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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO.29 OF 2019

1. Kacharu s/o Piraji Kolpe,
Aged: 55 years, Occu: Agriculture,
R/o. Kolpewadi, Tq. Kopargaon,
Dist. Ahmednagar,
2. Shivaji s/o Yashwantrao Wable,
Aged: 65 years, Occu: Agriculture,
R/o. Suregaon, Tq. Kopargaon,
Dist. Ahmednagar
3. Bhaskarrao s/o Narhari Chandgude,
Aged: 58 years, Occu: Agriculture,
R/o. Chasnali, Tq. Kopargaon,
Dist. Ahmednagar
4. Devram s/o Tukaram Gawand,
Aged: 57 years, Occu: Agriculture,
R/o. Manjur, Tq. Kopargaon,
Dist. Ahmednagar

..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through the Secretary to the
Government of Maharashtra
in Energy, New & Renewable Energy,
Mantralaya, Fort, Mumbai – 32
2. The Maharashtra State Electricity
Transmission Company Limited,
Prakashganga Building, Plot No.C-19,
“E” Block, Bandra-Kurla Complex,
Bandra (East), Mumbai,
Through its Chairman/
Managing Director

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3. The Chief Engineer,
The Maharashtra State Electricity
Transmission Company Limited,
Nashik Division, Nashik
4. Karmaveer Shankarrao Kale,
Sahakari Sakhar Karkhana Ltd.,
Gautamnagar, Post Kolpewadi,
Tq. Kopargaon, Dist. Ahmednagar,
Through its Managing Director

..RESPONDENTS

Mr R. L. Kute, Advocate for petitioners;
Mrs M. A. Deshpande, A.G.P. for respondent No.1;
Mr D. P. Palodkar, Advocate for respondent No.3;
Mr P. S. Dighe, Advocate holding for Mr V. R. Dhorde, Advocate for
respondent No.4

**CORAM : PRASANNA B. VARALE
AND
AVINASH G. GHAROTE, JJ.**

DATE : 28th August, 2019

ORAL ORDER:

Heard Mr Kute, learned Counsel appearing on behalf of the
petitioners.

2. In the present public interest litigation, the petitioners have
approached this Court with the following prayer :

“The Respondents no.2 & 3 may please be directed to
forthwith install & establish 132/33 KV Sub-Station at
Suregaon, Tq. Kopargaon, Dist. Ahmednagar, in pursuance
of the Resolution No.95/2011 adopted by the respondent

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no.2 in its meeting held on 29.12.2014, by issuing writ of mandamus or any other appropriate writ, orders or directions in the nature of writ of mandamus.”

3. On notice issued to the respondents by an order dated 27th February, 2019, reply is filed on behalf of respondent No.2 and 3 through Mr Anant Chandrakant Pathak, Executive Engineer (Civil), EHV Project Division, MSETCL, Nashik and by respondent No.4 through Mr Girish Jagannath Jagtap, Managing Director of Karmaveer Shankarrao Kale, Sahakari Sakhar Karkhana Ltd., Gautamnagar, Post Kolpewadi, Tq. Kopergaon, Dist. Ahmednagar.

4. Insofar as the grievance of the petitioners on the backdrop of the prayer referred above is concerned, we are of the opinion that the reply filed on behalf of respondent Nos.2 and 3 takes care of the grievance and the statements made in the affidavit-in-reply not only address the issue but there is also a redressal in the statements. It is stated in the affidavit-in-reply that Maharashtra State Electricity Transmission Co. Ltd. (MSETCL) is a Government owned company and is concerned with the transmission of electricity. The aspect of distribution of electricity is looked after by Maharashtra State Electricity Distribution Company Ltd. (MSEDCL) and has issued Circular No.46, dated 14th January, 2013 regarding Revised Load Shedding Protocol. Various

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norms have been fixed by MSEDCL for the purpose of providing electricity to a particular sector. A copy of circular is also placed on record and annexed to the affidavit-in-reply as annexure "R-1". It is also stated that the Distribution Company is not a party to the present public interest litigation.

5. Insofar as the grievance in respect of installation of Sub-station is concerned, it is stated in the affidavit-in-reply that the earlier supply to the Suregaon area was via 132/33 KV Kopargaon Sub-station through 33 KV, Kolpewadi feeder having length of 14 kms. Then an important statement is made and it reads that MSETCL constructed and commissioned new 220/33 KV Sub-station at Kopargaon in November-2015. Presently, MSEDCL is supplying electricity in the vicinity of Kolpewadi through its 33/11 KV Sub-Station at Kolpewadi. The said 3 KV Kolpewadi feeder is emanating from 220/33 KV Kopargaon Sub-station of MSETCL. It is also stated that length of 33 KV Kolpewadi feeder is 14 kms from 220/33 Kopargaon Sub-station of MSETCL and surrounding area of Kolpewadi, Suregaon, Chasnali, Manjur villages are getting electricity supply through 11 KV feeders managed by MSEDCL. It is further stated that after completion of 220/33 KV Kopargaon Sub-station in November, 2015, the voltage is improved and reliability of supply is also

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improved. The further statement is made in affidavit-in-reply that the scheme for 132/33 KV “Shaha” Sub-station is sanctioned considering the transmission requirements in the boundary area of Sinnar and Kopargaon Talukas, work of the same is in progress and likely to be completed within a year. It is further stated that after commissioning of 132 KV Shaha Sub-station, the Kolpewadi area can be fed through Shaha Sub-station with line length of approximately 12 kms., which will further improve quality and reliability of the power supply in Kolpewadi/Surewadi areas.

6. The relevant information is also placed on record, namely, Circular dated 14th January, 2013. The time schedule of the feeders, the zonewise average load of the scheme, the time schedule of 3 phase availability and single phasing scheme feeders information is also placed on record in a tabular form. A graphic statement is placed on record at Exh. “R-2” to show the location of 33 KV feeder and the proposed Shaha Sub-station and the supply to surrounding areas. There is no counter either to the statements made in affidavit-in-reply or the relevant information supplied along with affidavit-in-reply filed on behalf of MSETCL through Shri. A. C. Pathak.

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7. Considering the aforesaid facts, we are of the opinion that the grievance raised by the petitioners is duly addressed and redressed with the appropriate steps taken by the MSETCL. At the cost of repetition, we state that even the additional provision is made for supply of energy by a proposed installation of Shaha Sub-station, which would cater the additional energy requirements in the areas.

Considering all the aforesaid aspects, as the purpose to approach this Court is now duly served, the petition is disposed of accordingly.

(AVINASH G. GHAROTE, J.)

(PRASANNA B. VARALE, J.)

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