

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10264 OF 2016**

ATC Telecom Infrastructure Pvt. Ltd.
versus
Kalyan Dombivali Municipal Corporation
and ors.

....Petitioner

...Respondents

Mr. H. Rahman, advocate for the petitioner.
Mr. A. S. Rao, advocate for respondent Nos. 1 to 3.
Mrs. M. P. Thakur, AGP for respondent No.4.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATE : 16th SEPTEMBER, 2016.

P. C. :

Mr. Rahman, learned counsel for the petitioner, makes a statement that he is restricting this petition to the relief claimed under prayer clause (a-1). The statement is accepted. By the said relief, the petitioner has sought directions to respondent Nos. 1 to 3 to restore the electricity supply of the Telecommunication Tower located at Walji Sheth Building, Nehru Road, Opp. Station Road, Thakurli, Kalyan and further directions are also sought to allow the petitioner to make the said tower functional by de-sealing the electricity connection. Mr. Rahman, learned counsel for the petitioner submits that the disconnection of the electricity and de-sealing of the electricity connection by respondent

Nos. 1 to 3 is without giving any notice to the petitioner. He also submits that the respondent Nos. 1 to 3 are not authorized to disconnect the electricity supply under the provisions of the Electricity Act, 2003. Mr. Rao, learned counsel for respondent Nos. 1 to 3, fairly accepts this position.

2. In the above circumstances, the action of respondent Nos. 1 to 3 in disconnecting the electricity supply of the Telecommunication Tower of the petitioner cannot be sustained. The petition is, therefore, allowed in terms of prayer clause (a-1) and is disposed of as such.

3. It is, however, made clear that respondent Nos. 1 to 3 are at liberty to take an appropriate action after following due process of law.

4. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]