



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Date of decision:30.09.2025

1. CWP-6145-2013 (O&M)

M/S RELIANCE INFRATEL LTD.

.....Petitioner

Versus

STATE OF HARYANA & ORS .

.... Respondents

2 CWP-10981-2017 (O&M)

VIDEOCON TELECOM TOWERS PVT. LTD.

.....Petitioner

Versus

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.... Respondents

3 CWP-1349-2015 (O&M)

VIOM NETWORKS LTD

.....Petitioner

Versus

STATE OF PUNJAB & ORS

.... Respondents

4. CWP-15522-2014 (O&M)

TOWER VISION INDIA PVT LTD.

.....Petitioner

Versus

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.... Respondents

5. CWP-15832-2014 (O&M)

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.....Petitioner

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6. CWP-16634-2017 (O&M)

M/S QUADRANT TELEVENTURES PVT. LTD

.....Petitioner

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.... Respondents

7. CWP-18590-2022 (O&M)

TOSHI RANI AND ANR.

.....Petitioners

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GREATER MOHALI AREA DEVELOPMENT AUTHORITY AND
ORS.

.... Respondents

8. CWP-19722-2015 (O&M)

ATC INDIA TOWER CORPORATION PVT LTD AND ANR

.....Petitioners

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.... Respondents

9. CWP-20630-2016 (O&M)

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- 10 CWP-24080-2015 (O&M)
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.....Petitioner
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- 11 CWP-25844-2021 (O&M)
ATC TELECOM INFRASTRUCTURE PRIVATE LTD
.....Petitioner
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- 12 CWP-26031-2021 (O&M)
M/S INDUS TOWERS LTD
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.... Respondents
13. CWP-3220-2014 (O&M)
INDUS TOWERS LIMITED
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- 14 CWP-15752-2014(O&M)
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15 CWP-4612-2014 (O&M)

GTL INFRASTRUCTURE LTD

.....Petitioner

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16. CWP-4623-2014 (O&M)

CHENNAI NETWORK INFRASTRUCTURE LTD

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17 CWP-5293-2014 (O&M)

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.....Petitioner

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18. CWP-7876-2014 (O&M)

ATC TELECOM TOWER CORPORATION PVT. LTD.

.....Petitioner

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19. CWP-4368-2015 (O&M)



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CWP-4973-2016 (O&M)

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CWP-504-2016 (O&M)

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CWP-5082-2016 (O&M)

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24 CWP-5254-2016 (O&M)

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25 CWP-5536-2016 (O&M)

GTL INFRASTRUCTURE LIMITED.

.....Petitioner

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26 CWP-5584-2016 (O&M)

ATC INDIA TOWER CORPORATION PVT. LTD.

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S STATE OF PUNJAB & ORS

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27 CWP-5708-2016 (O&M)

M/S BHARTI AIRTEL LTD

.....Petitioner

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33 CWP-7723-2014 (O&M)

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.....Petitioner

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34. CWP-7860-2015 (O&M)

RELIANCE INFRATEL LIMITED.

.....Petitioner

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.... Respondents

35. CWP-9037-2016 (O&M)

VIDEOCON TELECOM TOWERS PVT LTD

.....Petitioner

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36. CWP-9925-2017 (O&M)

VODAFONE MOBILE SERVICES LTD.

.....Petitioner

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Versus

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.... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present : Mr. Puneet Bali, Sr. Advocate with
Mr. Vibhav Jain, Advocate
Ms. Niharika Mittal, Advocate
Ms. Hanima Grewal, Advocate for the petitioner
(in CWP-1349-2015, CWP-6145-2013, CWP-4918-2016,
CWP-5293-2014).

Mr. Aman Bansal and Mr. Harsh Vasu, Advocates
for petitioner(s) (in CWP-3220-2014).

Mr. Sunil Chadha, Senior Advocate with
Ms. Devyani Sharma, Advocate
for petitioner(s) (in CWP-5708-2016).

Mr. Rajat Chopra, Advocate and
Ms. Raashi Beri, Advocate
for the petitioners (in CWPs-3220 and 5293-2014).

