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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9663/2024, CM APPL. 39687/2024**

NETTEL INFRASTRUCTURE PVT. LTD.Petitioner

Through: Mr. Rohit Jain, Advocate.

versus

THE COMMISSIONER OF POLICE & ANR.Respondents

Through: Mr. Tushar Sannu, Mr. Hardik Saxena and Mr. Sahaj Karan Singh, Advocates for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% 16.07.2024

1. The Petitioner has been granted an Infrastructure Provider license by the Department of Telecommunication, Ministry of Communications & Information Technology, to establish telecom infrastructure for telecom service providers. In April, 2024, the Municipal Corporation of Delhi¹ issued a Letter of Intent for installation of Ground Based Monopole² near Sudhar Camp, Block-E, Kalkaji, Outside DUSIB Basti, Central Zone, New Delhi and by way of a permission letter dated 24th April, 2024, MCD granted the Petitioner permission to install the said GBM.

2. Thereafter, the Petitioner attempted to carry out the work of installation on 26th April, 2024 but the residents of the locality did not allow the Petitioner to commence the work. The Petitioner also filed a complaint

¹ "MCD"

² "GBM"



with Police Station, Kalkaji, New Delhi, but no action was taken and therefore the attempt to install the GBM failed.

3. In the above circumstances, the instant petition has been filed seeking the following prayers:

a) pass writ of mandamus or any other appropriate writ, order or directions thereby directing the respondents No.1 and 2 to provide police assistance/force to the petitioner company for installing ground based monopole near Sudhar Camp, Black- E, Kalkaji, Outsider Dusib Basti, Central Zone, New Delhi for propagating and transmitting telecommunication signals of various telecom operators;

b) award cost of the present writ petition (civil) in favour of petitioner company and against the respondents; and

c) Issue any other or further appropriate writes), order(s) or direction(s) as this Hon'ble Court deem fit and proper under the facts and circumstances of the case, in favour of the petitioner company and against the respondents. ”

4. Mr. Tushar Sannu, counsel representing the Respondents, at the outset states, that an enquiry was carried out in terms of the complaint received from the Petitioner, however, no cognizable offence was disclosed. He states that in absence of any such offence, the Delhi Police would not have any role to play in the instant case and the Petitioner should make their own arrangements for private security at the time of installation of the GBM.

5. However, in the opinion of the Court, since the Petitioner has a valid permission granted by the MCD and is facing resistance and interference from the local residents, in carrying out the installation work, the situation must be addressed by the Delhi Police. The Respondents have to maintain law and order and thus, they should provide adequate police protection to the Petitioner for completion of the work. This is, however, subject to Petitioner having the valid permission for carrying out such installation, which may be verified by the Respondents.



6. In light of the above, the present writ petition is disposed of with a direction that the Petitioner shall coordinate with the Respondent No. 2 - SHO, Police Station, Kalkaji for fixing up a time and date for carrying out the said installation. The respondents shall provide the necessary police protection and assistance in order to enable the Petitioner to carry out the said work.

7. In view of the above, the present writ petition is disposed of along with pending application(s), if any.

SANJEEV NARULA, J

JULY 16, 2024

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