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

+ W.P.(C) 114/2016

RELIANCE COMMUNICATIONS LTD. Petitioner
Through: Mr.Meet Malhotra, Sr. Adv. with
Mr.Rohit Jain, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent
Through: Mr.Ajay Arora & Mr.Kapil Dutta,
Advs.

CORAM:
HON'BLE MR. JUSTICE V.P.VAISH

ORDER
% **06.01.2016**
CM No.528/2016

Exemption is allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 114/2016 & CM No.527/2016

The petition came up for hearing on urgent mentioning at 3.40 p.m.

By way of the present petition the petitioner has assailed the letter dated 16.09.2015, resolutions dated 15.07.2015 and 13.08.2015, circular dated 28.08.2015, letters dated 19.10.2015, 30.10.2015 and 16.12.2015 issued by the respondent/North Delhi Municipal Corporation whereby the respondent has been levying usage charges/fee/way leave charges on the petitioner company.

Learned senior counsel for the petitioner submits that the petitioner had obtained telegraph licence from the Central Government in the year 2002. He also submits that on 05.01.2016, the officials of the petitioner company went to the office of Department of Telecommunication for attending a meeting and during the course of meeting, a copy of notice dated 16.12.2015 was handed over to the petitioner. He further submits that vide notice dated 16.12.2015, the petitioner came to know that the respondent intended to seal/disconnect the services bearing Mobile Switching Centres at C-33, Near Indian Oil Petrol Pump, Lawrence Road Industrial Area, Civil Lines Zone on 06.01.2016.

Learned senior counsel for the petitioner further submits that the respondent has issued the impugned letter dated 16.12.2015 without affording any opportunity of hearing to the petitioner.

Issue notice to show cause to the respondent as to why petition be not admitted.

Mr.Ajay Arora, Standing Counsel for the respondent accepts notice on behalf of the respondent and submits that the officials of the petitioner company are having a meeting with the officials of respondent today.

Mr.Ajay Arora, learned counsel for the respondent on instructions submits that without admitting any of the pleas taken by the petitioner and without prejudice to the rights of both the parties, the respondent will provide an opportunity of hearing to the petitioner and pass an order in accordance with law. He further submits that no action will be taken by the respondent pursuant to the impugned

notice dated 16.12.2015 till an appropriate order is passed after affording an opportunity of hearing to the petitioner.

Learned senior counsel for the petitioner submits that he is satisfied with the aforesaid and the petition may be disposed of.

In view of the aforesaid, the petition as well as application are disposed of with the directions to the respondent-North Delhi Municipal Corporation to provide an opportunity of hearing to the petitioner and pass an order expeditiously in accordance with law and till such order is passed no action will be taken against the petitioner pursuant to notice dated 16.12.2015.

The petitioner is directed to appear before the Additional Commissioner, Revenue, North Delhi Municipal Corporation on 07.01.2016 at 2.00 p.m.

The petition stands disposed of.

V.P.VAISH, J

JANUARY 06, 2016/gm