

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
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**CASE Nos. 63 to 72 of 2017**

**Dated: 21 September, 2017**

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

**10 Petitions filed as per Section 67 (4) of Electricity Act, 2003 and Rule 3 (3) of the Maharashtra Electricity Works of Licensee Rules, 2012 seeking review of Sub-Divisional Magistrate, Mangalwedha's Orders dated 27.2.2017 and compensation for erecting Transmission Line and Towers on their lands by MSETCL**

**(Case Nos. 63 to 72 of 2017)**

- 1) Shri Dattatray Dnyanoba Jasud and two others (Case No. 63 of 2017).
- 2) Shri Satish Dagdu Shinde (Case No. 64 of 2017).
- 3) Shri Satish Bhavarlal Marda (Case No. 65 of 2017).
- 4) Shri Santosh Pandurang Yadav and Shri Vishwajeet Santosh Yadav (Case No. 66 of 2017).
- 5) Shri Abhiman Eknath Nikam (Case No. 67 of 2017).
- 6) Shri Nandakumar Sopan Jadhav (Case No. 68 of 2017).
- 7) Ms. Bebi Mohan Teli and three others (Case No. 69 of 2017).
- 8) Ms. Tejswini Gajanan Tad and four others (Case No. 70 of 2017).
- 9) Shri Youraj Mahadev Sakhare (Case No. 71 of 2017).
- 10) Shri Tatyia alias Pandurang Maruti Dattu (Case No. 72 of 2017).

... Petitioners

V/s

- 1) The District Magistrate, Solapur
- 2) The Sub Divisional Magistrate, Mangalwedha , District Solapur
- 3) The Executive Engineer, Maharashtra State Electricity Transmission Co. Ltd. (MSETCL), Solapur.

... Respondents

**Appearance**

For the Petitioners

....Shri Ravindra Pachunkar (Adv.)

For the Respondent No.1 & 2

..... None

For the Respondent No. 3

..... Shri Dhananjay Deshmukh (Adv.)

..... Shri S. K. Gade (E.E, Projects)

..... Shri S.B. Dhamure (Ad. E.E,  
Projects)

### **Daily Order**

Heard the Advocates of the Petitioners and the Respondent No. 3 (MSETCL).

1) Advocate of Petitioners stated that :

- a) MSETCL has undertaken work of erection of Transmission Line Towers on the Petitioners' lands. The length of proposed Line is around 17.05 km and width of ROW is 27 meters. MSETCL vide its letter dated 20.02.2014 addressed to District Magistrate, Solapur sought reservation of the area beneath the Transmission Line. By reserving the land, MSETCL actually acquired the land and thereby affected the Petitioners.
- b) On 04/03/2015 and 01/07/2015, MSETCL had filed applications before the District Magistrate, Solapur as per Section 16(5) of Indian Telegraph Act 1885, instead of Rule 3(1) (b) of the Maharashtra Electricity Works of Licensees Rules, (MEWLR), 2012 .
- c) The SDM, Mangalwedha, vide Order dated 31.03.2016, granted permission to MSETCL as per Section 16(1) of Indian Telegraph Act, 1885. The Order did not record the submissions of the Petitioners correctly. Therefore, the Petitioners applied to correct the Order and sought stay on work of MSETCL which was granted by the SDM.
- d) Thereafter, the SDM, Mangalwedha vide Orders dated 27/02/2017 in SDO/JAMA/KAVI/932,934,940,941,942,943,946,947,950,951/2016, permitted MSETCL to erect Transmission Line without appreciating provisions of law.
- e) Aggrieved by SDM's Orders dated 27.02.2017, the Petitioners have filed the present Petitions as per Section 3 (3) of the MEWLR, 2012 read with Section 67(4) of EA, 2003 seeking compensation on the following grounds :
  - i. The SDM has wrongly concluded that the Petitioners are entitled to compensation only as per Government of Maharashtra's GR No. 0210/29/Energy-4 dated 01/11/2010.
  - ii. The SDM ignored the fact that MSETCL did not obtain prior consent from the applicants/ owners/occupants. Without such consent, MSETCL cannot place overhead lines or erect towers.
  - iii. The SDM failed to appreciate the fact that the GoM has notified the MEWLR, 2012. Therefore, the SDM ought to have followed the procedure laid down in the MEWLR, 2012. Rule 3(1) (a) of MEWLR, 2012 requires prior written consent of owners to carry out works.

- iv. MSETCL has not presented correct information before the SDM.
  - v. The SDM, Mangalwedha failed to consider that the agricultural property of occupant will be affected adversely due to proposed work by MSETCL. Agricultural implements cannot be used effectively in the affected area. The damage to the Petitioners' property, standing crops and trees covered by Transmission Lines requires to be quantified properly. The affected area will be of no use for the Petitioners. Therefore, instead of reservation by MSETCL, acquisition of the affected area is essential in the interest of justice.
  - vi. The SDM, Mangalwedha ought to have held that the Petitioners are entitled to compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 instead of GoM, G.R. dated 01/11/2010, in view of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Bill, 2015.
  - vii. The SDM, Mangalwedha ought to have held that the applicants are entitled to compensation for the entire area under the Transmission Line and Tower.
- f) He referred to the ATE's Judgement to support his argument.
- 2) Advocate of MSETCL stated that :
- a) Revision Applications are filed by the Petitioners under the MEWLR, 2012. Neither the Electricity Act, 2003 nor the Indian Telegraph Act, 1885 have provisions for payment of rent as sought by the Petitioners.
  - b) MSETCL does not acquire land for erection of Towers or laying of Transmission Lines. As per Government Resolution dated 1.11.2010, MSETCL has paid the compensation to the affected farmers, which is an additional benefit to them.
  - c) The ATE Judgment referred to by the Petitioners is not relevant to this matter.
- 3) Shri S.B. Dhamure (Add. E.E, Projects), MSETCL stated that the EHV Transmission Line and Tower erection work in the Petitioners' lands is yet to be started. Hence, as per the latest Government Resolution dated 31/05/2017, MSETCL is ready to pay the crop compensation as well as land compensation falling under the Tower and the Transmission Line.
- 4) The Commission suggested that MSETCL and the Petitioners meet to resolve the issue mutually by calculating the affected area in the presence of the Petitioners two witnesses and MSETCL Officials within a month, to which both the parties agreed.

**All the Cases are reserved for Order.**

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

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

