

**BEFORE THE NODAL OFFICER,
AT MANTRALAYA, MUMBAI**

UNDER THE TELECOMMUNICATION ACT, 2023

COMPLAINT NUMBER क्र.संकीर्ण -1725/प्र.क्र.178/ मातं.

Date: 18.03.2026

Venue: Office of Secretary
(Information Technology),
Mantralaya, Mumbai.

In the Matter of,

Baban Laxman Jabre & Ors.

...Complainants

Versus

Kasper Infrastructure Private Limited and Ors.

...Respondents

1. Attendees:

- 1.1 Mr. Baban Laxman Jabre & Mr. Narsing Dabba, Complainants;
- 1.2 Mr. Kiran L. Jadhav & Mr. Satyam Ladage, T Ward, Mulund, Brihanmumbai Municipal Corporation;
- 1.3 Mr. Pankaj Kumar Gupta, Kasper Infrastructure Private Limited were present

2. Brief Facts:

The present matter pertains to the action to be taken in respect of a mobile tower located at Indra Nagar No. 2, Pandit Jawaharlal Nehru Road, Mulund West, Mumbai – 400 080, situated on an individual premises owned by Mr. Anna Murugan. The site falls within a slum area, where Brihanmumbai Municipal Corporation (BMC) stated that they provide water and electricity.

3. Proceedings and Appearance:

The matter was taken up for hearing before this Authority on 18th March, 2026. The owner of the premises, Mr. Anna Murugan, remained absent during the course of the hearing.

The representatives of Kasper Infrastructure and the Brihanmumbai Municipal Corporation (BMC) were present and made their respective submissions.

4. Submissions by Complainant:

The Complainant has primarily challenged the legality and authorization of the subject tower, raising the following contentions:

4.1 Absence of Statutory Permissions: The Complainant questions whether the Respondent has obtained the requisite permissions, No Objection Certificates (NOCs), and sanctions from the competent authorities for the installation and operation of the tower.

4.2 Public Safety and Suitability of Location: It is submitted that the site is situated within a densely populated slum area characterized by restricted access and inadequate setbacks. The Complainant highlights that children frequently play in the immediate vicinity, posing a significant risk to life and safety.

4.3 Health Concerns and Public Nuisance: The Complainant has raised grave concerns regarding the adverse health effects of the tower, specifically alleging a correlation between its presence and a perceived increase in oncological cases (cancer) among the residents of the surrounding area.

4.4 History of Unauthorized Re-establishment: The Complainant contends that the subject structure was previously decommissioned and removed in 2022, only to be unlawfully re-established at the same location without fresh authorization.

4.5 Evidentiary Documentation: In support of these allegations, the Complainant has produced photographic evidence depicting the current state and positioning of the tower to substantiate the claims of safety violations and proximity to residential dwellings.

5. Submissions by Brihanmumbai Municipal Corporation (BMC):

On behalf of the Brihanmumbai Municipal Corporation (BMC), Mr. Kiran L. Jadhav and Mr. Satyam Ladage (T-Ward) submitted the following for the record:

5.1 Provision of Essential Utilities and Verification of Occupancy: The Corporation confirms that the subject premises are currently provided with essential utility services, including potable water and electricity; however, the statutory authorization for such connections remains a matter of contention. Furthermore, it is submitted that an official

identification card, typically issued to residents of notified slum areas, was granted to Mr. Anna Murugan and shown to the authority.

5.2 Statutory Compliance by Kasper Infrastructure: It is further submitted that Kasper Infrastructure has strictly adhered to all applicable statutory provisions and regulatory frameworks. The entity has furnished all requisite documentation, certificates, and clearances as mandated by the prevailing guidelines.

5.3 Verification of Structural Integrity and Safety: Upon a comprehensive scrutiny and examination of the technical documents and site reports, the Corporation expresses its satisfaction regarding the structural stability and safety of the telecommunication tower in question.

