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

+ W.P.(C) 4228/2024 and CM APPLs.17242/2024 (Stay),18935/2024
(filed on behalf of petitioner for directions)

BAL SAHYOG

..... Petitioner

Through: Mr. Jai Sahai Endlaw, Adv. and Mr.
Karan Kumar, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through: Mr. Durga Dutt, SC alongwith Mr.
Kaushaljeet Kait, Asst. Standing
Counsel, Mr. Ajay Kumar and Mr.
Pradeep Yadav, Advs. for NDMC.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **05.04.2024**

1. The present petition has been filed by the petitioner challenging the order dated 11.03.2024, issued by the MCD, whereby the respondents directed the petitioner to remove its two hoardings, situated within its premises at Connaught Circus, Opposite L Block Market, New Delhi-110001, within a period of seven days.

2. It is submitted that the impugned order not only fails to consider the relevant facts, but also fails to consider the fact that on a previous occasion, in the context of the extant policy of the respondent [prior to the Delhi Outdoor Advertising Policy, 2017 coming into force], this court had granted relief to the petitioner after recognizing the fact that the petitioner is a charitable organization and its entire revenue is used for the daily sustenance



and shelter of poor, abandoned and orphaned children. Consequently, a Division Bench of this court, *vide* order dated 22.04.2016 in W.P.(C) 3367/2015, had directed that the respondent shall not apply the rigours of its policy to the hoardings put by the petitioner.

3. Further, even under the Delhi Outdoor Advertising Policy, 2017, the petitioner being a charitable organisation, continues to enjoy the exemption that was earlier available to it. In this regard, attention is drawn to the following stipulation contained in the said policy :

“c. Other placements

(ii) In NDMC areas, no large size (category 1) billboards will be allowed, other than those billboards which substantially support social and charitable activities in the discretion of the NDMC.”

4. It is noticed that the impugned order dated 11.3.2024 does not contain any germane reason as to why the petitioner is not entitled to the aforesaid exemption.

5. Learned counsel for the petitioner submits that in the aftermath of the aforesaid Delhi Outdoor Advertising Policy, 2017 coming into force, till 2024, the petitioner was uninterruptedly given the benefit of the aforesaid policy and was allowed to put its hoardings/boards, till the impugned order was hastily passed in derogation of the previous stand of the respondent.

6. Learned counsel for the respondent refutes the contentions made by learned counsel for the petitioner. He submits that the impugned order dated 11.03.2024 has been passed after affording an opportunity of hearing to the petitioner and taking into account the provisions of the applicable policy. However, on a query as to why the petitioner, being a charitable organization, is not entitled to the exemption, as specifically envisaged under the policy, the learned counsel for the respondent seeks some time to



take instructions and file a reply. Let the same be filed within a period of four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

7. Considering the above circumstances, it is directed that as an interim measure, the petitioner shall be entitled to display advertisements on the two hoardings on its premises referred to in the petition, till the next date of hearing.

8. List on 21.05.2024.

SACHIN DATTA, J

APRIL 5, 2024/cl