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

% *Date of Decision : 21.09.2026*

CNR No. DLHC010450742026

+ **LPA 758/2026 & CM APPL. 64930/2026**

SUNIL TYAGI & ORS. Appellants

Through: Ms. Pooja Kumari, Advocate.

Versus

MUNICIPAL CORPORATION OF DELHI & ORS. Respondents

Through: Mr. Tushar Sannu, Standing Counsel,
MCD with Mr. Pawin, Mr. Shrey
Bhardwaj, Advocates for MCD.

Mr. Izhar Ahmad, Adv. for R-2 & R-3.
Mr. Abhinav Singh, Mr. Rishab
Mittal and Ms. Pearl Khurana,
Advocates for GNCTD.

Mr. Ankur Chhibber, Senior
Advocate with Mr. Mehul Parti, Mr.
Ashwani Malhotra and Mr.
Gyanendra Singh, Advocates for R-6.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (ORAL)

CM APPL. Nos. 64928/2026 & 64929/2026 (Exemptions)

1. Exemptions allowed, subject to all just exceptions.
2. The Applications stand disposed of.

CM APPL. Nos. 64927/2026 & 64931/2026 (Condonations of Delay)

3. These Applications have been filed on behalf of the Appellant seeking condonation of delay of 03 days in filing and 80 days in re-filing the present Appeal, respectively.



4. Having heard learned Counsel for the Parties and perused the averments made in the Applications, the same are allowed. The delay of 03 days in filing as well as 80 days in re-filing the present Appeal is hereby condoned.

5. Accordingly, the Applications stand disposed of.

LPA 758/2026

6. The present *intra court* Appeal has been preferred against the judgment dated 29.04.2026 (“**Impugned Judgment**”) rendered in W.P.(C) No. 16518/2025 (“**Writ Petition**”), instituted by the Appellants, whereby the learned Single Judge dismissed the Writ Petition being devoid of merits.

7. The Appellants are residents of Ambedkar Colony, Chhatarpur, New Delhi, and instituted the Writ Petition in a representative capacity to safeguard the structural safety of the locality and to challenge the proposed installation of a mobile telecommunication tower (“**Tower**”) on the rooftop of property bearing No. 408, Khasra No. 60, Ambedkar Colony (“**Subject Property**”).

8. According to the Appellants, the Structural Stability Certificate relied upon by Respondent No. 6 contained material exclusions and limitations, including the absence of complete foundational data and other qualifications, thereby rendering it insufficient to conclusively establish that the existing structure could safely bear the additional load of the Tower.

9. During the pendency of the Writ Petition, the learned Single Judge, *vide* Order dated 31.10.2025, directed Respondent No. 1, Municipal Corporation of Delhi (“**MCD**”), to have the Subject Property independently



inspected by a Structural Engineer engaged by MCD and to place the inspection report before the Court. According to the Appellants, the independent inspection so directed could not be undertaken because the Appellants were unable to deposit the inspection charges within the available time. It is stated by the Appellants that sufficient opportunity to make the payment was not afforded, as only one of the Appellants received a communication regarding the charges just a few days before the next date of hearing. The Appellants further contended that they were willing to deposit the entire quoted fee but required additional time to arrange the funds and consult the other residents. It is also case of the Appellants that the need for such additional time was not brought to the notice of the learned Single Judge during final arguments and that, consequently, the Writ Petition came to be dismissed on account of non-payment of the inspection charges. The Appellants further submitted that the learned Single Judge proceeded to finally adjudicate the matter without the independent structural inspection earlier directed by the Court having been conducted.

10. During the pendency of the Writ Petition, Respondent No. 6 relied upon a further Structural Stability Certificate dated 11.03.2026 issued by IIT, Bhubaneswar ("**IITB Certificate**"). *Vide* Order dated 12.03.2026, the learned Single Judge directed MCD to examine the said Certificate. The Impugned Judgment records that MCD found the IITB Certificate satisfactory and, accordingly, dismissed the Writ Petition instituted by the Appellants.



11. The Appellants contend that the IITB Certificate was not issued upon a fresh structural stability examination but was instead prepared based on the earlier Certificate relied upon by Respondent No. 6, which had been found unsatisfactory by the learned Single Judge.

12. We have heard learned Counsel for the Parties and perused the material placed on record.

13. In the Impugned Judgment, the learned Single Judge relied upon Rule 15 of the Telecommunications (Right of Way) Rules, 2024 (“**RoW Rules**”), which stipulates that the installation of a mobile tower on private property requires the prior consent of, and a written agreement with, the owner of the property upon which the tower is proposed to be installed. Rule 15 of RoW Rules further requires a Structural Stability Certificate to be obtained from a Structural Engineer authorised by a public entity and submitted prior to commencement of the installation.

14. The learned Single Judge observed that, prior to the installation of the Tower on private property, no permission from a Statutory Authority is required and that an intimation to the Statutory Authorities is sufficient. The Impugned Judgment further relied upon the decision in **Harjeet Singh v. Municipal Corporation of Delhi & Ors.**, W.P.(C) 13557/2025, wherein a learned Single Judge of this Court declined to entertain a writ petition seeking relief similar to that sought in the Writ Petition, as the requirements of Rule 15 of the RoW Rules had been duly complied with. The said decision was assailed in Letters Patent Appeal No. 197/2026, wherein a Coordinate Bench of this Court held that IIT is a public entity within the



meaning of Section 10(1)(b) of the Telecommunication Act, 2023, and that any certificate issued by an authority of IIT would satisfy the requirement under Rule 15(4) of the RoW Rules.

15. The learned Single Judge further observed that Respondent No. 6 had obtained the consent of Respondent No. 5, the owner of the Subject Property upon which the Tower had to be installed and had also obtained a Structural Stability Report from a Structural Engineer authorised by MCD. The Impugned Judgment records that the IITB Certificate had also been obtained, wherein IIT, Bhubaneswar certified that the building was structurally safe to bear the additional load of the Tower. It further records that MCD examined the IITB Certificate and found it satisfactory.

16. In view of the foregoing, the learned Single Judge concluded that Respondent No. 6 had complied with Rule 15 of the RoW Rules and, accordingly, dismissed the Writ Petition.

17. We concur with the findings recorded by the learned Single Judge in the Impugned Judgment, as Respondent No. 6 had duly complied with the requirements of Rule 15 of the RoW Rules governing the installation of the Tower on private property. Regarding the structural stability of the building, the learned Single Judge examined two Certificates, namely, the Certificate issued by the Structural Engineer authorised by MCD and the IITB Certificate, which both recorded that the Subject Property was structurally safe.

18. The submission advanced by the Appellants that they required additional time to deposit the inspection charges for independent inspection,



and that this circumstance was not brought to the notice of the learned Single Judge, cannot be accepted in the absence of any material on record in support thereof. In any event, the learned Single Judge considered the IITB Certificate in addition to the Structural Stability Certificate produced by Respondent No. 6 in compliance with Rule 15 of the RoW Rules.

19. As the issue concerning structural stability has been duly considered by the learned Single Judge, we find no reason to re-examine the same or to take a view different from the observations recorded in the Impugned Judgment.

20. We find no infirmity in the approach adopted by the learned Single Judge in relying upon the two Structural Stability Certificates to conclude that there was no impediment to Respondent No. 6 installing the Tower on the terrace of the Subject Property.

21. Accordingly, the present Appeal is devoid of merit and is hereby dismissed. The pending Application also stands disposed of. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

SEPTEMBER 21, 2026/ss