

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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CASE NO. 130 of 2016 & 129 of 2017

Dated: 15 January, 2018

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 Additional District Collector, Nashik's Order dated 16.12.2015 directing MSETCL for payment of compensation to the Respondents.

(Case No. 130 of 2016)

Maharashtra State Electricity Transmission Co. Ltd. ... Petitioner

V/s

Shri Narendra Khanderao Khaire and 2 others ... Respondents

Appearance

For the Petitioner Adv. Dhananjay Deshmukh
.... Adv. Sushant Patil

For the Respondents Adv. V. G. Gawande
.... Shri Dattatraya Khaire (legal heir)
.... Shri Khanderao .T Khaire (legal heir)

And

In the matter of

Petition of Shri Dattatraya Khanderao Khaire and 2 Others under Rule 3(3) of the Maharashtra Electricity Works of Licensees Rules, 2012 for review of the Additional District Collector, Nasik's Order dated 16.12.2015 seeking compensation for erection Transmission Towers on their lands.

(Case No. 129 of 2017)

Shri Narendra Khanderao Khaire and others ... Petitioners

V/s

Maharashtra State Electricity Transmission Co. Ltd. ... Respondent

Appearance

For the Petitioners

.... Adv. V. G. Gawande
.... Shri Dattatraya Khaire (legal heir)
.... Shri Khanderao Khaire (legal heir)

For the Respondent

.... Adv. Dhananjay Deshmukh
... Adv. Sushant Patil

Daily Order

Heard the Advocates of the Petitioners and the Respondents in Case No. 130 of 2016 and 129 of 2017.

As both the Cases are filed for review of the same Order dated 16.12.2015 and involve the same parties, the Commission clubbed the proceedings in Case No. 130 of 2016 and, 129 of 2017 with the consent of the parties.

1) Advocate of MSETCL stated that:

- a) Work of 132 kV Pimpalgaon-Dindori Transmission Line was completed on 22 April, 2013. Panchanama was carried out on 20.3.2013 in the presence of Representative of MSETCL, Respondent farmers, Agricultural Officer, Niphad, Talathi, Shirvade -Vani and three other persons as witnesses.
- b) The Order dated 16.12.2015 is not a quasi-judicial Order giving opportunity of hearing to the parties. It is an administrative letter issued on the basis of a meeting held on Lok Shahi Din. Hence, the matter may be remanded back.
- c) The Panchanama dated 20.3.2013 submitted by the Respondent farmers for determination of compensation is forged, and quite different from the actual Panchnama of the same date.

2) Advocate of the Respondent farmers stated that:

- a) On complaint of Shri S.T. Nagare, a farmer from Vani (Pachore), the District Collector, Nashik had stayed the work of the Transmission Line. Therefore, erection work was stopped from April 2012 to December 2012 i.e. for 9 Months. During this period, the conductors and cables of the Line were rested on the grape orchard top grid due to which it collapsed and farmers suffered a financial loss. Thereafter, Transmission Line work was started in March, 2013.
- b) MSETCL officials neither visited the Respondent farmers' plot on 18.3.2013 and 19.3.2013 nor issued any letter or prepared any Panchanama to assess the damage. The Panchanama of the Respondents Grape orchard was carried out on 20.3.2013 in the presence of Agriculture Officer (Niphad), Talathi (Shirwade) and Sarpanch Grampanchayat (Shirwade). However, MSETCL had submitted a forged Panchanama dated 20.3.2013 for determination of the compensation.
- c) The compensation claimed by the Respondent farmers is not only towards damages due to stringing of Transmission Line but also is due to collapse of Grape orchard support system due to resting of the conductors on it. However, MSETCL has only argued of the damage caused at the time of stringing.

- d) MSETCL has not challenged the jurisdiction of the District Magistrate, Nashik and agitated the issue of compensation only. However, he supports the request of MSETCL to remand back the matter for adjudication.
- 3) To a query of the Commission, the Respondents farmers stated that no Tower of the Line has been erected on their land and only conductors of Line pass across the land.
- 4) The Commission expressed its displeasure to MSETCL as no field officer was present at the hearing to explain the technicalities in countered at the time of execution of work.
- 5) Advocate of MSETCL submitted its Reply in Case No. 129 of 2017 with a copy to the Petitioner farmers.

The Case is reserved for Order.

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

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