

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

**CIVIL APPLICATION No. 11936 of 2018 IN
WRIT PETITION No. 2863 of 2017**

ATC Telecom Infrastructure Private Limited
(Viom Networks Limited), Andheri, Mumbai **...Petitioner**

VERSUS

The Ahmednagar Municipal Corporation,
Ahmednagar and others **...Respondents**

Mr P.S. Chavan, Advocate for petitioner
Mr. V.S. Bedre, Advocate for respondents No.1 and 2
Smt. A.V. Gondhlekhar, Asstt. Govt. Pleader for respondent No.3

**CORAM : PRASANNA B. VARALE &
MANISH PITALE, JJ.**

DATE : 24th October, 2018

ORAL ORDER:

1. By way of present application, applicant-petitioner is before this Court with a prayer seeking direction to respondents No.1 and 2 to unseal the cabin of mobile towers situated at property No. Z28000010 (old-8/253/1) and property No. Z27000024 (old-7/185/1), within Municipal Corporation limits of Ahmednagar. The other prayer is seeking direction to respondents No.1 and 2 to permit the applicant-petitioner to have access to the tower sites at above property for its daily maintenance.

2. Mr Bedre, learned Counsel for respondents No.1 and 2 submitted before us a statement in tabular form to show that the applicant-petitioner is in arrears of net amount of bills till date alongwith penalty.

3. Mr Chavan, learned Counsel appearing for the applicant-petitioner, on instructions, submitted before us that the applicant-petitioner is ready to pay the net amount of bills issued by the respondents-Corporation to the applicant-petitioner till date. Learned Counsel submits that issue of levy of penalty is pending consideration by this Court. As such, applicant-petitioner may be permitted to pay arrears of net amount of bills, excluding penalty levied by the Corporation on the applicant-petitioner.

4. Learned Counsel Mr Bedre fairly accepts this proposal.

5. In view of above referred facts, the applicant-petitioner is directed to pay net amount of bills of the property tax issued by the respondents-Corporation till date, excluding amount of penalty, within four weeks from the date of this order in respect of 32 sites, which are subject matters of the petition.

6. On payment of the amount of the bills of the property, within four weeks, the respondents-Corporation to unseal the cabin of mobile towers situated at property No. Z28000010 (old-

8/253/1) and property No. Z27000024 (old-7/185/1) within Municipal Corporation limits of Ahmednagar and permit applicant-petitioner to have access to the tower sites for its daily maintenance.

7. With these directions, application is disposed of.

8. Petition be posted for further consideration after *Dipavali* vacation.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE.

Madkar