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

+ **W.P.(C) 1809/2018**

**ALL ABOUT OUTDOOR MEDIA.COM. PVT LTD  
AND ANR**

..... Petitioners

Through: Mr Pratibhanu Singh Khaaroia, Mr  
Nitin Pavuluri, Mr Priyadarshi  
Banerjee and Mr Madhavam Sharma,  
Advocates.

versus

**SOUTH DELHI MUNICIPAL CORPORATION  
AND ORS.**

..... Respondents

Through: Mr Sanjay Poddar, Sr. Advocate with  
Mrs Arti Bansal and Mr Sharaf  
Habibullah, Advocates for SDMC.  
Mr Madhu Sweta and Mr Rohit Jain,  
Advocates for R-2.  
Mr Ashim Sood and Mr Aditya  
Kumar, Advocates for R-3.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**20.08.2018**

**CM No.7421/2018**

1. Allowed, subject to all just exceptions.

**W.P.(C) 1809/2018 & CM No. 7420/2018**

2. The petitioner has filed the present petition, *inter alia*, aggrieved by the communication issued by the National Highways Authority of India (hereafter 'NHAI') with regard to the Unipoles allotted to the petitioner for displaying advertisements. It is stated that the petitioner had participated in

a tender floated by respondent no.1 (hereafter 'SDMC') for allotment of sites for display of advertisements and was allotted three clusters comprising of 26 sites for Unipoles. There was some controversy as to the sites allotted to the petitioner and the Unipoles fixed by them had to be relocated. After relocation, the petitioner was granted only two clusters comprising of 17 unipoles (9 in one cluster and 8 in another). Apparently, the controversy whether the Unipole advertisements could be displayed at the new sites so allotted continued to persist between SDMC and NHAI. It is in the aforesaid context that the petitioner has filed the present petition.

3. This Court is informed that after filing of the present petition the petitioner has now surrendered one cluster comprising of 9 Unipoles and is currently displaying advertisements on only 8 unipoles.

4. The learned counsel appearing for the NHAI states that the controversy between SDMC and NHAI relates to the jurisdiction to permit advertisements. He states that advertisements on National Highways are not permitted and NHAI retains the jurisdiction to enforce the same. Mr Poddar, learned senior counsel appearing for the SDMC states that the Unipoles in question are located at the sites selected as per the joint survey conducted by SDMC and NHAI and, therefore, there can be no objection to such sites.

5. The learned counsel appearing for the NHAI states that he has no instructions with regard to the cluster that continues to be remain in the possession of the petitioner.

6. This Court does not consider it apposite to enter into this controversy at this stage as NHAI has not issued any communication specific to the cluster that now remains with the petitioner. In the event, NHAI is of the

view that any action is required to be taken in respect of the Unipole sites that are now remaining with the petitioner, NHAI shall issue atleast two weeks prior notice before taking any precipitate action. The petitioner would be at liberty to apply.

7. It is also seen that there is some controversy between the petitioner and SDMC with regard to the SDMC's actions. The petitioner has also stated in the petition that it has suffered losses on account of acts of SDMC. In this regard, it is clarified that nothing stated herein would preclude the petitioner from initiating appropriate proceedings/action against SDMC. It is also clarified that all rights and contentions of the parties are reserved.

8. The petition and the pending application are disposed of.

**VIBHU BAKHRU, J**

**AUGUST 20, 2018**  
**MK**