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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.147 of 2019

Date of decision:-09.01.2019

Fastway Transmissions Pvt.Ltd.

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Dr. Anmol Rattan Sidhu, Advocate with
Mr. Harsimran Preet Singh Aulakh, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner company holds a registration certificate of infrastructure provider category-I (IP-1) vide document dated 24.04.2014, issued by the Government of India, Ministry of Communications & IT, Department of Telecommunications, New Delhi (Annexure P-1).

An application was made by the petitioner company to Municipal Council, Sirsa, for permission for laying OFC and other related work and such application was returned on 24.01.2018, with the advise that the company has to apply for licence under the Haryana Municipal (Communication and Connectivity Infrastructure) Byelaws, 2013.

Placed on record at Annexure P-5, is an agreement dated 20.07.2018 between the State of Haryana acting through the Deputy Commissioner, Sirsa and the petitioner company governing the grant of permission to lay underground cables and overhead cables of communication infrastructure. Such agreement further recites that the

competent authority has agreed to grant licence as per terms and conditions contained in the Haryana Municipal Act 1973 and the Haryana Municipal (Communication and Connectivity Infrastructure) Byelaws, 2013.

It is the case of the petitioner company that in pursuance to the agreement dated 20.07.2018 and the licence granted under the 2013 Byelaws, huge investments have been made and work has commenced.

Instant writ petition is directed against a notice dated 24.12.2018 (Annexure P-8), issued by the Deputy Commissioner, Sirsa, contemplating cancellation of the approval granted in favour of the petitioner company ostensibly on the ground that the licence had to be availed of under the subsequent byelaws post 2013.

Learned Senior counsel, has apprised the Court that a written response to the impugned notice has already been furnished and even a personal hearing to the representative of the petitioner company has been afforded. However, a final decision in pursuance to the impugned notice has not been taken till date. Upon being confronted that the instant writ petition is pre-mature as no final decision with regard to cancellation of approval having been taken, it is contended that cancellation at this stage would cause serious prejudice to the petitioner company and particularly in the light of the stand taken in the written response to the impugned notice that the petitioner company is open to comply with any term and condition contained under the byelaws issued subsequent to the year 2013 at Annexure P-10.

Be that as it may, this Court is not inclined to intervene in the matter, at this stage. The writ petition is only directed against a show cause notice. No final order against the petitioner company has been passed till date.

Accordingly, writ petition is disposed of as pre-mature.

However, in the light of the peculiar facts and circumstances noticed hereinabove, it is directed that in the eventuality of any adverse order being passed against the petitioner company, the same after communication to the petitioner company shall not be given effect to for a period of 10 days to enable appropriate legal redress.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

09.01.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No