Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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CASE NO. 95 & 96 of 2016

Dated: 22 September, 2016

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

1. In the matter of Petition of Shri Manish Purushottam Gupta & Others challenging the Order dated 16.12.2015 by the District Collector, Akola to erect tower and lay down 132 kV overhead transmission line in the field of the Petitioners, granting permission to the MSETCL, Respondent No.1 and directing the MSETCL to pay the amount of compensation, according to Rule 3(2) of Maharashtra Electricity Works of Licensee Rules, 2012.

(Case No. 95 of 2016)

2. In the matter of Petition of Shri Manish Purushottam Gupta & Others challenging the Order dated 07.04.2016 passed by the District Collector, Akola to erect tower and lay down 132 kV overhead transmission line in the field of the Petitioners, granting permission to the MSETCL, Respondent No.1 and directing the MSETCL to pay the amount of compensation, according to Rule 3(2) of Maharashtra Electricity Works of Licensee Rules, 2012.

(Case No. 96 of 2016)

Shri Manish Purushottam Gupta & four others ... Petitioner

V/s

Maharashtra Electricity Transmission Co. Ltd. …Respondent No. 1

The Executive Engineer, High Tension Works Department, Akola. …Respondent No. 2

The District Collector, Akola. …Respondent No. 3

Appearance

Representative for the Petitioner	….Adv. Amit Lohia
Representative of Respondent No.1	.... Adv. Savita Prabhune
Representative of Respondent No. 2	…. Shri R.R. Dhobale
Representative of Respondent No. 3	….None
Consumer Representative	….Dr. Ashok Pendse, TBIA

Daily Order

Heard the Advocates of the Petitioners and the Respondents. No one appeared on behalf of Respondent No.3, District Collector, Akola. As the Cases are based on identical issues, the Commission clubbed the proceedings in Case No. 95 and 96 of 2016 with consent of parties.

Advocate of MSETCL submitted its Reply in both the Cases at the time of Hearing.

The Advocate for the Petitioners reiterated the submissions in the Petitions stating that the facts, details and maps of the Transmission Line / tower location are not provided by MSETCL's Officers and no notice was published in widely circulated local newspapers. He further submitted that, as per Rule 3(1) (b) of Maharashtra Electricity Works of Licensees Rules, 2012, MSETCL should have taken consent of the land owners before starting the work of Transmission Line. The Petitioners have objected to the construction of Transmission Line which is in progress.

In case of a dispute between Transmission Licensee and land owners, District Collector should have determined the amount of the compensation as per Rule 3 (2) of Maharashtra Electricity Works of Licensees Rules, 2012. The District Collector, Akola ignored the objections and the legal position citied by the Petitioners and passed Orders on 16 December, 2015 and 7 April, 2016 as per Section 16(1) of the Indian Telegraph Act,1885 and Section 164 of Electricity Act, 2003 allowing MSETCL to erect Transmission line in their agricultural lands. In the Orders, the District Collector, Akola has not determined the compensation.

The Advocate of MSETCL submitted that the Petitioners were absent during the Panchnama of their land. MSETCL had requested Petitioners through letters for submission of NOC from legal heirs/ other owners of the land and stated that it was ready to pay the crop compensation but could not issue the cheques as 7/12 of Petitioners does not define the share of each.

Dr. Ashok Pendse, Thane-Belapur Industries Association (TBIA), a Consumer Representative, stated that every month there are 7 to 8 Right of Way matters filed before the Commission wherein the District Collector has not determined the compensation as per Maharashtra Electricity Works of Licensees Rules, 2012. Hence, he requested the Commission to issue a practice direction to Transmission Licensees to bring the provisions of these Rules to notice of the concerned District Collectors for determination of compensation.

Petitioners requested two weeks' time to file their Rejoinder with copy to the Respondents, which is granted by the Commission.

The Case is reserved for the Order.

Sd/-	**Sd/-**
(Deepak Lad)	**(Azeez M. Khan)**
Member	**Member**