Mr. Akash Jain, Advocate and
Mr. Sumeet Jain, Advocate for the petitioners
in CWP No. 4612, 4623 of 2014, 5741 and 5536 of 2016.

Mr. Vishal Gupta, Advocate and
Mr. Abhishek Sharma, Advocate for the petitioner(s)
(in CWP-7723, 7876, 15752 of 2014, 19722, 4368 of 2015,
10981, 16634, 9925 of 2017, 687 of 2018, 9037, 5584, 6158,
6207, 20630 of 2016, 26031, 25844 of 2021).
Mr. D.K. Singal, Advocate for the petitioner(s)
(in CWPs-6145-2013, 15832-2014, 7860-2015 and 7457-2016).

Mr. S.P.Chahar, Advocate for petitioner(s) (in CWPs
No.15522, 5293 and 15832 of 2014).

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Ms. Rajat Bala Rohilla, Advocate for Mr. A.S. Barnala,
Advocate for the petitioner in CWP-6145-2013.

Mr. Ankur Mittal, Additional Advocate General, Haryana,
Mr. P.P.Chahar, Sr. D.A.G, Haryana,
Mr. Saurabh Mago, D.A.G, Haryana,
Mr. Gaurav Bansal, D.A.G., Haryana,
Mr. Karan Jindal, A.A.G., Haryana.

Ms. Rajni Gupta, Advocate
for respondent No.9 (in CWP-25844-2021).

Mr. Shashi Kumar Yadav, Advocate
for respondent No.14 (in CWP-5293-2014)
for respondent No.25 (in CWP-3220-2024) and
for respondents No.21 and 27 (in CWP-4612-2014).

Mr. R.S. Khosla, Sr. Advocate with
Mr. Yogender Verma, Advocate for respondent-GMADA
(in CWPs-1349, 4368, 7860, 9925-2015).

Mr. Manbir Singh Batth, Advocate
for respondent No.7 in CWP-5708-2016 and
for respondent No.34 in CWP-4973-2016.

Mr. Suveer Sheokand, Advocate
for respondent No.11 (in CWP No.9925 of 2017).

Mr. Deepak Balyan, Advocate
Mr. Vicky Chauhan, Advocate and
Mr. Daksh Khatri, Advocate
for respondent No.8 in CWP No.7723 of 2014 and
for respondent No.26 in CWP No.4612 of 2014.

Mr. Nagesh Paul, Advocate for Mr. Aashna Gill, Advocate for
respondent No.12 in CWP-18590-2022.

Ms. Prerna Mahajan, Advocate, Ms. Harita Dhanda, Advocate
and Mr. Prateek Mahajan, Advocate
for respondent No.24 (in CWP-26031-2021).

Mr. B.R. Mahajan, Sr. Advocate with

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Ms. Nikita Goel, Advocate for respondent – MC, Kaithal
(in CWP-15522-2014).

Ms. Manpreet Kaur, Advocate for Mr. Ashish Yadav, Advocate
for respondent No.22 in CWP-4973-2016.

Mr. Sanjeev Sharma, Advocate and Mr. Hoshiar Singh,
Advocate for respondent No.5 in CWP-5536-2016.

Mr. Kamal Sharma, Advocate for Mr. Mukul Aggarwal,
Advocate for respondent No.27 in CWP-15522-2014.

Mr. Sanjeev Soni, Advocate and
Mr. Tara Dutt, Advocate
for respondent – M.C Patiala, M.C Pathankot, M.C Rajpura and
M.C Zirakpur.

Mr. Rajesh Lamba, Advocate, Mr. Abhinav Kaushik, Advocate
and Mr. Vinod Kumar, Advocate for MC- SNP.

Ms. Jasvir Kaur, Advocate for
respondent-M.C. Phillaur/respondent No.28.

Ms. Amrita Nagpal, Advocate
for respondent No.7 (in CWP-10981-2018).

Mr. Dinesh Arora, Advocate
for respondent-MC Rohtak and MC Jhajjar.

