

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1987 of 2010**

- Vodafone Essar Spacetel Ltd., Registered Office at C-48, Okhla Industrial Area, Phase-II New Delhi- 110 020; Circle Office at Centre Point, 2nd Floor, TT Nagar, Bhopal and Zonal office at Shop NO.1-8; Ashoka Millennium, Ring Road No.1, New Rajendra Nagar, Raipur, C.G.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through its Secretary, Department of Urban Administration & Development, Mantralaya, D.K.S. Bhawan, Raipur, C.G.
2. Secretary, Department of Energy, Mantralaya, D.K.S. Bhawan, Raipur, C.G.
3. Municipal Corporation of Raipur, Through: The Commissioner, Municipal Corporation of Raipur, Raipur, C.G.
4. Municipal Corporation of Durg, Through: The Commissioner, Municipal Corporation of Durg, Durg, C.G.
5. Municipal Corporation of Bhilai, Through: The Commissioner, Municipal Corporation of Bhilai, Bhilai, District- Durg, C.G.
6. Municipal Corporation of Bilaspur, Through: The Commissioner, Municipal Corporation of Bilaspur, Bilaspur, C.G.
7. Municipal Corporation of Jagdalpur, Through: The Commissioner, Municipal Corporation of Jagdalpur, Jagdalpur, Distt.-Bastar, C.G.
8. Municipal Corporation of Ambikapur, Through: The Commissioner, Municipal Corporation of Ambikapur, Ambikapur Distt.-Surguja, C.G.
9. Chhattisgarh State Power Distribution Company Limited (C.S.P.D.C.L.), (Successor of C.S.E.B.) Through its Chief Engineer, Head Office Gudhiyari, Raipur, C.G.

---- Respondents

For Petitioner	:	Mr. S.S. Rajput, Advocate.
For State/respondents No.1&2	:	Mr. Alok Bakshi, Additional A.G.
For Respondent No.3	:	Mr. Kashif Shakeel, Advocate.
For Respondent No.5	:	Mr. H.B. Agrawal, Senior Advocate with Mr. Pankaj Agrawal, Advocate.
For Respondents No.6&7	:	Mr. Ashutosh Kachhawaha, Advocate.
For Respondent No.9	:	Mr. Sunil Otواني, Advocate.

None for the others.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/08/2020

1. Though the case is listed for certain defaults, considering that it is an old matter of 2010, this Court with the consent of the parties, examined the nature of relief sought in the writ petition.
2. The petitioner's grievance which led to filing of this petition is that the petitioner has installed mobile towers in the jurisdiction of various Corporations arrayed as respondents No.3 to 8 in the writ petition, having electricity connection which is going to be disconnected/disconnected by respondent No.9.

After going through the petition and relief sought, it is found that the petitioner approached this Court against disconnection of electricity by respondent No.9. Respondent No.9 has proceeded to disconnect electricity supply provided to mobile towers of the petitioner situated within local jurisdiction of various local authorities on the pretext that the petitioner has not obtained 'No Objection Certificate' from respective Corporations.

The petitioner was protected by interim order and on the strength of the interim order, the petitioner is continuing to operate his mobile towers at different locations. According to the petitioner, it has already complied with all the requirements and there is deemed sanction under the law.

3. Learned counsel appearing for respective Corporations would submit that they would be considering issuance of 'NOC' for petitioner, if not already issued, subject to payment of necessary fee and fulfilling other conditions

which are required to be fulfilled under local laws.

4. Learned counsel appearing for respondent No.9 would submit that if the petitioner obtains necessary 'NOC' and submits the proof of the same before it within the reasonable time, then the respondent No.9 would consider further steps that may be required to be taken, if necessary, in the matter.
5. Considering that the petitioner is otherwise continuing to operate its mobile towers at various locations and respondent No.9 has restrained from electricity supply and the petitioner's grievance mainly appears to be non-issuance of 'NOC' by different local authorities arrayed as respondents No.3 to 8, in the considered opinion of this Court, at this stage, this writ petition is now disposed off with the direction to the petitioner to approach respondents No.3 to 8 and take necessary steps with regard to issuance of 'NOC', subject to fulfillment of all legal requirements within one month from today. Thereafter, within the period of three months the local bodies/respondent No.3 to respondent No.8 shall decide application for grant of 'NOC', if not already granted. Any other requirement of law which the respective Corporations require the petitioner to fulfill, can also be fulfilled by the petitioner during this period. After three months, the petitioner may submit necessary documents with regard to 'NOC' before respondent No.9. The petitioner will have to complete this requirement within the period of one month from the date of expiry of three months as stated hereinabove. In case, respondent No.9 is satisfied that the petitioner has fulfilled requirements of law, there will be no necessity to take any further action against the petitioner.

Further, in any case, if the local bodies refuse to issue 'NOC' to the petitioner on any ground or respondent No.9 is not satisfied with regard to steps taken by the petitioner, it may proceed against the petitioner and in such event, it would be open for the petitioner to again approach the Court. It is

made clear that the petitioner will continue to enjoy the protection against disconnection subject to fulfillment of conditions that he shall continue to pay the current electricity charges as per law.

6. With the aforesaid directions, observations and liberty, this petition, at this stage, is disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Ravi