

BEFORE THE NODAL OFFICER

Secretary, Department of Electronics,
Information Technology & Artificial Intelligence.
Mantralaya, Mumbai.

(UNDER SECTION 14(4) OF THE TELECOMMUNICATION ACT, 2023)

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Date: Date of Digital Signature

In the proposed Matter referred by Urban Development Department (relating to, Bombay High Court, Nagpur Bench, Civil Writ Petition No. 1615 of 2018) a hearing was kept on 23rd April 2026 before the Nodal Officer to ascertain whether the Tower installed is authorised or unauthorised and give directions to the Urban Local Body i.e. Akola Municipal Corporation accordingly.

1. Appearances:

- 1.1 Vijay Paratvar, Deputy Commissioner, Akola Municipal Corporation, Akola;
- 1.2 Rajesh Sarap, East Zone, Zonal Officer, Akola Municipal Corporation, Akola;
- 1.3 Sham Thakur, Law Officer, Akola Municipal Corporation, Akola;
- 1.4 Hina Shah, Representative of Podar Education Trust, Mumbai;
- 1.5 Amar Meshram, o/b/o Indus Towers Ltd, Pune;
- 1.6 Omkar Chandorkar, o/b/o Indus Towers Ltd., Pune.

2. Brief Facts:

The matter presented before the Nodal Officer is regarding suitable directions for removal of a tower installed near the Podar International School.

A complaint was filed by Mrs. Arti Rahul Domkulvar and others, against Urban Development Department, Akola Municipal Corporation, Indus Towers and other parties regarding a mobile tower situated at Goenka Layout, Bypass Road, Jawahar Nagar, adjacent to Podar International School, before the Honourable Bombay High Court, Nagpur Bench in the Writ Petition No. 1615 of 2018.

The Urban Development Department has approached the Secretary, Department of Electronics, Information Technology and Artificial Intelligence, Mantralaya, Government of Maharashtra, Mumbai for instructions regarding the removal of Tower as a Nodal Officer u/s. 14(4) of the Telecommunications Act, 2023.

3. Proceedings and Appearance:

The matter was taken up before the Nodal Officer on 23rd April, 2026. The complainants were absent at the time of the hearing. However, representatives of Indus Towers, Akola Municipal Corporation and Podar Education Trust were present.

In view of the appearance, of the present parties, the matter was proceeded with, on the basis of the available records and the submissions made by those present in the hearing.

4. Submissions made by Representatives of Podar Education Trust:

Hina Shah, Representative of Podar Education Trust submitted an authority letter of its representation by Podar Education Trust dated 22nd April 2026, along with a letter dated 22nd April 2026 was submitted, in which they requested for the removal of the above-mentioned mobile tower due to health hazard to the students and teachers. It was also submitted that the tower under question however is not located inside the premises of the school but is adjacent to the school.

5. Submissions on behalf of Indus Towers Ltd.:

Submissions made by Omkar Chandorkar, representing Indus Towers Ltd., the following documents were placed on record:

5.1 Submission of Agreement: Representative of Indus Towers Ltd. has furnished a formal copy of the duly executed agreement dated 23rd December 2008, valid for a period of 20 years, pertaining to the installation of the subject tower for the perusal of the Nodal Officer.

5.2 Submission of Structural Stability Certificate: Furthermore, a copy of the Structural Stability Report dated, 8th April 2026, has been submitted for consideration to substantiate the safety of the telecommunication infrastructure.

6. Submissions made by the Deputy Commissioner, Akola Municipal Corporation.:

Following to the submissions made by the representatives of Indus Towers Ltd., Deputy Commissioner, Akola Municipal Corporation agreed that the Corporation had received the above mentioned documents.

7. Considerations 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:

7.1 Submission of Essential Documentation: The Representation of Indus Towers has duly produced the requisite technical documentation, including the Structural Stability Report, issued by a competent authority to substantiate the tower's stability.

7.2 Verification by Regulatory Authority: The Deputy Commissioner, Akola Municipal Corporation has examined the submitted documents and confirmed that the installation is in order.

7.3 Certification of Safety: The Deputy Commissioner, Akola Municipal Corporation expressed satisfaction regarding the structural safety and stability of the subject telecommunication tower based on the records provided.

7.4 Lack of Substantiated Evidence for Health Claims: The contentions raised by the Representative of the Podar International School and while also considering the primary intentions of the complainants, 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 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 Honourable High Court of Bombay in Public Interest

Litigation (PIL) No. 91 of 2023 and pronounced on 26th 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."

8. Directions/ Instructions of Nodal Officer:

In view of the foregoing facts and circumstances, and upon comprehensive consideration of the material placed on record, it is evident that the Indus Towers Limited complies with the provisions of Telecommunication Act for the installation and operation of the said tower,

Furthermore, in the absence of any cogent or substantiated material to establish a link between the existence of the tower and the alleged health hazards due to radiation, the issues raised by the Representative of Podar Education Trust, are found to be merely speculative. Addressing the issue of Noise due to Generator, however, is beyond the jurisdiction of the Nodal Officer.

Accordingly, the Akola Municipal Corporation is directed that the Tower shall not be removed **unless so ordered by the Honourable High Court in the present sub-judice matter.**

(Virendra Singh)
Secretary, E, IT&AI
And Nodal Officer