

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

CWP No.3281 of 2015

Date of Decision:-20.04.2015

M/s Adwel Advertising Service & Anr.

.....Petitioners.

Versus

The Municipal Corporation, Gurgaon, Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. D.S. Patwalia, Senior Advocate assisted by
Mr. Nitin Kaushal, Advocate for Petitioners.

Mr. Dinesh Arora, Advocate for the respondents.

JASWANT SINGH, J. (ORAL)

The petitioner-firm vide letter dated 7.11.2014 (P-5) was permitted by the Municipal Corporation, Gurgaon for displaying the advertisement on Wall Wrap on an area of 5350 square feet and 450 square feet on Unipole for a period of 3 years on a private building i.e. Ambience Mall, NH-8, Gurgaon, Haryana subject to the terms and conditions therein including payment of fee.

It is the admitted case of the parties that qua 450 sq.ft. permitted for Unipole, no display of advertisement factually was undertaken by the petitioner although some amount of fee had been deposited. It is also admitted that qua the area of 5350 sq. feet the fee at the rate of Rs.100/- per square feet per month payable for a year was deposited.

Although fee at certain rates has been charged for granting permission, subsequently the dispute has arisen as to whether such display of advertisement can be permitted and at what rates of fee till the finalisation of the Byelaws by the Municipal Corporation, Gurgaon which is already a subject matter of litigation before this Court.

At the time of hearing learned Counsel for the parties are at *ad idem* that although for displaying of advertisement on a wall wrap, the permission was for a area of 5350 sq.ft., however, the area utilised for display was measuring 16,098 sq. ft.

Learned Counsel on instructions from the petitioner-firm states that the petitioner-firm would pay the fee at the stated/existing rate for the excess area utilised by it subject to final adjustment upon fixing of rates after the promulgation of the Byelaws. It is however submitted that the said violation qua excess area utilised was only for 18 days whereas the counsel for the Corporation very seriously disputes the period of use of such excess area.

At the time of hearing, learned Counsel for the parties, on instructions from their respective clients, states that the petitioner-firm would be permitted to display the advertisement on an area of 5350 sq.ft. on a Wall Wrap on payment of proportionate fee at the existing rate till the finalisation of the Byelaws and a decision taken on the rates to be charged. However, qua the excess area utilised and for whatever period, the matter shall be decided afresh by the Commissioner, Municipal Corporation, Gurgaon after giving an opportunity of hearing to the petitioner-firm. It is also agreed that whatever the amounts stand deposited in excess would be liable to be adjusted for any future demand so raised, and any shortfall shall

be duly cleared by the petitioner-firm.

In view of the aforesaid agreed stand, the present writ petition is disposed of with the direction that the petitioner-firm shall be permitted to display their advertisement on Wall Wrap for an area of 5350 sq.ft. on the permitted sites subject to payment of proportionate fee at the existing rate till a fresh decision is taken in accordance with the Byelaws being framed. The issue regarding the period and liability to pay regarding the excess area utilised on the Wall Wrap shall be decided by the Commissioner, M.C., Gurgaon after giving the opportunity of hearing to the petitioner within 4 weeks from the receipt of certified copy of this order.

**(JASWANT SINGH)
JUDGE**

April 20, 2015
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