

\$~32

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

%

Judgment delivered on: 12.10.2021

+ **W.P.(C) 11726/2021**

M/S JC DECAUX ADVERTISING INDIA PRIVATE LIMITED

..... Petitioner

Through

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS.

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Neeraj Gupta, Mr. Upvan and Mr. Ranjit K. Singh, Advocates.

For the Respondent: Mr. Tushar Sannu, Standing Counsel with Ms. Ankita Bhadouriya, Advocate for SDMC.

Mr. Tarun Johri and Ankur Gupta, Advocates for R-4/DMRC (Through VC)

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM. APPL. 36244/2021 (Exemption)

Exemption allowed, subject to all just exceptions.

W.P.(C) 11726/2021 & CM. APPL. 36243/2021

1. The hearing was conducted through video conferencing.

W.P. (C) 11726/2021

Signature Not Verified

Digitally Signed By: RUNAL
MAGGU
Signing Date: 13.10.2021 18:38:43
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

Digitally Signed
By: JUSTICE SANJEEV
SACHDEVA
Signing Date: 13.10.2021
14:59

2. Petitioner impugns notice of demand dated 14.09.2021, issued by the South Delhi Municipal Corporation (SDMC) whereby a demand has been raised in the sum of Rs.6,08,02,080/- as amount payable towards the revenue earned through advertisements.

3. Learned counsel for the petitioner submits that the petitioner was granted permission by the SDMC vide letter dated 13.01.2013, when the Outdoor Advertisement Policy, 2007 was in force. He submits that respondents are seeking a higher revenue share based on the Outdoor Advertisement Policy, 2017, which is not applicable to the case of the petitioner.

4. He submits that a detailed representation has been given on 08.09.2021 in response to an earlier letter of 23.08.2021. Petitioner has further given a response to the impugned notice of the demand dated 14.09.2021 on 24.09.2021 and 04.10.2021. He submits that petitioner has requested the respondents for a personal hearing and not to take coercive action till the personal hearing is granted and a speaking order is passed.

5. Issue notice. Notice is accepted by learned counsel appearing for respondents.

6. Learned counsel appearing for respondent No.1 submits that respondent shall grant a personal hearing to the petitioner and thereafter, pass a detailed speaking order. He further submits, under

instructions that till the passing of the speaking order, no coercive action in terms of order dated 14.09.2021 shall be taken.

7. The statement is taken on record

8. In view of the above, the petition is disposed of, directing respondent No.1 to grant a personal hearing to the petitioner and thereafter pass a detailed speaking order on the objection raised by the petitioner to the impugned demand notice dated 14.09.2021.

9. It is further directed that if the order is adverse to the petitioner, said order shall not be enforced for a period of two weeks after communication of the same to enable the petitioner to avail of his remedies in accordance with law.

10. Petition is disposed of in the above terms.

11. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through e-mail by the Court Master.

SANJEEV SACHDEVA, J

OCTOBER 12, 2021
NA