

ITEM NO.1 Court 5 (Video Conferencing) SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).33403/2016

(Arising out of impugned final judgment and order dated 26-10-2016 in PIL No.60214/2012 passed by the High Court Of Judicature At Allahabad)

NOIDA TOLL BRIDGE COMPANY LTD. Petitioner(s)

VERSUS

FEDERATION OF NOIDA RESIDENTS WELFARE
ASSOCIATION AND ORS Respondent(s)
(IA No. 129188/2021 - CLARIFICATION/DIRECTION, IA No. 129189/2021 -
EXEMPTION FROM FILING O.T.)

Date : 19-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Siddharth Bhatnagar, Sr. Adv
Ms. Nandini Gore, Adv.
Mr. Amit Bhandari, Adv.
Ms. Sonia Nigam, Adv.
Ms. Natasha Sahrawat, Adv.
Ms. Tahira Karanjawala, Adv
Mr. Arjun Sharma, Adv.
Mr. Karanveer Singh Anand, Adv.
Ms. Pracheta Kar, Adv.
Mr. Aditya Sidhra, Adv.
Mr. Nadeem Afroz, Adv.
M/s. Karanjawala & Co., AOR

For Respondent(s) Mr. Ravindra Kumar, Sr Adv.
Mr. Binay K Das, Adv.
Mr. Priyanka Das, Adv.
Ms. Neha Das, Adv.

Mr. Parthiv K. Goswami, Adv.
Ms. Diksha Rai, AOR
Mr. Ankit Agarwal, Adv.
Ragini Pandey, Adv.

M/s. AP & J Chambers, AOR

Mr. Virag Gupta, Adv.
Ms. Archana Pathak Dave, AOR

Mr. Binay Kumar Das, AOR

Mr. K. M. Nataraj, Ld. ASG
Mr. Raj Bahadur Yadav, AOR
Mr. Merusagar Samantaray, adv.
Ms. Shraddha Deshmukh, adv.
Mr. Sanjay Kumar Tyagi, Adv.
Mr. Sharath Narayan Nambiar, Adv.
Mr. Raghav Sharma, Adv.

Mr. Pradeep Misra, AOR
Mr Suraj Singh, Adv.

Mr. Gopal Jain, Sr. Adv
Mr. Piyush Joshi, Adv.
Mr. Senthil Jagadeesan, AOR
Ms. Sumiti Yadava, Adv.
Ms. Sonakshi Malhan , Adv
Mr. Sajal Jain, Adv
Ms. Remya Raj, Adv

Respondent-in-person

UPON hearing the counsel the Court made the following
O R D E R

IA No.129188/2021:

IA No.129188 is filed for a direction to maintain status quo with respect to display of outdoor advertisements along the DND Flyway and to direct NOIDA not to take any coercive action to remove the outdoor advertisements.

Dr.Abhishek Singhvi, learned Senior counsel appearing for the applicant, submitted that the judgment of the High Court which is under appeal directed that no toll can be collected. In SLP(C) No. 8060 of 2019, arbitration proceedings have been stayed. It is the submission on behalf of the applicant that the only form of revenue for

maintaining the Expressway is outdoor advertisements. According to the applicant, an application was made for display of the advertisements under the Large Format Advertisement Policy ("LFA Policy") on 09.06.2011. The fee which was being charged by NOIDA according to the LFA Policy was being paid. Subsequently, there has been an increase of the license fee charged per square feet per month from Rs.125/- to Rs.300/-. However, the applicant has been paying license fee at a reduced rate. A statement has been filed on behalf of the applicant that the license fee charged under LFA Policy is not commensurate with revenue earned through advertisements on the Noida side of the DND Flyway. It has been submitted on behalf of the applicant that permission may be granted for putting up outdoor advertisements on the Noida side of the DND Flyway on payment of Rs.125/- per square feet, till the Special Leave Petitions are finally disposed of.

Mr.Ravindra Kumar, learned senior counsel appearing for NOIDA, submitted that the High Court in the impugned judgment did not deal with advertisements and the revenue therefrom. He argued that permission to put up outdoor advertisements were granted by a separate letter at the request of the applicant. He submitted that the application seeking permission for setting up outdoor advertisements was made on 31.05.2010. He referred to the letters written by the applicant, wherein it was categorically stated by the applicant that they would be bound by the conditions of the

LFA Policy of NOIDA. He vehemently opposed the request made by the applicant for continuing outdoor advertisements at the rate of Rs.125/- per square feet per month. He stated that the applicant should be directed to pay as per the prevailing rate under the LFA Policy.

These SLPs have been pending in this Court for a period of six years. It is necessary that these Special Leave Petitions are heard early.

List SLPs on 29.03.2022 for final disposal.

In the meanwhile, the applicant shall be permitted to put up outdoor advertisements on payment of Rs.125/- per square feet per month in advance. The applicant undertakes to maintain the roads on DND flyway. The permission granted to the applicant shall be subject to the outcome of the Special Leave Petitions and the applicant shall not be permitted to claim any equities in the future.

Accordingly, this Interlocutory application stands disposed of.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master