

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2180 of 2009

1. Bharti Infratel Limited, A company incorporated under the Companies Act, 1956 having its Registered Office at H-5/12, Qutab Ambience, Mehrauli Raod, New Delhi 110 030 and its Circle Office at 3rd- 4th Floor, Metro Tower, Near Vijay Nagar Square Scheme No. - 54, A.B. Road, Indore (M.P).

---- Petitioner

Versus

1. State Of Chhattisgarh, through its Secretary Department of Urban Administration & Development, Mantralaya, D.K.S. Bhavan, Raipur C.G.
2. Municipal Corporation of Raipur, Through The Commissioner, Municipal Corporation Of Raipur, C.G.
3. 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	:	Shri S.S. Rajput with Shri Soumya Rai, Advocate
For Respondent No. 1/ State	:	Shri Ashish Tiwari, G.A.
For Respondent No. 2	:	Shri Kashif Shakeel, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.08.2021

Heard.

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 grievance which led to filing of this petition is that the petitioner has installed mobile towers in the jurisdiction of Corporation arrayed as respondent No. 2 in the writ petition, having electricity connection which is going to be disconnected by respondent No.3.

After going through the petition and relief sought, it is found that the

petitioner approached this Court against disconnection of electricity by respondent No.3. Respondent No.3 has proceeded to disconnect electricity supply provided to mobile towers of the petitioner situated within local jurisdiction of Respondent No. 2 on the pretext that the petitioner has not obtained 'No Objection Certificate' from respective Corporation.

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 Corporation/ Respondent No. 2 would submit that certain orders/ decision has already been arrived at for issuance of NOC to the petitioner and the petitioner is required to fulfill the same.
4. Learned counsel appearing for respondent No.3 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.3 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.3 has restrained from electricity supply and the petitioner's grievance mainly appears to be non-issuance of 'NOC' by local authority arrayed as respondents No.2. 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 respondent No. 2 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 body/respondent No.2 shall decide application for grant of 'NOC', if not already granted. Any other requirement of law which the respective Corporation 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.3. 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.3 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 body refuses to issue 'NOC' to the petitioner on any ground or respondent No.3 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

Sd/-
(Goutam Bhaduri)
Judge

Jyoti