

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 24, 25, 26, 27 & 28 of 2016

Dated: 20 September, 2016

**CORAM: Shri. Azeez M. Khan, Member
Shri. Deepak Lad, Member**

1. In the matter of Petition of Ashok Julal Patil and 11 others under Sections 67(4) (5), 142 & 146 of the Electricity Act, 2003 & Rule 3(3) and 13(2) of Maharashtra Works of Licensees Rules 2012 r seeking relief on account of non-compliance of the Order Passed by the District Collector, Jalgaon dated 16.10.2014 by MSETCL and also seeking enhancement of compensation awarded by District Collector Jalgaon.

(Case No.24 of 2016)

2. In the matter of Petition of Smt Draupadabai Prabhakar Patil and 13 others under Sections 67(4) (5), 142 & 146 of the Electricity Act, 2003 & Maharashtra Works of Licensees Rules 2012 seeking relief on account of non-compliance of the Order Passed by the District Collector, Jalgaon dated 16.10.2014 by MSETCL and also seeking enhancement of compensation awarded by District Collector, Jalgaon under Rule 3 (3) and 13 (2) of Maharashtra Works of Licensees Rules 2012.

(Case No. 25 of 2016)

3. In the matter of Petition of Shri Sanjay Ramsing Pardeshi and 14 others under Sections 67(4) (5), 142 & 146 of the Electricity Act, 2003 & Rule 3(3) and 13(2) of Maharashtra Electricity Works of Licensees Rules, 2012 for seeking relief on account of non-compliance of the Order passed by the District Collector, Jalgaon dated 16.10.2014 and seeking enhancement of compensation.

(Case No. 26 of 2016)

4. In the matter of Petition of Shri Suhas Narhar Wani & 05 others under Sections 67(4) (5), 142 & 146 of the Electricity Act, 2003 & Rule 3(3) and 13(2) of Maharashtra Electricity Works of Licensees Rules, 2012 for seeking relief on account of non-compliance of the Order passed by the District Collector, Jalgaon dated 16 October, 2014 and seeking enhancement of compensation.

(Case No. 27 of 2016)

5. In the matter of Petition of Shri Baburao Tukaram Patil & 05 others under Sections 67(4) (5), 142 & 146 of the Electricity Act, 2003 & Rule 3(3) and 13(2) of Maharashtra

Electricity Works of Licensees Rules, 2012 for seeking relief on account of non-compliance of the Order passed by the District Collector, Jalgaon dated 16 October, 2014 and seeking enhancement of compensation.

(Case No. 28 of 2016)

Shri Ashok Julal Patil and 11 others
Smt Draupadabai Prabhakar Patil and 13 others
Shri Sanjay Ramsing Pardeshi and 14 others
Shri Suhas Narhar Wani & 05 others
Shri Baburao Tukaram Patil & 05 othersPetitioner(s)

V/s.

Maharashtra State Electricity Transmission Co. Ltd. (MSETCL)
The District Collector, JalgaonRespondent(s)

Appearance:

Advocate for the Petitioner: Shri Pavan Uttarwar
Shri Anand M. Mamidwar

Advocate for the Respondent (1): Shri Jitendra M. Pathale (Case No. 24, 25 and 26 of 2016)
Shri K.G.Sakhare (Case No. 27 and 28 of 2016)

Daily Order

Heard the Advocates of the Petitioners and the Respondents.

Advocate for the Petitioners submitted that District Collector, Jalgaon has dismissed the Petitioners' claim of compensation citing no jurisdiction as per Indian Telegraph Act, 1885. As per the provisions of Section 67(3) of EA, 2003 and Rule 13 of Maharashtra Electricity Works of Licensees Rules, 2012, the District Collector is the competent authority for determination of compensation. Section 174 of EA, 2003 has overriding effect over the Indian Telegraph Act 1885. The Petitioner quoted Section 2 (1) (b) (i) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 wherein land acquisition proceedings are made applicable for Transmission Line Works. Petitioner's land is affected by the Transmission works and its use permanently restricted, which has resulted in diminution of value of property. He requested to remand the matter to the District Collector, Jalgaon for determination of the land compensation.

Advocates for MSETCL stated that adequate compensation has been paid to eligible affected farmers at the time of execution of work and filed its written submissions.

In Case No. 28 of 2016, MSETCL has erected tower on the land of Petitioner No. 6 (Shri Dhondu Panchu Pardeshi) only. No towers are erected on the other Petitioners' land; hence

they are not entitled for compensation. Hence, on ground of false representation, the Case is liable to be rejected.

The Case is reserved for Order.

Sd/-
(Deepak Lad)
Member

Sd/-
(Azeez M. Khan)
Member