

% Date of decision: 19th February, 2019

SARITA SAXENA Appellant
Through: Mr. Anand Mishra, Adv. with
Mr. Hemant Kumar, Ms. Vandita and
Ms. Sakhi Jain, Advs.

SOUTH DELHI MUNICIPAL CORPORATION
(SDMC) & ANR. Respondents

M/S SHASHVAT ADVERTISING PVT LTD Appellant
Through: Mr. Syed Anis Nizami, Adv.

**SOUTH DELHI MUNICIPAL CORPORATION
& ANR** Respondents

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CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

V. KAMESWAR RAO, J. (ORAL)

CM No. 6015/2017 (for delay) in LPA 118/2017

This is an application filed by the appellant seeking condonation of 89 days delay in filing the appeal. For the reasons stated in the application delay of 89 days in filing the appeal is condoned.

Application stands disposed of.

LPA 118/2017

LPA 332/2017

1. These two appeals have been filed by the appellants challenging the order dated 16th September, 2016 passed in W.P.(C) 6181/2015 (LPA 118/2017) and Order dated 14th February, 2017 passed in W.P.(C) 11177/2015 (LPA 332/2017). In LPA No. 118/2017, the impugned order was passed in a batch of writ petitions (the lead matter being Pareena Estate v. SDMC) including the writ petition filed by the appellant herein whereby the petitions have been disposed of. The challenge before the learned Single Judge was to the action of the SDMC removing / damaging advertisements for which NOC / permission was granted. In W.P.(C) 6181/2015 two questions were posed by the learned Single Judge for his consideration, the same are as follows:

“A. *Whether the NOC / permission once granted by the municipality for outdoor advertising at a particular site is for a particular duration only or for perpetuity, capable of being withdrawn / revoked only in the event of violation of the terms of the NOC / permission or of the OAP being established?*

B. *What is the remedy, if any, of the person / advertiser to whom NOC / permission has been granted by the municipality, against the allegation of the municipality of violation by such person / advertiser of the terms of the NOC / permission and / or of the OAP?”*

2. On issue No. (A) above, learned Single Judge has held that the NOC / permission granted by the SDMC for exhibiting advertisements is for one year only and not for a period of 5 years, which was granted in favour of the appellants herein.

3. It was based on the judgment in ***Pareena Estate v. South Delhi Municipal Corporation, W.P.(C) 6105/2015*** the W.P.(C) 11177/2015 was dismissed which Judgment is the subject matter of LPA 332/2017.

4. There is no dispute that the appellants herein have completed more than 3 years and less than 5 years of the contractual period when the impugned action was taken. Our attention has been drawn by Mr. Sanjay Poddar, learned Sr. Counsel appearing for the respondent SDMC to a new outdoor policy to contend that the same has been framed by the Municipal Corporations, and the same has been approved by the

Supreme Court, which is called as “Outdoor Advertising Policy 2017”. According to him, in terms of the said policy, the period for which the contract for advertising can be given is three years. If that be so and the fact that the appellants herein have already executed contracts of advertisement for a period beyond three years, no order for their continuance can in any case be passed by this court. In fact, the appeals have become infructuous as no relief can be granted to the appellants herein. The appeals are dismissed as infructuous.

CM No. 6015/2017 in LPA 118/2017
CM No. 16850/2017 in LPA 332/2017

Dismissed as infructuous.

V. KAMESWAR RAO, J

CHIEF JUSTICE

FEBRUARY 19, 2019/jg