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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 5451 OF 2022

ATC Telecom Infrastructure Pvt. Ltd. ... Petitioner

Versus

Talegaon Dabhade Municipal Council & Ors. ... Respondents

.....

Mr. Dadaso S. Patil for the Petitioner.

Mr. Ketan Joshi for the Respondent No.1- Municipal Council.

Mr.A.I. Patel, Addl. GP with Ms.M.S. Bane, AGP for the Respondent
-State.

.....

CORAM : NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.

DATE : 30 SEPTEMBER 2022

P.C. :

By this petition, the Petitioner has sought the
following reliefs :-

“a) That the Hon’ble Court may be pleased to issue a writ of Mandamus or a writ in the nature of Mandamus or any other appropriate writ, order or direction under Article 226 and 227 of the Constitution of India thereby directing the Respondents to provide the details and complete bifurcations of the amounts under caption ‘Arrears’, ‘Penalty’ and ‘Interest’ reflecting on the Impugned Property Tax Bills, detail of which are stated on ‘Exhibit-C’ issued by Respondents for the year 2021-2022 in respect of 3 (three) Mobile Towers belonging to the Petitioners to enable the Petitioner to verify and ascertain, if the same are payable”.

“b)That the Hon’ble Court may be pleased to issue a writ of Mandamus or a writ in the nature of Mandamus or any other appropriate writ, order or direction under Article 226 and 227 of the Constitution of India thereby directing the Respondents and or its officers or anybody acting on its behalf from taking any coercive/adverse action in respect of any of the Petitioner’s mobile tower, details of which are mentioned on ‘Exhibit-A’, thereby restraining them from demolishing the same and/or disconnecting power supply or disposing of the same or otherwise rendering any of mobile towers belonging to the Petitioners non-operational, details of which are mentioned on ‘Exhibit-A’.”

2. As regard the coercive steps taken by the Respondent-Municipal Council is concerned, the learned Counsel for the parties have drawn our attention to the order dated 5 May 2022 wherein the Petitioner was directed to deposit an amount of Rs. 7,00,000/- and upon deposit the Respondent- Municipal Council was directed to de-seal the tower of the Petitioner. The learned Counsel for the parties state that the amount was deposited and the tower is functioning at present.

3. As regard the prayer of the Petitioner to give the Petitioner bifurcation regarding the arrears, penalty and interest is concerned, the learned Counsel for the Respondent- Municipal Council states that if the Petitioner makes a representation to that effect, the Municipal Council will provide bifurcation of the same. Statement is accepted.

4. As regard the property tax component is concerned, the Petitioner has a remedy under the relevant enactment of filing an appeal. As regard the issue of penalty is concerned, the learned Counsel for the Petitioner states that in the representation the Petitioner will point out the grievance regarding imposition of penalty as to how, according to the Petitioner, the same was not justified and was imposed without following the procedure. Upon such representation is made, the Respondent – Municipal Council will take necessary decision regarding the aspect of penalty.

5. Since both the reliefs prayed for in the petition stand worked out in this manner, no further orders are required to be passed.

6. Writ petition is accordingly disposed of.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)