

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

Quorum

Shri Desh Deepak Verma, Chairman
Shri I. B. Pandey, Member
Shri S. K. Agarwal, Member

In the matter of:

In the matter of determination of Dispute or difference by the appropriate Commission under Rule 15 of the Works of Licensee Rules, 2006 framed under sub section (2) of section 67 of the Electricity Act, 2003 in petition no. 1069 of 2015.

Petitioner

Saraswati Educational Charitable Trust, M/s Saraswati Institute of Technology and Management, 674 Village Kusheri, P.O-Asha Khera , NH-25 Lucknow – Kanpur Highway, Unnao

Versus

Respondents

1. Executive Engineer, Electricity Distribution Division 2nd, Madhyanchal Vidyut Vitran Nigam Ltd., Unnao.
2. Managing Director, Madhyanchal Vidyut Vitran Nigam Ltd., 4 Gokhale Marg, Lucknow.
3. Chairman, Uttar Pradesh Power Corporation Ltd., 14, Ashok Marg, Shakti Bhawan, Lucknow (UP)

Present in the Hearing:

1. Shri Vijay Kumar Mathur, Electrical Consultant, Saraswati Educational Trust.
2. Shri M. C. Pandey, Saraswati Educational Trust.
3. Shri A. S. Rakhra, Counsel of respondent

ORDER

(Hearing on 31.03.2016)

Saraswati Educational Charitable Trust, M/s Saraswati Institute of Technology and Management, 674 Village-Kusheri, P.O-Asha Khera, NH-25 Lucknow – Kanpur

Highway, Unnao, has filed Petition no. 1069 of 2015 in the matter of dispute or difference arisen out of shifting of erected 11 KV Bani feeder and 11 KV World Bank Feeder over the land of the petitioner. This dispute or difference has to be determined by the appropriate Commission under Rule 15 of the Works of Licensee Rules, 2006 framed under sub section (2) of section 67 of the Electricity Act, 2003.

The petitioner has prayed for:

- a. Refund the amount of Rs 7,46,704 deposited by him.
- b. The opposite party to pay interest on the amount Rs. 7,46,704 deposited by him.
- c. The opposite party to pay Rs 25 Crore as compensation.

The Commission enquired that under which provisions of the Act the Commission has been approached. The petitioner submitted that they have approached the Commission under Rule 15 of the Works of Licensee Rules, 2006 framed under sub section (2) of section 67 of the Electricity Act, 2003. The Commission further enquired as to whether the Petitioner had approached the District Magistrate. The Petitioner submitted that they have not approached the District Magistrate. The Commission further enquired the Petitioner as to how the dispute has arisen in the event when he himself had requested the licensee Respondent No. 1 to alter the position of the overhead lines. The Petitioner submitted that he had requested to shift the overhead -lines but the charges of the shifting of overhead lines are not as per the charges mentioned in the Cost Data Book and they took a long time in shifting the lines because of which they were unable to construct the building with the result that Medical Council of India refused to grant approval to start the Medical College and the Petitioner had to bear a loss of about Rs. 25 crore and, therefore, they have claimed the compensation of Rs. 25 crore under Rule 15 of the Works of Licensee Rules, 2006 framed under sub section (2) of section 67 of the Electricity Act, 2003.

Shri A. S. Rakhra, Advocate, appearing on behalf of the respondent submitted that the present matter is dispute of individual consumer as such it is not maintainable before

the Hon'ble Commission in terms of Hon'ble Supreme Court Judgment in the matter of Maharashtra Electricity Regulatory Commission (MERC) Vs Reliance, 2007.

The Commission is of this considered opinion that the present matter is an individual consumer dispute, so it is not maintainable before it. The Commission directs the Petitioner to approach CGRF in regard to the charges of shifting of overhead lines and CGRF is directed to decide the matter expeditiously preferably within three month of filing of the case. It is clarified that this Commission has not gone into the merits of this case and nothing mentioned in this order would have a bearing on proceedings before CGRF, if any.

For compensation, this Commission is not the competent court. The Commission therefore, advise the Petitioner to approach the appropriate forum with respect to compensation claimed by him.

The Petition is disposed off.

(S. K. Agarwal)
Member

(I. B. Pandey)
Member

(Desh Deepak Verma)
Chairman

Dated: 24.05.2016