



2026:DHC:2577



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

% *Date of decision: 25th March, 2026*

+ W.P.(C) 11988/2018 & CM APPL. 46410/2018

CHITRA ADVERTISING SERVICEPetitioner

Through: Mr. Robin George and Mr. Yogesh
Bhatt, Advocates.

versus

NORTH DELHI MUNICIPAL CORPORATIONRespondent

Through: Ms. Namrata Mukim, Standing
Counsel for MCD with Ms. Niharika
Singh, Advocates with Mr. Mukesh
Kumar, SO Advertisement
Department.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

1. The present writ petition has been filed seeking quashing of the demand notices dated 2nd May, 2018 and 15th October, 2018 issued by the respondent/MCD.

2. Briefly stated, the case set up by the petitioner is as under:

2.1 The petitioner was allotted two sites by the respondent for advertisement through unipoles on 23rd February, 2012 for a period of three years at a monthly license fee of Rs.71,111/- per site.

2.2 The petitioner could not install unipoles at the allotted sites since Public Works Department ('PWD'), Government of NCT of Delhi was of



the view that the sites allotted by the respondent were against the Delhi Outdoor Advertising Policy 2008.

2.3 Accordingly, the petitioner filed a writ petition being W.P.(C) 4375/2012, which was disposed of by this Court *vide* order dated 26th April, 2013. The operative part of the said order is set out below:

“Learned counsel or the petitioner says that he is agreeable to the sites offered by the respondents for erecting two unipoles. His only concern is that instead of embedding the unipoles in the wall, the petitioner be given permission to erect the same adjacent to the wall. Ms Pushkarna says that she has no objection to the same.

Needless to say, in case it is found that the petitioner never got an opportunity to erect the unipoles; the period of three years, as indicated in the letter dated 23.02.2012, would commence from the date of the unipoles being erected. The petitioner shall erect the unipoles within a reasonable period of time, not exceeding two weeks from today.

The writ petition is, accordingly, disposed of.”

2.4 An application was filed on behalf of the petitioner seeking modification/clarification of the said order which was dismissed by this Court *vide* order dated 1st July, 2014.

2.5 The petitioner could not erect the unipoles within the two weeks’ period granted by the Court as there were further obstructions by the PWD officials. This resulted in the petitioner filing a contempt case being Cont. Cas(C) No.643/2013 against the erring officials of PWD.

2.6 Subsequently, upon a verbal assurance given by the PWD officials permitting the petitioner to install the unipoles, the petitioner filed an application on 28th May, 2013 seeking withdrawal of the contempt proceeding, which was allowed by this Court on 1st July, 2014 (Annexure P-6).

2.7 The petitioner informed the respondent/MCD *vide* communications



dated 22nd August, 2014 (Annexure P-7 Colly.) and 18th December, 2014 (Annexure P-8 Colly.) about the filing of the contempt petition as well as the fact that the petitioner could not erect the unipoles on account of resistance by the PWD officials.

2.8 The respondent/MCD demanded Monthly License Fee ('MLF') for the two sites from May, 2014, *i.e.* the date the application seeking withdrawal of the contempt proceedings was filed.

2.9 In December, 2017, the respondent/MCD revised the period of demand from May, 2014 to May, 2013 on the ground that the two weeks granted to the petitioner in terms of order dated 26th April, 2013 passed in W.P.(C) 4375/2012 expired in May, 2013.

3. Mr. Sai Deepak, senior counsel appearing on behalf of the appellant, has taken the Court through the contempt petition filed by the petitioner as well as the orders passed by this Court in the said contempt petition.

4. He has also drawn attention to the file notings of the respondent/MCD obtained under the provisions of the Right to Information Act, 2005 to submit that respondent themselves acknowledged that the MLF was payable from 30th December, 2014.

5. *Per contra*, Ms. Namrata Mukim, counsel appearing on behalf of respondent/MCD, submits that the order passed by this Court on 26th April, 2013 categorically stated that the petitioner had to erect the unipoles within two (2) weeks from the said date. Therefore, MCD is entitled to demand MLF from May, 2013.

6. I have heard counsel for the parties and examined the material on record.

7. A reading of the order passed on 26th April, 2013 in W.P.(C)



4375/2012 makes it clear that the petitioner was given a period of two (2) weeks to erect the unipoles. However, it is a matter of record that the petitioner was constrained to file contempt proceedings against PWD officials in August, 2012 as hinderances were created by PWD in erection of the said unipoles. This is manifest from a reading of the contempt petition.

8. In this regard, reference may be made to the order passed on 23rd August, 2013 by this Court in Con.Cas(C) 643/2013. The relevant observations from the said order are given below:

“It is alleged that the work commenced by the petitioner in terms of the aforesaid order to erect the two unipoles adjacent to the wall in question were deliberately obstructed inter alia by respondent Nos. 2 and 3 i.e. Sh. Roshan Lal Mala, Executive Engineer and Sh. Siddhartha, Assistant Engineer of Public Works Department.

Furthermore, a legal notice sent by the petitioner in this behalf has met with the response that according to the respondents, this Court while passing the aforesaid order on 26th April, 2013, has only permitted the petitioner to install the unipoles adjacent to the wall but inside the park and further, that they were not permitted to be installed on the “right of way area under the jurisdiction of PWD.....”.

9. The petitioner has also placed on record orders passed in the aforesaid contempt petition, including the application for withdrawal of the contempt petition filed on 28th May, 2014 and the order passed on 1st July, 2014 permitting the withdrawal of the contempt petition.

10. In my considered view, filing of the aforesaid contempt petition and the averments made therein along with the orders passed by this Court in the contempt petition, amply demonstrate that the two unipoles in question could not be erected by the petitioner till May 2014.

11. Counsel for the respondent/MCD submits that the petitioner did not inform the respondent/MCD about the filing of the contempt till August,



2014 and hence MCD was unaware of the pendency of the contempt petition. However, having perused the record of the contempt proceedings and the orders passed therein, this Court has no reason to disbelieve that the petitioner did file the contempt petition on account of hindrances created by PWD.

12. In these circumstances, this Court is of the view that the petitioner cannot be held liable to pay MLF from May 2013 as demanded by the respondent/MCD. Pertinently, in the first instance, the MCD itself demanded the MLF from May 2014 in its demand notice dated 7th October, 2015 (Annexure P-9). It was only two years later *vide* communication dated 29th December, 2017 (Annexure P-17) that the MCD decided to demand MLF from May 2013.

13. In light of the discussion above, the reasons offered by respondent/MCD to change the date of payment of Monthly License Fee from May, 2014 to May, 2013 are completely arbitrary and unjustified.

14. Accordingly, it is held that the petitioner is liable to pay Monthly License Fee from May 2014 till December 2017, *i.e.* when the petitioner vacated the subject site.

15. Resultantly, the present writ petition is disposed of with a direction that the petitioner shall pay MLF to the respondent/MCD from May 2014 to December, 2017 within two (2) weeks from today. The petitioner shall be entitled to adjustment of the amounts already paid as well as the security deposit.

16. It is made clear that the petitioner shall be liable to pay interest at the rate of 12% per annum on the Monthly License Fee amounts that were due, computed from the respective dates on which each monthly payment



2026:DHC:2577



became payable until the dates of actual payment.

AMIT BANSAL, J

MARCH 25, 2026

Vivek/-