

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

1. LPA No. 1315 of 2017 (O&M)
Date of Decision: 01.5.2019

M/s Taksh Media Pvt. Ltd.Appellant

Vs.

The Municipal Corporation, Chandigarh and othersRespondents

2. LPA No. 1316 of 2017 (O&M)

M/s Taksh Media Pvt. Ltd.Appellant

Vs.

The Municipal Corporation, Chandigarh and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Munisha Gandhi, Senior Advocate with
Mr. Aditya Grover, Advocate for the appellant.

Ms. Deepali Puri, Advocate
for respondents No. 1 to 4.

Mr. Chetan Mittal, Senior Advocate with
Mr. Mohinder S. Nain, Advocate for respondent No. 5.

RAKESH KUMAR JAIN, J. (ORAL)

This order shall dispose of two appeals bearing LPA Nos. 1315 of 2017 and 1316 of 2017 arising out of the disposal of two writ petitions bearing CWP Nos. 13564 of 2015 and 13565 of 2015 by the learned Single Judge dated 18.5.2017 by which application filed by the appellant under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (for short '*CPC*') has

been disposed of having been rendered infructuous and the Arbitrator has

been appointed to adjudicate upon the issue as to whether the advertisement fee/tax can be recovered by the Municipal Corporation from the writ petitioners.

After hearing the arguments of both the parties, learned senior counsel for the appellants has prayed for withdrawal of the appeals in order to file the review application at the first instance as according to her, the advertisement fee/tax is statutorily leviable and for that purpose the Arbitrator cannot be appointed. Although, Mr. Chetan Mittal, Senior Advocate appearing on behalf of the writ petitioner/respondent No. 5 has submitted that this issue in law has been settled and the Arbitrator can be appointed but the learned counsel for the appellant has submitted that these precedents in his favour also.

Be that as it may, in view of the request made by learned counsel for the appellants, the present appeals are hereby disposed of having been withdrawn with liberty to the appellants to file an appropriate application for seeking review of the impugned order dated 18.5.2017.

In case any such application is filed within 15 days for seeking review of the order along with the application for condonation of delay filed under Section 5 of the Limitation Act, 1963, then the said application may be considered sympathetically.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

May 01, 2019
Gurpreet

Whether speaking /reasoned : Yes/No
Whether Reportable : Yes/No