

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10486 OF 2024  
IN  
WRIT PETITION NO.5868 OF 2023

Spectrum Advertising ...Applicant  
Versus  
The State of Maharashtra & Ors. ...Respondents

Mr. Ashraf Kapoor i/b One Legal for the Applicant.

Mrs. M. P. Thakur, AGP for State.

Ms. Madhavi T. for Respondent No.4.

Mr. Abhijit Kulkarni a/w Sweta Shah & Abhishek Roy for Respondent/PMC.

CORAM: G. S. KULKARNI &  
ADVAIT M. SETHNA, JJ.

DATE: 12 DECEMBER 2024

P.C.

1. We have heard learned counsel for the Applicant / Petitioner on the present Interim Application which is filed praying for the following reliefs:

a) This Hon'ble Court be pleased to quash and set aside the Challans bearing no. '38561', '38563', '38565', '38566', '38567', '38568', '38569', '38570', '38571, and '38572', issued by the Respondent No.2;

b) This Hon'ble Court be pleased to stay the effect, implementation and execution of the Challan bearing no. '38561', '38563', '38565', '38566', '38567', '38568', '38569', '38570', '38571, and '38572', issued by the Respondent No.2, pending hearing and final disposal of the present application;

c) This Hon'ble Court be pleased to restrain the Respondents from taking coercive action against any of the advertisements/media/hoardings of the Applicant with respect to the Agreement dated 1<sup>st</sup> August 2022 and subsequent permission/NOC/ sanction issued in its favour;

d) This Hon'ble Court be pleased to direct the Respondents to issue challan @Rs.111/- per sq. ft. for the entire 13,900 sq. ft. sanction area, as allotted under the Agreement dated 1<sup>st</sup> August 2022 and subsequent permission/NOC/sanction issued in its favour, wherein hoardings have been constructed by the Applicant in terms of the Interim Order dated 24<sup>th</sup> March 2023 (Exhibit "E") and in view of the Order/Direction dated 14<sup>th</sup> March 2024 passed by the Respondent no. 1 (Exhibit "LL");

e) For ad-interim reliefs in terms of prayer clause (b), (c) & (d) above;

f) For such other and further reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case and interest of Justice;

2. Our attention is drawn to an order dated 26 April 2023 passed on this petition which was governing during interim period and which was accepted and acted upon. The said order reads thus:

"1. Issue notice to respondents, returnable on **15 June 2023**.

2. In the meantime, the petitioner is permitted to deposit the license fees at the rate as demanded initially for for a period of 3 months, by the respondent/Municipal Corporation, without prejudice to its rights and contentions on subject to the further orders to be passed on the present petition. It is clarified that if the petitioner succeeds in its contentions as urged in the present petition, the respondent/Municipal Corporation shall be liable to payback the amount to the petitioner.

3. In addition to the Court notice, the learned advocate for the petitioner is permitted to serve the respondent by private service by all permissible modes and place on record an affidavit of service.

4. Mrs. Thakur learned AGP waive service for respondent No.1.

5. At the rate demanded initially for a period of 3 months."

3. As it is clearly seen that the Court had clarified that if the petitioner succeeds in its contentions as urged in the present petition, the respondent /

Municipal Corporation shall be liable to pay back the amount to the petitioner.

4. Mr. Kulkarni, learned counsel for the Municipal Corporation has stated that the corporation would abide by such orders as passed by the Court. The license which has been granted by the Municipal Corporation to the petitioner is stated to be coming to an end by March 2025.

5. All these petitions are now listed “for final hearing” on **21 January 2025**.

6. We are accordingly not inclined to grant any reliefs on the interim application. Suffice it to observe that all steps taken to make further payments shall be subject to the final orders to be passed on the writ petition.

7. Interim application stands dismissed, however subject to the above observations. No costs.

**(ADVAIT M. SETHNA, J.)**

**(G. S. KULKARNI, J.)p**