



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition (WP) No. 8220 of 2017

Gajanan S/o Dinkarrao Hingmire and another

Versus

State of Maharashtra, through its Secretary, Power and Energy Department,
Mantralaya, Mumbai-32 and others

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order
--	--------------------------

Shri Vidit Lohia, Advocate h/f Shri D.R.Khapre,
Advocate for the petitioner.

Shri Alap Palshikar, AGP for the respondent nos. 1 and 6.

Shri S.V.Purohit, Advocate for the respondent nos. 3 and 4.

CORAM : ANIL S. KILOR, J.

DATED : 24th APRIL, 2024.

Heard.

2. This matter pertains to shifting of 33 KV line which has been erected parallel to National Highway 7 and on the agricultural land of the petitioner. The District Magistrate, Wardha permitted the shifting of line of 33 KV from the field of the petitioner towards the western side dhura of the petitioner's field subject to the provisions of Rules of Maharashtra Electricity 1956 with minimum permissible distance from the existing line, if any, on dhura.

3. The District Magistrate, Wardha further granted compensation of Rs.2,40,000/- towards the damages

caused to the petitioner due to the installation of 33 KV line along with strut and stays in the field of petitioner along with interest @ 12% from the date of application i.e. 26th March, 2008 till realisation of the amount.

4. This order of the District Magistrate, Wardha dated 16th June, 2014 was the subject matter of challenge before the Maharashtra Electricity Regulatory Commission, Mumbai, by way of revision filed under Rule 3(3) of the Works of Licensees Rules (WLR) 2006.

5. The learned Maharashtra Electricity Regulatory Commission, Mumbai, thereupon set aside the order of shifting of 33 KV line granted in favour of the petitioner and directed the District Magistrate, Wardha to re-determine the amount of compensation, vide impugned order dated 26th September, 2017. Hence, this writ petition.

6. During the pendency of the present writ petition, the respondents have shifted of 33 KV line in question for adjacent land owner at the costs of the adjacent land owner.

7. In view of this subsequent change in circumstances, the petitioner also made the similar prayer whereupon this Court directed the respondents to give the estimate for such shifting at the costs of the petitioner. Accordingly, the respondents have pointed out that total costs amounting to Rs.6,31,830/- would require for shifting. The petitioner has shown his willingness to pay the said amount, however, he submits that, the amount of

compensation which the petitioner is entitled should be adjusted.

8. In view of the submissions made by the petitioner, I am of the opinion that no prejudice would be caused to the respondents if the amount of compensation is adjusted in the amount required for shifting of the 33 KV line as prayed by the petitioner.

9. In the circumstances, the writ petition is disposed of with the direction to the District Magistrate, Wardha to re-determine the compensation as directed by the Maharashtra Electricity Regulatory Commission, Mumbai vide order dated 26th September, 2017, which shall be adjustable in the amount required to be paid by the petitioner for shifting of the 33 KV line as prayed in this petition.

10. The District Magistrate, Wardha shall carry out the said exercise and complete the same within two months from today.

11. The petitioner has undertaken to submit the copy of this order to the District Magistrate, Wardha within two weeks from today.

[ANIL S. KILOR, J.]