

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

**Civil Writ Petition No. 6159 of 2019 (O&M)
Date of Decision: 27.03.2019**

M/s Tycoon Events & Promotions Pvt. Ltd.,
Mohali, Punjab, through Ajay Kumar, its Director

..... Petitioner

Versus

The State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Kanwal Goyal, Advocate and
Ms. Harbani Shinh, Advocate
for the petitioner.

Mr. Rajeev Kumar Doon, Assistant Advocate General, Haryana
for respondent Nos. 1 & 2/State.

Mr. Lokesh Sinhal, Advocate
for respondent No. 3-Municipal Corporation, Gurugram.

JASWANT SINGH, J. (ORAL)

The petitioner, a Private Limited Company, is engaged in the business of commercial advertisement through various modes. It has obtained permission from the Municipal Corporation, Gurugram, under the 2010 Policy for displaying their advertisements at different approved sites. The petitioner is also a Member of the Association of Gurgaon (Gurugram) Outdoor Advertisers. It is conceded that there has been a dispute/litigation with regard to rates of charging of fee under the 2010 policy and the subsequent Bye-laws framed by the Government. It is also not disputed that the aforesaid Association has filed CWP No. 15216 of 2018 challenging the vires of the Bye-laws of the Haryana Municipal Corporation Advertisement, 2018, which is now stated to be pending for 05.04.2019.

The petitioner has now filed the present writ petition, challenging the same/aforesaid Bye-laws of 2018, as also an Advisory issued by the Municipal Corporation, Gurugram at **Annexure P-16**, whereby the Municipal Corporation has informed the various Brand-owners and Advertising agencies to ensure that they are dealing with the advertising agencies, who fulfill the following requirements:-

- (a) Registered with MCG.
- (b) is paying MCG fees (seek recent receipts from your agency)
- (c) is not operating under any court stay or is not in dispute with the MCG
- (d) is not displaying an oversized ad (far more than what it has been permitted to).

It is the contention that since most of the advertising agencies, including the petitioner, are already in litigation and operating under Court stay orders with regard to the payment of fee as prescribed under the previous 2010 Policy/Bye-laws, their cases would not be considered in accordance with the rights guaranteed under the Constitution.

We had requested the counsel for the Municipal Corporation, Gurugram, to re-consider Clause-(c), reproduced here-in-above, which to our mind was unfair due to the pending litigation between the parties.

At the time of hearing today, counsel for the parties are agreed that the aforesaid offending Clause-C has since been modified vide a fresh Advisory dated 26.03.2019, a copy of which has been placed on record as **Annexure/Mark-A**.

Counsel for respondent No. 3-Municipal Corporation, Gurugram, concedes that the Clause indicating that the Company should not be operating in dispute with the Municipal Corporation, Gurugram, would

vires.

In view of the above, we find that as regards the challenge to the vires of the 2018 Bye-laws, the petitioner has already approached this Court by filing earlier writ petition; and the offending Clause-C having been modified/removed, there would be no cause of action sustaining as on present day to the petitioner-Company to maintain the instant writ petition.

Disposed of.

(JASWANT SINGH)
JUDGE

(AVNEESH JHINGAN)
JUDGE

March 27, 2019
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<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>