

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9734 OF 2016

Indus Tower Limited

..Petitioner

v/s.

Thane Municipal Corporation & Ors .

..Respondents

Mr. Sureh Shah a/w, Amit Khairwar i/b. D.H.Law Associates for the
Petitioner.

Mr.N.R.Bubna for the Corporation.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : OCTOBER 27, 2016.**

P.C.

1. Mr. Shah, learned Counsel for the petitioner at the outset states that the respondents have disconnected the electric supply to the mobile tower and the site of the mobile tower was sealed. He submitted that already petitioners permission for erecting the mobile tower was filed on 30.11.2015 and without deciding the said proposal the respondent Corporation disconnected the supply of electricity and sealed the site of the mobile tower.

2. Mr. Bubna, learned Counsel for the Corporation placed on record communication dated 29.7.2016 by Executive Engineer, to the petitioner's Architect. He submitted that by this communication the petitioner was called upon to remove the deficiencies mentioned in the said letter. The petitioner was also informed that until such time his proposal would not be considered.

3. Mr. Shah learned Counsel for the petitioner submits the deficiencies mentioned in the said communication would be removed within the period of two weeks from today.

4. Mr. Bubna, learned Counsel for the Corporation states that once the deficiencies are removed by the petitioner, his application will be considered afresh in accordance with law.

5. In the above circumstances, we dispose of the petition by passing following order:

ORDER

i) The petitioner is permitted to remove the deficiencies mentioned in the letter dt. 29.7.2016 of the Executive Engineer, City Development, Thane Municipal Corporation, to the Petitioners Architect, within two weeks from today.

ii) In the event the petitioner removes such deficiencies, the respondent Corporation shall consider the petitioner's application for erection of the mobile tower afresh, in accordance with law, and take necessary action. The entire exercise shall be done within the period of four weeks from the date of removal of the deficiencies.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)