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

+ W.P.(C) 2775/2019

M/S ROSE ADVERTISING PVT. LTD.

..... Petitioner

Through: Mr Rishabh Gulati and Ms Vanshika
Kohli, Advocates.

versus

DELHI TRANSPORT CORPORATION

..... Respondent

Through: Mrs Avnish Ahlawat, Standing
Counsel for GNCTD with Mr N.K.
Singh and Ms Sakshi, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **19.03.2019**

CM APPL. 12812/2019

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner has filed the present petition, *inter alia*, impugning an order dated 12.03.2019, directing the petitioner to remove the display of advertisements on the buses of the Delhi Transport Corporation (DTC), immediately. The advertisements put-up by the petitioner on the public buses relate to a political party which, according to the respondent, is not permissible.
4. It is not disputed by the petitioner that the advertisements are of a political party. It is, however, stated that the petitioner had sought permission from the Election Commission of India for display of such advertisements.
5. It is seen that the contract entered into between the petitioner and the

DTC expressly provides that certain advertisements would not be displayed. This expressly includes advertisements of political parties. The relevant Sub-clauses of Clause 11 of the said Agreement, are set out below:-

“(iii) During the period of contract, if on any grounds any advertisement(s) is/are objected to be any competent authority or otherwise found to be of objectionable nature, then the Chairman-cum-Managing Director, DTC or his authorised representative shall have the right to remove such advertisements) at the cost of contractor and DTC shall not be liable to pay any refund/damage or claim thereon. The Contractor, will however, be permitted to display any other advertisement in lieu thereof. No claim for damages etc. will be maintainable on that account. The discretion of the Chairman-cum-Managing Director or his authorized officer with regard to acceptability of any advertisement shall be final and binding on the bidder.

(iv) Not withstanding anything contained herein, advertisements of political parties will not be permitted on the buses.”

6. It is apparent from the above that in terms of the contract between the petitioner and the DTC, it is not open for the petitioner to display advertisements of any political parties. In addition, the Transport Department of the Government of NCT of Delhi issued guidelines of display of advertisements on public service vehicles, which also proscribe advertisements containing political, ethnic, religious or sectarian text.

7. In view of the above, the present petition is unmerited and is, accordingly, dismissed.

VIBHU BAKHRU, J

MARCH 19, 2019/RK