

**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. 140 of 2016

Dated: 6 December, 2016

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

In the matter of

**Petition of Maharashtra State Electricity Transmission Co. Ltd. for review of the
District Magistrate, Latur's Order dated 26.09.2016 directing removal of Transmission
Line Tower erected by MSETCL on Respondents land.**

Maharashtra State Electricity Transmission Co. Ltd.

Maharashtra State Electricity Distribution Co. Ltd.

... Petitioners

V/s

Dr. Hiralal Ganpatrao Nimbalkar

...Respondent No. 1

Shri Tanaji Anandrao Jadhav

...Respondent No. 2

Shri Balaji Raosaheb Khomane

...Respondent No. 3

Shri Madhukarrao Khomane

...Respondent No.4

Appearance

Representative for the Petitioners

....Adv. K G Sakhare

Representative of Respondents 1 to 4

... Dr. Hiralal Ganpatrao Nimbalkar

Daily Order

Heard the Advocate of the Petitioners and Respondents.

The Advocate for the Petitioners reiterated the submissions in the Petition, and stated that 132 kV Nilanga-Umarga Transmission Line Scheme was sanctioned in the year 2008. MSETCL has erected Tower No. 2 of the said Transmission Line in the year 2010 and the line was charged in the year 2012. Tower No. 2 has been erected on the land of Shri Kishor Subhash Mohalkar and Shri Vikram Subhash Mohalkar at Gat No. 34, and not on the Respondents' land at Gat No. 171. The Respondents did not object to the Transmission Line works at the time of execution and have raised dispute after four years (after completion of the Transmission Line works).

Respondents had filed an Application before the District Collector, Latur on 30.5.2016. The prayers of the Respondents were to acquire land for road by the Government after paying compensation to concerned farmers. The Respondents never prayed before the Collector for removal of Tower No. 2 of 132 kV Nilanga-Umarga Transmission Line. The District Collector, Latur, in his Order dated 26.9.2016, relied upon Executive Magistrate's spot

inspection report. The spot inspection report submitted by the Executive Magistrate, Nilanga mentioning that Tower No. 2 is erected on Talikhed- Nilanga road. The said report was prepared without issuing notice / giving an opportunity of hearing to MSETCL. As spot inspection report was submitted to the District Collector, Latur post hearing and without endorsing a copy to the Petitioners, it is against law and principles of natural justice.

The District Collector, Latur, vide Order dated 26.9.2016, directed MSETCL to remove Tower No.2 within six months without taking into account technical parameters and alignment of Transmission Line. If the Tower No. 2 is removed, alignment of Transmission Line will change and Transmission Line may collapse, resulting in interruption of supply to the area.

MSETCL further submitted that the brother of Respondent No. 1 (Shri Ajit Ganpatrao Nimbalkar) has filed Civil Suit before the Nilanga Court against MSETCL in June 2016, claiming compensation of Rs. 45 Lakh and alleging that MSETCL has erected Tower No.2 on his land at Gat No. 171. However, the Tower No. 2 is erected on land at Gat No. 34 and not at Gat No. 171.

During the hearing, Respondents filed their written submission along with map of disputed land and handed a copy to the Petitioners. On enquiry by the Commission, they stated that the disputed road is being used by farmers since last 60 years. The farmers as well as Respondents made various representations to the Tahsildar, Nilanga from the year 2009 to 2016 for providing alternative road. He further stated that Respondents' main concern is of alternative road and not shifting of Tower No. 2.

The Commission directed MSETCL to submit Rejoinder, if any, within a week with a copy to Respondents.

The Case is reserved for the Order.

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

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