

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
Tel. 022 22163964/65/69 Fax 22163976
Email: mercindia@merc.gov.in
Website: www.mercindia.org.in/www.merc.gov.in**

Case No. 45 of 2015

Dated: 20 September, 2016

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

In the matter of

Petition of Arun Shamrao Pardeshi under Sections 142, 146, 67 (4) (5) of the Electricity Act, 2003 and Maharashtra Electricity Works of Licensees Rules 2012 seeking non-compliance of the District Collector, Jalgaon's Order dated 16.10.2014 by MSETCL and enhancement of compensation under Rule 3 (3) and 13 (2) of Maharashtra Works of Licensees Rules 2012.

Arun Shamrao Pardeshi	... Petitioner
V/s	
Maharashtra State Electricity Transmission Company Ltd.	... Respondent No. 1
District Collector, Jalgaon	... Respondent No. 2

Appearance

For Petitioner:	Adv. Pavan Uttarwar
For the Respondent No. 1:	Adv. Monica Haseja Shri G.K. Sinha
For the Respondent No. 2:	None

Daily Order

Heard the Advocate of Petitioners and the Respondent.

The Advocate for Petitioner stated that the District Collector Jalgaon has rejected the application filed by him on the basis of lack of jurisdiction for determination of compensation citing the provisions of the Indian Telegraph Act, 1885. He requested to remand the matter to the District Collector, Jalgaon for determination of compensation as per the provisions of Section 67(4) of EA, 2003 and Maharashtra Electricity Works of Licensees Rules, 2012 .

The Advocate for MSETCL submitted that adequate compensation has been paid and accepted by Petitioners at the time of execution of the works. The work of foundation and erection of the towers was executed in December, 2009 and March, 2010 , which was not objected to by the Petitioner. The Government Resolution for determination of land compensation has been issued on 1 November, 2010 , which is applicable prospectively. MSETCL has followed the procedure, Rules and Regulations at the time of execution of work and compensation has been paid as determined by the competent authorities.

The Advocate for Petitioner admitted that he had received the crop and tree compensation. The present dispute is mainly for land compensation and diminution of the value of the land due to construction of Transmission Line.

The Case is reserved for the Order.

Sd/-

**(Deepak Lad)
Member**

Sd/-

**(Azeez M. Khan)
Member**