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

PUBLIC INTEREST LITIGATION NO. 57 OF 2015

Vikrant Chavan and another

.....Petitioners

V/s.

The State of Maharashtra and others

.....Respondents

Mr. Harshad Sathe a/w Saurabh Butala i/b Sonam Singh for petitioner

Mr. M. M. Pable AGP for respondent No. 1

Mr. R. S. Apte Senior counsel i/b Mr. A. R. Pitale for respondent Nos. 2 to 3

Dr. Milind Sathe Senior Counsel a/w Ms. Ankita Singhania, counsel Mr. Amey Nabar, & Mr. Sideshi K. i/b A. S. Dayal & Associates for respondent No. 4.

**CORAM : PRADEEP NANDRAJOG, CJ. &
N. M. JAMDAR, J.**

DATE : MAY 2, 2019.

P.C.

We have heard learned counsel for the parties.

2 Meaningfully read, the petition reveals that petitioner makes a grievance that the Thane Municipal Corporation did not recover

complete dues from Reliance Jio Infocom Ltd for the restoration of the roads after permission was accorded to cut the roads and lay down optical fibers.

3 The response brings out that permission was granted by the Corporation to lay optical fiber cable by horizontal direction drilling and Micro-Trenching. Micro-Trenching being a new technology where the utility cuts only a small segment of the road and recarpet the same, the Corporation was of the view that the work comes under the category of self-restoration. The Corporation granted micro trenching permission @ of ₹ 72 per running meter. Open cut excavation, depending upon the nature of surface of the road, required restoration charges to be levied from between ₹ 3000/- per square meter to ₹ 9000/- per square meter. Reconsidering the restoration charges the Corporation demanded sum of ₹ 58,60,29,651/-. The amount was duly paid. Further demands in sum of ₹ 31,93,13,473/- were also paid.

4 Thus, the object for which the petition was filed having been

achieved, the only contention which needs to be noted and dealt with is to the prayer by the petitioner to take action against the officers of the Corporation who sanctioned the works with restoration charges to be paid at a lesser rate.

5 We are not inclined to issue any direction for the reason the response filed by the Corporation brings out that Micro-Trenching was a new technology and thus, with precision and certainty restoration charges could not be fixed. We highlight no loss has been incurred in the form of Corporation spending money for restoration from its own coffers. Entire restoration charges have been paid by the company.

6 Petition is disposed of as infructuous.

N. M. JAMDAR, J.

CHIEF JUSTICE