

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

M.A.No. 566/2014

and

Original Application No. 312/2014 (CZ)

Vasundhara Vikas Samiti & Anr. Vs. Reliance telecom Pvt. Ltd. & 2 Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : Mr. Shrey Raj Saxena, Advocate
Respondent No.3: Mr. Divyaraj Singh Sisodiya, Advocate
Mr. Ankit Gajbhiye, City Planner, BMC**

Date and Remarks	Orders of the Tribunal
Order No. 9 29th September, 2014	<p>This application has been filed by the Applicant alleging that the Respondent No. 1 Reliance Jio Infocomm has been granted permission for erection of mobile tower in close proximity with a school under operation which is just across the road and the tower being erected in Plot No. V-46, MIG, Vasundhara Colony, Bhopal. It was submitted by the Learned Counsel for the Applicant that the permission for the tower has been granted contrary to the provisions as contained in the MP Municipal Corporation Rules, 1956 under which in 2012, the rules were framed for consideration and allocation of such mobile towers vide notification dated 06.01.2012. It was also submitted that in the light of the judgement of the Hon'ble Rajasthan High Court dated 27.11.2012 in the case of <i>I.S.Israni V/s Union of India</i> it has been categorically held that such mobile/cell phone towers should not be allowed to be erected in close proximity with schools and educational institutions, hospitals, children playgrounds, etc. and the aforesaid decision which was challenged by the Telecomm Companies has been upheld by the Hon'ble Supreme Court though the judgement is awaited.</p> <p>Learned Counsel appearing for the Respondent No. 3 Municipal Corporation, Bhopal submitted till today, the tower has not been fully</p>

constructed and has not been made operational and as such at present, there is no possibility of any radiation being caused as a result of operation of such tower. However, the Bhopal Municipal Corporation is willing to review its permission granted for the aforesaid tower and shall consider the same in the light of the judgement dated 27.11.2012 of the Hon'ble High Court of Rajasthan in *I.S.Israni V/s Union of India* upheld by the Hon'ble Supreme Court.

In view of the above submission made by the Learned Counsel for the Bhopal Municipal Corporation, we dispose of this petition and direct that the case with regard to the grant of permission to the Respondent No. 1 for the erection and making the mobile tower operational at Plot No. V-46, MIG, Vasundhara Colony, shall be reviewed by the Municipal Corporation after taking into account the decision of the Hon'ble Supreme Court in *I.S.Israni V/s Union of India*. In the meanwhile, the tower shall not be made functional and operational.

The Application No. 312/2014 stands disposed of. The M.A. No. 566/2014 also stands disposed of.

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)