Mr. Baljinder Singh, Advocate for respondent-MC, Kharar.
Mr. G.S. Attariwala, Sr. Advocate with Mr. Saurabh Singla,
Advocate for respondent No.22.

Mr. Arvind Seth, Advocate
for respondent - MC Faridabad (in CWP Nos.6145 of 2013,
3220,4612, 4623 5293, 7723, 7876, 15522, 15823 of 2014 and
25844 of 2021).

Mr. Nimanyu Gautam, Advocate
for respondents No.13, 16, 17, 20, 23, 26, 27, 28, 31 & 33 in
CWP Nos.3220, 5293,7876, 7723, 15752, 4612, 4623 and
15522 of 2014).

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Ms. Pawandeep Kaur, Advocate and Mr. Chirag Suri, Advocate
for Mr. Aman Sharma, Advocate
for respondent No.26 (in CWP-4973-2016).

Mr. Arun Gosain, Senior Govt. Counsel
for applicant in CM-11918-CWP-2024 in CWP-15832-2014
and for Union of India (in CWP-6145-2013, CWPs No.7723,
5293,3220, 7876, 15752, 15832 of 2014, CWP-1349, 24080-
2015 and CWP-4973, 5708, 7457-2016).

Mr. Ashish Grover, Advocate
for respondent No.29 (in CWP-4973-2016).

Ms. Sumayya Khatoon, Advocate for Ms. Kavita Arora,
Advocate for respondent – MC Sahnewal (in CWP-4973-2016).

Ms. Neha Randhawa, Advocate for
Mr. Parambir Singh, Advocate
for respondent No.10 (in CWP-5536-2016)
for respondent No.5 (in CWP-5741-2016)
for respondent No.20 (in CWP-1349-2015)
for respondent No.27 (in CWP-4973-2016).

Mr. Jagdish Manchanda, Advocate and Mr. Saksham Kaushik,
Advocate Mr. Nischal Manchanda, Advocate
Mr. Yogit Mehta, Advocate and
Mr. Devyansh, Advocate
for respondent No.36 (in CWP-15522-2014)
for respondent No.14 (in CWP-7723-2014)
for respondent No.19 (in CWP-4612 & 15752-2014).

Mr. Ankur Mittal, Advocate,
Mr. Shivendra Swaroop, Advocate and
Mr. Kushaldeep Kaur, Advocate,
for respondent No.11 (in CWP-26031-2021)
for respondents No. 5 and 6 (in CWP-10981-2017)
for respondent No.12 (in CWP-4612, 4623, 25844-2011)
for respondent No.13 (in CWP-3220, 5293, 15832 of 2014)
for respondents No.11 and 14 (in CWP-20630-2016) and
for MC, Gurugram (in CWP-6145-2013 and 7876-2014).

HARSIMRAN SINGH SETHI, J. (oral)

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1. This order shall dispose of a bunch of aforesaid writ petitions as the issue involved in these petitions are identical in nature. For the sake of brevity, facts are being taken from CWP No.6145 of 2013.

2. In the present petition the challenge is to the notification dated 12.04.2012 (Annexure P-3) issued by State of Haryana, whereby, Sections 45A, 45C and 209(2)(v) have been inserted in the Haryana Panchayati Raj Act, 1994 (hereinafter referred to as **the Act of 1994**) and promulgation of Haryana Panchayati Raj (Regulation of Communication Towers) Rules, 2012 (hereinafter referred to as the **Rules, 2012**) issued vide notification dated 20.07.2012 (Annexure P-7) as well as the notices (Annexure P-5 to P-11) issued by the State to the petitioner by placing reliance upon such amended provisions asking the petitioner to deposit a fee qua the tower that had been installed and erected by petitioner within the limit of respondent-Municipal Committee. The challenge to the legislative action was that the same was beyond the competence of the State legislature and was violative of Article 19(1)(g) as the restriction/impediment imposed was not reasonable as well as Article 246 of the Constitution of India as amending the said Act was beyond the power of State Government.

