

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO.31157 OF 2023

Tata Tele Services (Maharashtra) Limited ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

**Mr. Dushyant Krishnan, i/b. Dushyant Krishnan for
Petitioner.**

**Ms. Vaishali Chaudhari, Addl. G.P, for Respondent Nos.1 to 3 -
State.**

**CORAM : M.S. Sonak &
Advait M. Sethna, JJ.**

DATED : 14 October 2025

Oral Order (Per : M.S Sonak,J.) :-

1. Heard the learned counsel for the parties. We issue Rule. The Rule is made returnable immediately at the request of and with the consent of the learned counsel for the parties.

2. The Petitioners challenge the order dated 10 May 2023 made by the Principal Secretary, Agriculture, Animal Husbandry, Dairy Development and Fisheries, Government of Maharashtra, both on merits as well as on account of alleged non-compliance with principles of natural and fair play.

3. In this Petition, we do not propose to address the contentions on merits because we propose to afford the

Petitioners an opportunity of being heard, subject to certain conditions that shall be discussed hereinafter.

4. The impugned order records that one Mr Yusuf Kapadia was the employee/ PRO of the Petitioners and that he was duly served in the matter. The order also records that Yusuf Kapadia has passed away, and his son, Talha Kapadia, appeared in the matter.

5. Mr Dushyant Krishnan, learned counsel for the Petitioners, points out that Mr Sanjay Thakur, whose name appears in the cause title, was the former employee of the Petitioner and has quit since 2015.

6. For all the above reasons, Mr Krishnan submits that there was no effective notice to the Petitioner before the impugned order was passed.

7. Ms Vaishali Chaudhari, learned that AGP submitted that Sanjay Thakur and Yusuf Kapadia have been representing the Petitioner. The circumstance that they were no longer associated with the Petitioner was never intimated to the Authorities. Accordingly, the Petitioners should not be allowed to complain about the failure of natural justice.

8. The rival contentions now fall for our determination.

9. The impugned order in this case requires the Petitioner to pay Rs. 4,69,36,471/- for the use of Government land to erect telecom poles. The demand is towards rent for the period between 2010-2022.

10. Mr Krishnan has pointed out that, since 2018, the poles were removed and therefore, there was no question of payment of any rent for the period post 2018. He also pointed out that the rent now demanded is disproportionate and exorbitant.

11. As indicated earlier, we do not wish to examine the merits of the demand. However, we are of the opinion that the Petitioner should be given an additional opportunity of being heard, more so because Mr Krishnan, based on instructions from Mr. Omkar Maitreya, authorised representative of the Petitioner, has stated that the Petitioner, without prejudice of their rights and contentions, will deposit with the Respondents an amount of Rs.1.75 Crores to show their Bonafide.

12. Although there is material on record that Mr Thakur and Mr Kapadia were dealing with the Government on behalf of the Petitioner Company, still, an order raising a demand of almost 4.7 Crores upon the Petitioner should have been preceded by a better hearing. There is no clarity about Yusuf Kapadia's presence during the hearing, and we fail to understand how his son, Talha Kapadia, participated in the proceedings.

13. The Petitioner, no doubt, should have informed the Respondents of the change in their personnel so that proper notices could have been issued. The Petitioner has now offered to deposit a sum of Rs.1.75 Crores under protest and

without prejudice to show their bona fides.

14. Ms Chaudhari also submitted that if the impugned order *qua* the Petitioner is to be set aside to grant the Petitioner a further opportunity of hearing, then, some time-bound directions may be issued for the conclusion of the proceedings. We clarify that the impugned order is set aside only *qua* the Petitioner and no other parties or mobile tower companies referred to in the impugned order.

15. For all the above reasons, we quash and set aside the impugned order dated 10 May 2023 only to the extent it concerns the Petitioner and remand the matter to the Secretary, Department of Agriculture, Animal Husbandry, Dairy Development and Fisheries, Government of Maharashtra to decide the matter of rentals or compensation afresh and in accordance with law as expeditiously as possible and in any event within four months from the date of uploading of this order.

16. This setting aside is subject to the Petitioner, consistent with their statement, depositing an amount of Rs.1.75 Crores with the Government without prejudice and under protest, within four weeks from the date of uploading of this order. If this amount is not deposited, then the Petition shall be deemed to have been dismissed without further reference to this Court, and the Government would be free to recover the amount referred to in the impugned order by following the due process of law.

17. If the above amount is deposited within four weeks from the date of uploading of this order, then the Secretary must give an opportunity of hearing to the Petitioner. This would include an opportunity to file a detailed written response and an oral hearing.

18. All contentions of all parties on the merits of the matter are left open to be decided by the Secretary, Agriculture, Animal Husbandry, Dairy Development and Fisheries, Government of Maharashtra afresh without being influenced by any of the observations in the impugned order dated 10 May 2023, which, in any case, we have now set aside.

19. The deposit of Rs. 1.75 Crores by the Petitioner will abide by the final order that the Secretary shall make, and further, if such order is adverse to the interest of the Petitioner, then the deposit shall abide by any further proceedings that the Petitioner might wish to take to challenge the determination by the Secretary.

20. The Rule is made Absolute in the above terms without any order for costs.

21. All concerned are to act on an authenticated copy of this order.

(Advait M. Sethna, J)

(M.S. Sonak, J.)