

**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](mailto:mercindia@merc.gov.in)**  
**Website: [www.mercindia.org.in](http://www.mercindia.org.in) / [www.merc.gov.in](http://www.merc.gov.in)**

**CASE NO. 84 of 2017**

**Dated: 18 July, 2017**

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

**Petition of Maharashtra State Electricity Transmission Co. Ltd. for review of the  
Commission's Order dated 1 March, 2017 in Case No. 140 of 2016.**

Maharashtra State Electricity Transmission Co. Ltd. (MSETCL)

... Petitioner

V/s

Dr. Hiralal Ganpatrao Nimbalkar  
Shri Tanaji Anandrao Jadhav  
Shri Balaji Raosaheb Khomane  
Shri Madhukarrao Khomane

... Respondent No. 1  
... Respondent No. 2  
... Respondent No. 3  
... Respondent No.4

**Appearance**

For the Petitioner

.... K G Sakhare (Adv.)

For the Respondents 1 to 4

.... Dr. Hiralal Ganpatrao Nimbalkar (Rep.)

**Daily Order**

Heard the Advocate of the Petitioner and Representative of the Respondents.

- 1) Advocate of MSETCL reiterated the submissions in the review Petition, and stated that :
  - a) MSETCL's prayer is restricted to the issue of acquisition of land for alternative road for the Respondents because of erection of Tower No. 2 of 132 kV Nilanga-Umarga Transmission Line.
  - b) The Commission's directive to approach the District Collector for facilitation to acquire land for alternative road for the Respondents is not applicable to MSETCL. The Electricity Act (EA), 2003 does not have a provision of acquisition of land for construction of Tower or laying of Transmission Line. The disputed Tower No. 2 is not erected on the road as alleged by the Respondents. Para 14 of the Commission's Order dated 1 March, 2017 in Case No. 140 of 2016 has created ambiguity in respect of providing alternative road towards the southern side of the Tower.

- c) MSETCL has no authority to create or build a road for the Respondents. As per the provisions of Maharashtra Land Revenue Code (MLRC), the Respondents may approach the Collector, Latur for alternative road.
- 2) The Representative of the Respondents stated that they had filed an Application before the District Collector, Latur as per the provision of EA, 2003 and not as per the MLRC as alleged by MSETCL. MSETCL has erected the disputed Tower on the road and it is the responsibility of MSETCL to approach the District Collector for providing alternative road to the Respondents, as directed by the Commission vide Order dated 1 March, 2017.
- 3) The Commission observed that the District Collector, Latur has already confirmed that the Tower is located on the road. The Commission, considering the work completion status of the disputed Tower No.2, Line and technical constraints in shifting of the Tower, has set aside the Collector's Order to the extent of removal of the Tower, and favoured the option provided by the Collector, i.e. to provide an alternative access road. The Commission's ruling in the impugned Order is clear and there is no ambiguity/error as stated by MSETCL. It is up to MSETCL and the Respondents to approach the Collector for alternative road.

**The Case is reserved for Order.**

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

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