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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4435/2007

R.K.SHARMA & ORS.

..... Petitioners

Through: Mr. Manoj Joshi, Adv.

versus

M.C.D. & ORS.

..... Respondents

Through: Mr. Mukesh Gupta, Standing Counsel
for MCD.

Mr. Biraja Mahapatra and Mr. Sumit
Mishra, Advs. for DPCC.

Mr. Sanjeev Ralli and Mr. Atul
Verma, Advs. for R4.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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11.07.2019

Learned counsel for the parties concedes the only issue which needs to be looked into by this Court in this petition is whether the respondent no.4 is still operating DG Set at the site in question and is creating noise and air pollution. Respondent No.5 DPCC has filed its affidavit on February 22, 2017 wherein in Para 2, the following has been stated:

“2. That, pursuant to the orders of this Hon’ble Court, the officers of the DPCC visited the site on 13.01.2017 and 27.01.2017 by two different officers. On both the occasion, it was observed that one DG Set of 15 KVA has been installed in the premises with stack height and acoustic enclosure, but same was not in use. Further, it was also informed by the mobile tower operator that they have installed battery bank for 8

hours back up through UPS.”

Mr. Sanjeev Ralli, learned counsel appearing for the respondent no.4 also states, respondent no.4 / Tower Company is operating the tower on the basis of a battery back-up and not by way of DG Set.

In view of the submission made by the learned counsel for the respondent no.4 and the affidavit of DPCC, no further orders are required to be passed in the writ petition. The petition stands disposed of.

In case, respondent no.4 substitute the battery back-up with DG Set, liberty is with the petitioner to file an application for revival of the writ petition.

V. KAMESWAR RAO, J

JULY 11, 2019/jg