

**Before the  
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION  
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005  
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**Case No. 126 of 2016**

**Dated: 13 October, 2016**

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

**In the matter of**  
**Petition of Shri Subhash Ananda Tambe & 3 others under Electricity Act, 2003, the Indian Telegraph Act, 1885 & Rule 3 (3) of Maharashtra Electricity Work of Licensees Rule, 2012, challenging Order of Sub-Divisional Officer, Pune dated 27.06.2016 granting permission for erection Towers on the Petitioners land and non-determining the compensation**

**and**

**Miscellaneous Application No. 17 of 2016 filed by M/s Raosahebada Pawar Ghodganga Sahakari Sakhar Karkhana Ltd., (Caveator) seeking prior notice in order to enable them to put true and complete facts and oppose grant of any interim orders by the Commission in favour of the Applicants**

Shri Subhash Ananda Tambe & 3 Others

... Petitioners

V/s

- 1) State of Maharashtra (Ministry of Power)
- 2) Sub-Divisional Officer, Pune
- 3) Maharashtra State Electricity Transmission Co. Ltd. (MSETCL) , Pune
- 4) Shri Raoshebdada Pawar, Ghodganga Shahkari Sakahar Karkhana Ltd.  
Navhare, Shirur, District Pune (RPGSSK) .... Respondents

**Appearance**

For Petitioner:

Adv. V.G. Kulkarni

For the Respondent No. 1:

Shri A.Y. Deshpande, OSD

For the Respondent No. 2:

None

For the Respondent No. 3:

Adv. Abhijeet Joshi

Shri S.B.Chirke, Add. Ex. Engineer (Pune)

For the Respondent No. 4:

Adv. Sagar A Rane

## Daily Order

Heard the Advocates of Petitioners and the Respondents.

Advocate for the Petitioners submitted that they have challenged the Order of Sub Divisional Officer (SDO), Pune dated 27 June, 2016 permitting MSETCL for erection of Transmission Line Towers on their lands.

The work of Transmission Line was commenced by Respondent No. 4 (RPGSSK) as per the route map approved and sanctioned by Respondent No. 3 (MSETCL) without any communication/notice to the Petitioners. The approved route map shows that the proposed Transmission Line is not passing through the lands of Petitioners.

On objection by the Petitioners for erection of Transmission Line Towers on their land, MSETCL filed an Application before the District Collector, Pune vide letter dated 24 February, 2016. The District Collector, Pune delegated the powers to the SDO, Pune for deciding the matter.

SDO, Pune issued Notices on 4 March, 2016 to all the landowners under Sec. 16 of Indian Telegraph Act (ITA), 1885. However, no copy of the Application of MSETCL was enclosed with the Notice. The Notice was challenged before the Bombay High Court vide Writ Petition No. 4163 of 2016. The High Court vide Order dated 4 May, 2016 allowed the Writ Petition to be withdrawn with liberty to pursue their remedy and appear before SDO on 15 May, 2016.

MSETCL vide letter dated 24 February, 2016 requested District Collector, Pune to instruct the local farmers for extending their cooperation in erection of Transmission Line Towers. In absence of Application from MSETCL for removal of obstruction under Section 16 (1) of ITA, 1885, the action initiated by the SDO, Pune was beyond his jurisdiction.

Aggrieved by the SDO, Pune's Order dated 27 June, 2016, Petitioners had filed Writ Petition No. 7958 of 2016 in the Bombay High Court for quashing the SDO's Order. Subsequently, the High Court vide Order dated 14 September, 2016 disposed of the Petition as withdrawn and directed the Petitioners to approach the Appropriate Commission and continued the interim Orders for two weeks.

Advocate of MSETCL stated that a village map was submitted before the SDO, Pune for obtaining the permission. This village map is a preliminary route map and the actual locations of Transmission Line Towers are ascertained after the complete detailed survey of the proposed Transmission Line. The map referred to by the Petitioners is a village map and their reliance on the same is inappropriate. Further, based on the village map, a field survey was conducted and Tower Profile for the proposed Transmission Line was prepared showing the exact locations of the Towers to be constructed. He also mentioned that MSETCL has paid tree and crop compensation to the affected farmers (other than Petitioners) at the time of actual work on site.

The Advocate of the Respondent No.4 (RPGSSK) stated that erection work for 12 Towers out of 14 Towers has been completed. The route of the Transmission Line as stipulated in the sanctioned plan and Tower Profile has been finalized after detailed survey carried out by MSETCL ensuring least inconvenience to the land owners along the entire route. The affected area of the Petitioners is 8.229 meters x 8.229 meters and falls on the most optimal route with minimum interference. The selected route map passing through Gat No. 376 ensures that safe distances for two houses situated in between Towers No. 10 & 11 and Tower No. 11 & 12 are maintained. As per the provisions of Section 10(d) and 16 of the ITA, 1885, concerned District Magistrate is the competent authority for fixing the compensation and to issue permission for the execution of work.

On a query by the Commission, MSETCL stated that it has issued Public Notice in local newspaper (i.e. Saamna) on 13.8.2015 for wide publicity of the proposed Transmission Line works based on village map/preliminary map. Also, after a detailed survey, Towers Profile map has been prepared considering obstructions such as road crossing, houses, railways etc. Based on detailed survey and Tower Profile map, MSETCL approached the farmers and informed them about the locations of Towers for the proposed Transmission Line and areas that could be affected by Transmission Line Towers on their lands.

Advocate of the Petitioners cited the provisions of the Maharashtra Electricity Works of Licensees Rules, 2012 and requested to remand the matter to the District Collector, Pune.

**The Case is reserved for the Order.**

**Sd/-**  
**(Deepak Lad)**  
**Member**

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