

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

Petition No. 1238 /2017

Quorum

Shri S.K. Agrawal, Chairman

In the matter of: Claim Under Section 67 (3,4,5) of the Electricity Act,2003

Smt. Reeta Devi W/o Dhram Dev Chaurasia, Station Road, Deoria

Petitioner

Versus

1. U.P. Transmission Corporation Ltd. through its Chairman Cum Managing Director, 14-Ashok Marg, Shakti Bhawan, Lucknow.
2. District Magistrate Deoria.
3. Executive Engineer, Electricity Transmission Division Ist, Mohaddipur, Gorakhpur.
4. Chief Engineer, Transmission U.P. Power Corporation Ltd. Gorakhpur.
5. State of U.P. through Secretary Energy, Govt. of U.P. Lucknow.
6. Sub Divisional Officer, Electricity Transmission Sub Division U.P. Power Corporation Ltd. Deoria.

Respondents

Present in the hearing:

1. Shri Ram Suresh, Executive Engineer, ETD-I, Gorakhpur
2. Shri Rahul Srivastava, Advocate, UPPTCL
3. Shri Suneet Kumar Pandey, Advocate
4. Shri Rajeev Saxena
5. Smt. Reeta Devi
6. Shri Dharm Dev Chaurasia

ORDER

(Hearing on 19.12.2017)

Smt. Reeta Devi, W/o Shri Dhram Dev Chaurasia, Station Road, Deoria has filed a Petition under section 67(3,4,5) of the Electricity Act, 2003 challenging the order dt. 16.3.2017 passed by Sub Divisional Officer, Electricity Transmission Sub Division, U.P. Power Transmission Corporation Ltd., Deoria and also the order dated 25.07.2017 of District Magistrate, Deoria.

2. In this case U.P. Power Transmission Corporation Ltd. is constructing a transmission line which is passing through the agricultural land of the petitioner. The Respondents are erecting a transmission tower of which two legs are coming on the Petitioner's land and another two legs are coming in the plot of Mrs. Mala Devi. The Petitioner objected to laying of two legs on her plot of land and made representation to SDO, Transmission, Deoria who vide his letter dt. 16.03.17 intimated the Petitioner that under the provisions of Electricity Act, 2003 they are entitled to construct transmission tower and are liable to pay only the crop compensation but nothing towards the cost of the land. Against this letter the petitioner filed a writ Petition No. 16553/2017 before the Hon'ble High Court, Allahabad. Hon'ble High Court passed an order asking the Petitioner to put the claim along with all supported material and documents before the Collector/District Magistrate, Deoria for consideration and disposal under the provisions of the Works of Licensee Rules, 2006.

3. In compliance of this order DM, Deoria passed an order on 25.7.2017 in which the DM ruled that the petitioner is entitled for crop compensation and nothing is admissible towards cost of land. Against this order, the Petitioner again went to the Hon'ble High Court, Allahabad and the Hon'ble High Court directed the Petitioner to approach the appropriate Commission as per provisions in section 67 (4) of the Electricity Act, 2003.

4. Now the Petitioner is before this Commission making a prayer for suitable compensation for occupied land by UPPTCL apart from crop compensation. The Petitioner has mentioned that Govt. of India has taken a decision on 15.10.2015 to

allow compensation with regard to land in such cases. The Petitioner has also cited certain court decisions in support of her claim.

5. After hearing the argument of Petitioner's counsel in the hearing on 19.12.2017 the Commission directed UJPPTCL to file their counter affidavit within fifteen days and also inform the Commission that why the compensation for land should not be paid to the Petitioner as per the guidelines of the govt. of India.

6. List on 23.01.2018 at 15:00 hrs.

(S.K Agrawal)

Chairman

Dated: 02.01.2018