatically ensured that the business interests of organisers holding concurrent events, remain unaffected. This is because the large volume of visitors ensures that all events attract significant viewers, providing different opportunities for visitors to explore a range of career options.

9.5 ***Loss of opportunity cost to the ITPO:*** By limiting the concurrent hosting of events, ITPO has to incur an opportunity cost, as several halls remain unutilized. As a self-financing entity with its own business interests and a ‘rights of admission’ policy, ITPO stands to lose potential revenue. Additionally, some organisers, particularly in the education and career sectors, tend to book prime weekends, only to later surrender part or all of their allocated space. While these organisers are burdened with cancellation and reduction fees—typically around 30%—ITPO faces a much greater loss, potentially up to 70% of the expected revenue.

9.6 ***Optimal utilisation of the space:*** With the increase in the capacity of Bharat Mandapam, a smaller education or career-related event, catering to a 50-person capacity in one of the rooms can easily be held concurrently with a larger organiser hosting a fair in a 3,000 square meter hall, and vice versa. Given the expansive layout of the exhibition grounds, with multiple halls and conference facilities spread across ample space, the potential for conflict



or disruption is minimized.

9.7 ***Better opportunities for visitors:*** This approach will benefit the lakhs of students and their parents, allowing them to access and explore a wide range of opportunities within the limited time available to them. Far from diminishing individual event appeal, this clustering could enhance the overall visitor experience, enabling attendees to weigh multiple opportunities in a single visit.

10. In light of the foregoing, and taking into account the scope of this Court's jurisdiction with respect to policy matters, the Court is of the opinion that the Petitioner's challenge to the impugned amendment, on grounds of discrimination and lack of differential criteria, is unpersuasive. The Respondents have presented a cogent policy rationale: the transformation in scale, the seasonal pressure of educational fairs, the objective of fair market opportunities for various organisers, and pragmatic considerations for ITPO's sustainability. The Court does not find the amendment to be tainted by any arbitrariness or perversity.

11. Accordingly, the petition is dismissed, along with pending application(s), if any.

12. The next date of hearing, i.e., 05th February, 2025, stands cancelled.

SANJEEV NARULA, J

DECEMBER 18, 2024

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