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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 11668 of 2019

ATC Telecom Infrastructure Pvt. Ltd. ..Petitioner.

Vs

Nashik Municipal Corporation & Ors ..Respondents.

Mr. Sarosh Bharucha and Mr. Amit Khairnar and Mr. Prasad Dhande i/by Link Legal
India Law Services for Petitioner.

Mr. Murlidhar L. Patil for Respondent Nos. 1 to 3.

Mrs. M.P. Thakur, AGP for Respondent No.4-State.

**CORAM : S.J. KATHAWALLA &
B. P. COLABAWALLA, JJ.**

DATED :- 12th December, 2019.

P.C. :-

1. Today the above Writ Petition is placed on board for speaking to the minutes of the order dated 3rd December, 2019.

2. The last sentence of Paragraph No. 3 of the said order shall read as follows :

“However, without prejudice to the rights and contentions of the parties, the Petitioners have agreed to make a fresh application seeking permission to continue with the 190 towers already erected by them.”

3. The first sentence of paragraph 4 of the order be read as follows :

“In view of the above if the **Petitioners** file an application as agreed, within 12 weeks from the date of this order, the same shall be disposed of within a period of 30 days from the date of submission of the application/s.”

4. Necessary corrections be carried out in the original order. After carrying out the corrections, Paragraph Nos. 3 and 4 of the order dated 3rd December, 2019 shall read as under :-

“3. The learned Advocate for the petitioners states that the notice issued by respondent No.1 is illegal and void ab initio, since the petitioners had made an application before the respondents seeking permission (**Exh.D** at page 29 of the petition) which was not responded to by the respondents within the stipulated period of 60 days. According to the petitioners, they therefore have deemed permission from the respondents to proceed with the

installation of the mobile towers. “However, without prejudice to the rights and contentions of the parties, the **Petitioners** have agreed to make a fresh application seeking permission to continue with the 190 towers already erected by them.”

4. In view of the above, if the **Petitioners** file an application as agreed, within 12 weeks from the date of this order, the same shall be disposed of within a period of 30 days from the date of submission of the application/s.” All contentions of the parties are kept open. In the meantime, without prejudice to the rights and contentions of the parties, the mobile tower/s which is/are already disconnected shall be reconnected and electricity supply shall also be restored thereto within a period of one week from today.”

5. The application for speaking to the minutes of order is accordingly disposed of.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)