4. Submissions by Kasper Infrastructure:

On behalf of Kasper Infrastructure Private Limited, Mr. Pankaj Kumar Gupta submitted the following for the record:

4.1 Verification of Structural Soundness: The Respondent has placed on record the Structural Stability Report and the corresponding Stability Certificate pertaining to the subject tower, as prepared and certified by Mr. Prashant Narvankar (STATE/R/2023/APL/04443 and BMC Regd. No. STR/N/39).

4.2 Assertion of Statutory Compliance: It is formally submitted that the Company has secured all requisite licenses, permissions, and sanctions from the relevant administrative bodies.

4.3 Documentation of Site Authorization: A true copy of the Leave and License Agreement (or Lease Agreement) executed between Kasper Infrastructure Private Limited and Mr. Anna Murugan was furnished before the Nodal Officers consideration to substantiate the Company's legal right to occupy and utilize the premises.

5. Consideration and Findings:

Upon a comprehensive perusal of the material placed on record and having given due consideration and submissions of the parties, the following observations are made:

5.1 Submission of Essential Documentation: The Respondent has duly produced the requisite technical documentation, including the Structural Stability Report, issued by a competent authority to substantiate the tower's integrity.

5.2 Verification by Regulatory Authority: The competent municipal authority of Brihanmumbai Municipal Corporation (BMC) has conducted a formal examination of the submitted documents and confirmed that the installation is in strict compliance with all applicable statutory provisions and regulatory frameworks.

5.3 Certification of Safety: The Brihanmumbai Municipal Corporation (BMC) has explicitly expressed its satisfaction regarding the structural safety and stability of the subject telecommunication tower based on the verified records.

5.4 Lack of Substantiated Evidence for Health Claims: The contentions raised by the Complainant regarding alleged health hazards are found to be merely speculative and are not supported by any cogent or substantiated material on record. No evidence has been produced to establish a direct causal link between the operation of the subject tower and the health concerns cited. In this regard, this office places reliance upon the precedent established by the **High Court of Bombay in Public Interest Litigation (PIL) No. 91 of 2023** and pronounced on 26 August 2025 (as per Jagruk Nagrik Sanghatana and Others v. The State of Maharashtra and Others).

“18) Thus, the issue appears to be squarely covered by several judgments of various High Courts, including of this Court, which have repeatedly repelled the apprehension expressed about the cause of health hazards due to electromagnetic radiations emanating out of mobile phone towers. Petitioners have not placed any independent conclusive material for this Court to take a different view than the one consistently taken by various High Courts. We are, therefore, not inclined to accept Petitioners’ prayer for removal of any mobile tower on account of apprehension expressed by them about ill effects of electromagnetic radiations emanating out of mobile phone towers.”

7. Decision by Nodal Officer:

In view of the foregoing facts and circumstances, and upon consideration of the submissions made as well as the material placed on record, it is evident that the requisite

permissions and documents have been duly furnished and verified by the competent authority, which has also affirmed the safety and compliance of the site in question.

It is observed that Kasper Infrastructure Private Limited has demonstrated substantial compliance with all applicable statutory provisions and has secured the requisite permissions and clearances from the competent authorities for the installation and operation of the subject tower.

Furthermore, in the absence of any cogent or substantiated material to establish a causal link between the existence of the tower and the alleged health hazards, the contentions raised by the Complainant are found to be merely speculative and cannot be legally sustained. The reliance placed on the judicial precedent of the Hon'ble High Court of Bombay in PIL 91/2023 further fortifies the position that such installations, when compliant with safety norms, do not warrant removal based on unsubstantiated fears.

Accordingly, the present complaint is found to be **devoid of merit and fails to satisfy the grounds for the relief sought**. The complaint stands hereby **dismissed and disposed of** with no further directions.



Virendra Singh
Secretary,
(Information Technology)
and Nodal Officer,
State of Maharashtra,
Mantralaya, Mumbai-32.

Secretary
Information Technology
General Administration Department
Mantralaya, Mumbai - 400 032.