

NOTICE

Subject: Petition of Murlidhar Tukaram Daundkar & 6 other for Revision Petition along with Stay application against the impugned order passed by the Sub Divisional Magistrate under section 68 of EA 2003, section 10 & 16 of Indian Telegraphs Act 1885 & Section 3 of Works of License Rule -2006 and application under section 94(1)(b) of EA 2003 for discovery and demand of all relevant documents.

- **Case No. 62 of 2013**

2. Murlidhar Tukaram Daundkar & 6 other have submitted a Revision Petition along with Stay application under affidavit on 03.05.2013, for seeking relief from the impugned order passed by the Sub Divisional Magistrate under section 68 of EA 2003, section 10 & 16 of Indian Telegraphs Act 1885 & Section 3 of Works of License Rule -2006 and also made an application under section 94(1)(b) of EA 2003 for discovery and demand of all relevant documents.

The main **prayers** of the **Petitioner** are as under-

- a) That, impugned order passed by Sub Divisional Magistrate Junnar, Sub-Division Khed, Dist. Pune in criminal/electricity/appeal/4/2012, dt. 11/03/2013, under sec. 68 of the provisions of Electricity Act 2003, section 10 & 16 of Indian Telegraphs Act 1885 & Section 3 of Works of License Rule -2006, may kindly be quashed and set aside in the interest of justice and oblige.*
- b) That the record and proceedings pending on the file of Sub Divisional Magistrate Junnar, Sub - Division Khed, Dist. Pune may kindly be called for.*
- c) That, the execution, operation and implementation of the impugned order passed by Sub Divisional Magistrate Junnar, Sub-Division Khed, Dist. Pune in criminal / electricity / appeal/4/2012, dt. 11/03/2013 may kindly be stayed till the final hearing and decision of this Revision Petition in the interest of justice and oblige.*
- d) That ad interim relief / order may kindly be passed in terms of prayer clause (c) in the interest of justice and oblige.*
- e) The Hon'ble Authority may kindly be pleased to pass necessary order against Respondent No.1 who is holding licence vide Licence No.6/Transmission/CERC as a licensee has not followed the terms and conditions and prescribed procedure as per the provisions of &*

Section 3(3) of Works of License -2006 read with sections 89 & 94 of EA 2003 by which thus Hon'ble Appropriate Commission is having power to take stringent action against the Licensee in the interest of justice and oblige.

- f) The Hon'ble Authority may kindly be pleased to saddle heavy cost upon the Respondent No. 1 for express breach of license and provisions of law only to the Respondent No. 3 in the interest of justice.*
- g) That, the cost of this litigation may kindly be awarded to the petitioners from the Respondent No.1.*
- h) Any other just and equitable orders in the interest of justice may kindly be passed.*

*The main **prayers of the stay** application of the Petitioner are as under-*

- a) That, the execution, operation and implementation of the impugned order passed by Sub Divisional Magistrate Junnar, Sub-Division Khed, Dist. Pune in criminal/electricity/appeal/4/2012, dt. 11/03/2013 may kindly be stayed till the final hearing and decision of this Revision Petition in the interest of justice and oblige.*
- b) That ad-interim relief /order may kindly be passed in terms of prayer clause (a) in the interest of justice and oblige.*
- c) Any other just and equitable orders in the interest of justice may kindly be passed.*

*The main **prayers of the application for discovery** and demand of all relevant **documents** under section 94(1)(b) of EA 2003 of the Petitioner are as under -*

- a) That, the Respondent No. 1 and his authorized signatory and other concerned authorities, officer or any other concerned person may kindly be directed to supply the requisite true copies of the documents described and mentioned para No. 2 of this Application within stipulated period by the Hon'ble appropriate Commission in the interest of justice and oblige for full and final adjudication of the matter on merits.*
- b) That, failure on the part of the Respondent No.1 and others for compliance of the abovementioned and described documents in para No. 2 adverse inference may kindly be drawn against the Respondent No.1 in the interest of justice and oblige.*
- c) Any other just and equitable orders in the interest of justice may kindly be passed.*

The Respondent No.1 is CERC Licensee Petitioner has mentioned that this application is u/s 3(3) of The works of Licensee Rules 2006. It is pertinent to note that the Order of SDM title

specify proceeding were conducted under section 68 of EA 2003, section 10 & 16 of Indian Telegraphs Act 1885 & Section 3 of Works of License Rule -2006 .

3. I am directed to communicate that the **Admissibility Hearing** in the above matter will be held in the presence of the authorized consumer representatives on **Tuesday 28 May, 2013 at 11.00 hrs** in the office of the Commission at 13th Floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai 400 005.
4. The Petitioner is directed to immediately serve a copy of its above mentioned Petition (both in soft and hard versions) to the authorized consumer representatives.
5. The Respondent is directed to submit its say on affidavit, if any, on the above mentioned Petition with a copy to the Petitioner and authorised consumer representatives.

Sd/-
(R. S. Sonawane)
Dy. Director (Legal)

Shri Murlidhar Tukaram Daundkar and 6 Others
R/at - Kanhersar,
Tal. Khed, Dist. Pune

Petitioner

M/s Western Maharashtra Region Transmission
(Maharashtra) Pvt. Ltd.
2nd floor, Krishna Chambers,
Opp. Laxminarayan Theatre,
Stara Road, Pune - 411

Respondent - 1

Sub - Divisional Magistrate Junnar,
Sub - Division Khed, Dist. Pune

Respondent - 2

Khed Economic Infrastructure Pvt. Ltd.
CTS 10, 10A, 1st floor,
Pride Parmar Trade Centre,
Connaught Road, Pune - 411 001
Email - marketing@khedcity.com

Respondent - 3

Mr. Santosh Vitthal Kate
R / at - Pimple Saudagar,
Pune - 411 061

Respondent - 4

Mr. Pavankumar Shetty
R / at - Link Road, Rahatani,
Pune - 411 017

Respondent - 5

Consumer Representatives:

Cc:

Prayas (Energy Group)
Amrita Clinic, Athvale Corner,
Lakdipool-karve Road Junction,
Deccan Gymkhana, Karve Road,
Pune 411 004.
E-mail: peg@prayaspune.org

Cc: Mumbai Grahak Panchayat,
Grahak Bhavan,
Sant Dynaneshwar Marg,
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