

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Civil Writ Petition No.12511 of 2015

Date of Decision: 29.06.2015

M/s Kusha Advertising Pvt. Ltd.

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Ms. Bindu Goel, Advocate for the petitioner.

JASWANT SINGH, J. (Oral)

The advertiser/petitioner had been permitted the renewal of advertisement permission regarding display of 2 Unipoles advertisements at JMD Regent Plaza, vide order/letter dated 14.08.2014 (**Annexure P-12**) for the period w.e.f. 14.06.2014 to 13.06.2015 on payment of the fee of ₹15,22,800/-. Subsequently, the petitioner raised a dispute regarding adjustment of the fee for the period 14.06.2014 till 10.09.2014 since it was asserted that no advertisements had been displayed for the said period due to non-renewal of the permission for that period by the Municipal Corporation, Gurgaon.

On the other hand, the stand of the M.C., Gurgaon appears to be contrary since the request for change of the date of permission w.e.f. 14.06.2014 to 10.09.2014 has been specifically declined, vide impugned letter dated 16.04.2015 (**Annexure P-1**).

It is not in dispute that after the expiry of the permission as per the renewal order dated 14.08.2014 (**P-12**), the advertisements have since been removed from the site w.e.f. 14.06.2015.

After hearing learned Counsel for the petitioner at length, this Court is not inclined to interfere in exercise of writ jurisdiction since the disputed question of fact is involved as to whether for that intervening period w.e.f. 14.06.2014 to 10.09.2014, the advertisement was displayed or not, which at best would entitle to refund of the licence fee for the said period. Therefore, in the opinion of this Court, the appropriate remedy of the petitioner is to seek civil remedy in accordance with the law before the Civil Courts.

Accordingly, the writ petition stands disposed of.

June 29, 2015

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**(JASWANT SINGH)
JUDGE**