

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

WRIT PETITION NO. 10115 of 2018

ATC Telecom Infrastructure Pvt. Ltd.
& anr.

... Petitioners

V/s.

Vasai Virar City Municipal Corporation
& anr.

... Respondents

Mr. Milind Sathe, Sr. Counsel a/w. Ayush Khandelwal i/b.Lodha Legal
for the petitioners.

Mr. A.G.Damle, Sr. Counsel i/b. Swati Sagavekar for respondent-
Corporation.

**CORAM : NARESH H. PATIL, ACTING C.J.
& G.S. KULKARNI, J.**

3rd October, 2018.

P.C.

The learned Counsel appearing for petitioner submits that in the year 2008 the petitioner got permission for erecting the telecom tower when the concerned area was included in Grampanchayat. In the year 2011 the subject area was included in the Vasai Virar Corporation limits.

2. The learned Counsel appearing for petitioner submits that since the year 2011 onwards the petitioner is paying taxes to Municipal Corporation. It is further submitted that in a communication made by the Corporation to the petitioner dated 7th September, 2018, the Corporation intimated that after submission of the documents as enlisted in the said communication, the Vasai Virar Municipal Corporation would consider the proposal for grant of permission.

3. It is submitted that petitioner would submit the necessary documents in response to the communication made by the Corporation within three weeks from today. The learned Counsel submits that as of now the Corporation has sealed the telecom tower due to which the petitioner is unable to operate the tower which is causing not only revenue loss to the petitioner but hardship to inter se communication link.

4. On the statement made as above by the petitioner, we permit

the petitioner to take necessary steps. On receiving necessary documents and the proposal from the petitioner, Corporation would take appropriate decision and communicate the decision to the petitioner within further four weeks.

5. In the meanwhile, we direct that the Corporation shall de-seal the subject telecom tower.

6. Without expressing any opinion on merits of the case, Writ Petition stands disposed of.

7. Needless to mention that the petitioner would continue to pay necessary taxes, charges as levied by the Corporation in accordance with law.

G.S.KULKARNI, J

ACTING CHIEF JUSTICE

L.S. Panjwani, P.S.