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

+ **W.P.(C) 1099/2026 & CM APPL. 5349/2026**

VIJAY MUTNEJA

.....Petitioner

Through: Ms. Manjula Gandhi and Ms. Akriti Singh, Advocates.

versus

AIRCEL LIMITED THROUGH ITS MONITORING COMMITTEE & ORS.

.....Respondents

Through: Mr. Udbhav Nanda, Advocate for R-1 (through VC)
Mr. Kapil Dutta, Standing counsel for MCD.
Mr. Raj Kumar Yadav, Advocate for SHO.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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22.07.2026

1. The present writ petition has been filed seeking a direction to the respondents to remove and dismantle the mobile tower installed on the roof of the property bearing no.S-23, *Rajouri Garden, New Delhi – 110027*, which is owned by the petitioner. In the alternative, the petitioner seeks permission to remove and dispose of the aforesaid mobile tower.
2. Notice in the present petition was issued on 27th January, 2026 and was accepted on behalf of the respondent no.3/MCD. The submission of counsel for MCD was noted that the subject mobile tower is not functional. It was further submitted on behalf of MCD that it does not have the expertise to remove the mobile tower. Accordingly, notice was issued to the respondents no.1 and 2.



3. None has appeared on behalf of the respondent no.2 despite service.
4. Counsel appearing on behalf of the respondent no.1 submits that the subject mobile tower has been sold to the respondent no.2 under a Business Transfer Agreement. He further submits that the obligations under the License Agreement dated 11th May, 2009 between the petitioner and the respondent no.1 have also been transferred to the respondent no.2.
5. It is the case of the petitioner that the petitioner has not been paid any license fee by the respondents since 2017. The license was terminated by the petitioner in the year 2017 and since then, the petitioner has not been paid any license fee by either of the respondents no.1 or 2. However, the mobile tower continues to exist on the petitioner's premises. The petitioner has filed appropriate application before the NCLT, Mumbai for recovery of the amounts due to the petitioner in the insolvency proceedings ongoing against the respondent no.1.
6. Counsel for the petitioner submits that the subject mobile tower poses serious structural safety risks to the petitioner, the petitioner's property and the residents residing nearby and therefore, the same is required to be taken down.
7. Clearly, the petitioner, who is a resident, does not have the technical expertise to take down the mobile tower.
8. Accordingly, the writ petition is disposed of in the following terms:
 - i. The respondent no.1 is directed to take down the mobile tower within a period of four (4) weeks from today.
 - ii. The respondent no.1 shall engage/provide the services of a technical expert to take down the mobile tower.
 - iii. Any expenses incurred in this regard shall be borne by the petitioner,



subject to the right of the petitioner to seek reimbursement of the same in the proceedings before the NCLT.

9. Pending application stands disposed of.

AMIT BANSAL, J

JULY 22, 2026

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