

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
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**Case No. 27 of 2017**

**Date: 30 May, 2017**

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

**Petition of Mrs. Mumtaj Amrut Mane under Section 142 and 146 of Electricity Act,  
2003 against MSEDCL for non-compliance of the Electricity Ombudsman, Mumbai's  
Order dated 24.10.2016 in Representation No. 104 of 2016**

M/s Mumtaj Amrut Mane ....Petitioner

V/s.

Maharashtra State Electricity Distribution Company Limited (MSEDCL) ....Respondent

Appearance:

For the Petitioner: ...Shri.Amrit Rama Mane (Rep)

For the Respondent: ...Shri.A.P.Huvale (Rep)

...Shri.N.P.Waghmare (Rep)

For Authorized Consumer Representative: ....Dr.Ashok Pendse (TBIA)

**Daily Order**

Heard the Representatives of Petitioner and Respondent.

1. Representative of the Petitioner re-iterated the submissions as stated in the Petition.  
He further stated that:

- a) He is the husband of the Petitioner residing at Post-Shirapur, Taluka-Mohol, Dist.-Solapur having 20 acres of agricultural land.
- b) Petitioner came to know about the 3 disputed poles erected in her agricultural land in 2010 after her husband's retirement. MSEDCL neither informed nor sought any permission while erecting these poles, which is causing obstruction to farming and may also cause accidents in future.
- c) He further stated that, even though there was option of laying the line along

the farm's boundary, MSEDCL's contractor due to financial constraints erected 3 poles in the agricultural land.

- d) Petitioner asked MSEDCL to provide the approved plan of the works, but it has not yet provided.
  - e) MSEDCL has erected poles without taking permission. In view of farming activity being affected, application was made to MSEDCL for shifting the poles. Instead of shifting the poles on its own, MSEDCL asked Petitioner to bear all the expenses of shifting and 1.3 % supervisory charges under DDF Scheme.
2. The Commission asked what the Petitioner's course of action would be if there is no alternative for shifting the poles. Petitioner replied that poles can be erected on boundary of the land; MSEDCL has conducted the survey and informed that it can be shifted.
  3. To a query of the Commission, the Representative of the Petitioner stated that Petitioner does not want compensation, but the only demand is that these poles be shifted from her agricultural land. Representative further stated that, since he was busy in his job before retirement, he was not aware about these poles erected in 2005.
  4. To a query of the Commission, Representative of MSEDCL stated that:
    - a) In 2005, while erecting these HT Line poles, the Petitioner has not objected and it was considered as implied consent.
    - b) MSEDCL had complied with the Electricity Ombudsman, Mumbai's Order dated 24 October, 2016 by extending full cooperation to the Petitioner. MSEDCL had also prepared an estimate for shifting. However, the Petitioner's consent to shift the poles at her own cost is still awaited.

**The Case is reserved for Order.**

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

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