



97

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Coram: Hon' ble Shri Dhirendra Mishra, &  
Hon' ble Shri R.N. Chandrakar, JJ**

**Writ Appeal No. 279 of 2010**

**Appellant  
Petitioner**

Reliance Infratel Limited (A subsidiary of Reliance Communications Ltd.), a company incorporated and registered under Indian Companies Act, 1956 having its registered office at Block-H, Dhirubhai Ambani Knowledge City, Kopar Khairane, Navi Bombay inter alia circle office at Ashoka Millennium, Ring Road No.1, Raipur (CG).

**Vs.**

**Respondents**

- 1) State of Chhattisgarh through its Secretary, Department of Urban Administration & Development, Mantralaya, D.K.S. Bhavan, Raipur (CG).
- 2) Director, Directorate of Urban Administration & Development, Department of Urban Administration & Development, R.D.A. Building, G.E. Road, Near Shastri Chowk, Raipur (CG).
- 3) Municipal Corporation of Raipur, through the Commissioner, Municipal Corporation of Raipur, Raipur (CG).
- 4) Municipal Corporation of Bilaspur through the Commissioner, Municipal Corporation of Bilaspur, Bilaspur (CG).
- 5) Municipal Corporation of Korba, through the Commissioner, Municipal Corporation of Korba, Korba (CG).
- 6) Municipal Corporation of Ambikapur, through the Commissioner, Municipal Corporation of Ambikapur, Ambikapur, Distt. Surguja (CG).
- 7) Chhattisgarh State Power Distribution Company Ltd., through the Chairman/Principal Officer, CSPDCL, Dangania, Raipur (CG).

98

- 8) Union of India through its Secretary,  
Department of Telecommunication, New  
Delhi (India).

(Writ Appeal under Section 2(1) of the Chhattisgarh High Court (Appeal to  
Division Bench) Act, 2006)

Present:

Dr Shri N.K. Shukla, Sr. counsel with Shri Gautam Bhaduri, counsel for  
the petitioner.

Shri Kishore Bhaduri, Addl. Advocate General for respondents No. 1 and  
2/State.

Shri H.B. Agrawal, Sr. counsel with Ms. Pragya Singh, counsel for  
respondent No.3.

Shri Kasif Shakeel, counsel for respondent No.8.

**ORAL ORDER**

(Passed on 16-12-2010)

Per Dharendra Mishra, J.

1. The instant writ appeal is directed against the order dated 28-6-2010  
passed in Writ Petition (C) No. 1485 of 2010, whereby the instant writ  
petition has been disposed of with the following observation.

"Having regard to the facts situation of the case, the  
petitioner may deposit the required fee and the  
concerned respondent-Corporation may take decision  
after deposit of fee and compliance of other terms and  
conditions, except compounding fee. The question of  
deposit of compounding fee shall be subject to final  
decision in W.P.(C) No. 800 and W.P.(C) No. 1243 of  
2010."

2. Learned counsel for the appellant submits that the learned Single  
Judge was not justified in disposing of the writ petition with the  
aforesaid observations and the appellant had also a right of hearing  
before his petition could be disposed of finally.
3. Learned counsel for the respondents submit that they have no  
objection if this writ appeal is allowed and the appellant is also afforded  
an opportunity of analogous hearing with the connected writ petitions.



4. Heard learned counsel for the parties.
5. By the impugned order, the writ petition has been disposed of with an observation that "The question of deposit of compounding fee shall be subject to final decision in W.P.(C) No. 800/2010 and W.P.(C) No. 1243 of 2010.
6. Having heard learned counsel for the parties and having perused the impugned order, we are of the considered opinion that the appellant had also a right to address the Court on his petition and his petition could not have been disposed of with the aforesaid observations.
7. Accordingly, the writ appeal is allowed and it is held that the appellant is also entitled for an opportunity of hearing along with other connected Writ Petition (C) No. 800 /2010 & W.P.(C) No. 1243 of 2010 before his petition is finally disposed of.
8. Interim order dated 28-6-2010 passed in Writ petition (C) No. 1485 of 2010 shall be in force.

**Sd/-**  
**Dhirendra Mishra**  
**Judge**

**Sd/-**  
**R.N. Chandrakar**  
**Judge**