3. The Division Bench of this Court while hearing the said cases, referred the matter to Full Bench for adjudication with regard to the validity of the amendment to the Act of 1994 as well as promulgation of the Rules, 2012 issued vide notifications dated 12.04.2012 and 20.07.2012. The said matter was referred keeping in view that judgment in *M/s Wireless TT Info Services Limited and another vs. State of Haryana and others, 2011 (4) RCR (Civil), 574.*

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4. The Full Bench of this Court considered the said aspect and vide judgment dated 05.12.2024, upheld the validity of the insertion of Sections 45A, 45C and 209(2)(v) and held that issue decided by the Division Bench in *M/s Wireless TT Info Service Limited's case (supra)*, was rightly decided and the same needs no interference by the Full Bench. After deciding the issue qua validity of amendment of Act the matter was sent back to the Division Bench of this Court to adjudicate upon the other questions raised in the writ petition including the quantum of levy etc.

5. Today, when the case is taken up for the consideration, learned counsel appearing for the petitioner as well as Union of India submit that the judgment of the Full Bench dated 05.12.2024 has been assailed before the Hon'ble Supreme Court of India in SLP (C) No.10193 of 2025 as well as in SLP (C) Diary No.19455 of 2025 and notice was issued in the said SLP and an interim order has been passed therein that no coercive steps shall be taken against the petitioner.

6. From the above narrated facts, it is clear that the matter is pending consideration before the Hon'ble Supreme Court and all the legal questions will be decided in the said appeal.

7. On being asked as to what issue this Division Bench needs to be decided qua the said aspect, only request was made that the present petition be kept pending and in case, any adjudication qua any issue is required which issue may arise after the decision of the Hon'ble Supreme Court in the SLP filed, the same be done.

8. The further grievance raised was that certain aspects also needs consideration of this Court such as, whether the towers which have been

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erected, claiming fee qua said towers will come within the definition of the provision of law and such issue still needs to be adjudicated by this Court along with another issue as to whether the retrospective application of the legislation can be done, in order to claim the fee qua installation of tower.

9. It may be noticed that as of now only, notices have been issued by the State to the petitioner asking for the objection qua the claim of fee and the Hon'ble Supreme Court has already passed an order that no coercive steps is to be taken against the petitioner. That being so, the State, even if, decides to finalise the notices, still cannot effect the recovery of the said fee keeping in view the interim order granted by the Hon'ble Supreme Court.

10. Further, as of now only notices have been issued to the petitioner and liberty is with the petitioner to raise all the grievance with regard to the claim of the State for deposition of the fee despite upholding the validity of legislation by the State as well as the retrospective application of the said legislation upon the petitioner. The learned State counsel stated before this Court that all the averments/objections raised qua the notices, including the retrospective application of the statute as well as the applicability of statute upon installing the towers, will be looked into and then only appropriate order will be passed whether, the fee is liable to be paid by the petitioner or not?

11. That being so, once the said issue is yet to be decided by the State, no adjudication of the same is required to be undertaken by this Court at this stage.

12. However, in case, after the order is passed by the Hon'ble Supreme Court qua the legality of the notification dated 12.04.2012, still if any adjudication is still required to be done by this Court, the petitioner will be at



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liberty to move an application for the revival of the writ petitions. In case any order is passed by the competent Authority qua the notices issued to the petitioner for recovery of any fee, in case petitioners are aggrieved, they can avail appropriate remedy available to them for redressal of their grievances.

13. The present petition is disposed of with the above observations. However, it is made clear that even if, the respondent-State proceeds with the adjudication of the notices and pass order to make petitioners for the fee, no coercive action will be taken keeping in view the order passed by Hon'ble Supreme Court till the said interim direction continues to operate. However, any order passed to the prejudice of the petitioner, even upon the notices, the petitioner will be free to avail appropriate remedy in case they are aggrieved including the filing of the fresh writ petition.

14. A photocopy of this order be placed on the files of other connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 22, 2025

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Whether speaking/reasoned: Yes.
Whether reportable : No