



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Petition No. 2192 of 2025

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Revision Under Rule 3(3) of the Works of Licensee Rules 2006 read with Under Section 67(4) of the Electricity Act 2003, against the Notice Dated 18-09-2023, Passed by District Magistrate Siddharth Nagar, 132 kV bearing letter No. 777/2023-24.

AND

IN THE MATTER OF

- 1- **Salma Khatoon**, Wife of Mohd. Mustafa,
Resident of Village - Tharauli, Gobarhawadeeh, Tehsil -Naugarh,
District-Siddharth Nagar.
- 2- **Mohd. Nafees**, Son of Mohanimad Ali,
Resident of Village – Birdpu, No.9, Parsa Belhari, Tehsil - Naugarh,
District-Siddharth Nagar.

..... Revisionists

VERSUS

1. U.P. Power Transmission Corporation Ltd.

Through its Managing Director, 7th Floor, Shakti Bhawan, 14, Ashok Marg,
Lucknow, Uttar Pradesh-226001.

2. District Magistrate, District Siddharth Nagar.

3. Executive Engineer, UPPTCL, Mohddipur, District Gorakhpur.

4. Superintendent of Police, District Siddharth Nagar.

..... Respondents





THE FOLLOWING WAS PRESENT

1. Sh. Dileep Kumar Pathak, Advocate, Revisionist.

ORDER

(DATE OF HEARING: 06.05.2025)

1. Sh. Dileep Kumar Pathak, Counsel, appearing on behalf of the Revisionists filed an instant Petition of Revision Under Rule 3(3) of the Works of Licensee Rules 2006 read with Under Section 67(4) of the Electricity Act 2003, against the order Dated 18.09.2023, Passed by District Magistrate, Sidharth Nagar. The Prayer of the Petitioner is as follows: -
 - (a) that this Hon'ble Court may kindly be pleased to call for record of lower court below, and to quash the impugned order dated 18.09.2023 passed by District Magistrate, in the interest of Justice.
2. The Counsel submitted that the Uttar Pradesh Power Transmission Corporation Limited (UPPTCL) unlawfully erected a 132kV transmission tower upon their residential property without any prior notice. Further, he submitted that in accordance with the Indian Electricity Act of 1910 and the Electricity Rules of 1956, for the construction of an electric line along with the National Highway, a electricity tower must be situated at a distance of no less than 55.15 meters from the centerline of the National Highway. The Revisionist submitted that UPPTCL failed to adhere to this guideline, resulting in the encroachment of the Revisionist's land within 25 meters of the centerline of the National Highway. Furthermore, he submitted that the land in question was acquired by the Revisionist for a sum of Rs. 8,75,038/-, which was essentially a residential land. However, the Revisionist received compensation of only Rs. 38,888/- from UPPTCL. Upon inquiry by the Commission, the Counsel of the revisionists was unable to respond to the query regarding whether the compensation of Rs. 38,888/- paid by UPPTCL was in accordance with the rates applicable to residential land or agricultural land.





Commission's View

3. During the hearing, the Commission noted that the Revisionist's Counsel was unable to adequately present his case and failed to respond to the queries posed by the Commission.
4. The Commission observed that the Revisionist had raised two issues before the Commission, one that it had received less compensation and the other being that the tower constructed in its land was not within the minimum distance from the National Highway in accordance with the rules. The Commission observed that both the issues were not raised before the District Magistrate, Sidharth Nagar and accordingly had not been dealt with in the order dated 18.09.2023, which was under revision before the Commission. Therefore, the Commission feels it appropriate that the Revisionists should first approach to the District Magistrate, Sidharth Nagar, and raise these issues before him as the Commission can hear appeal only against those issues that were raised and decided in the Court of original jurisdiction.
5. In view of above, the Commission remands the matter to the District Magistrate, Sidharth Nagar and directs the Revisionist(s) to file a detailed representation containing all their grievances/ issues before District Magistrate, Sidharth Nagar and thereafter District Magistrate shall decide upon the same within four weeks. In case the Revisionist is still not satisfied with the findings of the District Magistrate, then it may approach the Commission by way of a fresh petition.
6. Accordingly, the Revision Petition is disposed of.

(Sanjay Kumar Singh)
Member



(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 08.05.2025