



## **ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION**

4<sup>th</sup>Floor, Singareni Bhavan, Red Hills, Hyderabad 500004

FRIDAY, THE TWELFTH DAY OF JUNE  
TWO THOUSAND AND TWENTY

:Present:

**Justice C.V. Nagarjuna Reddy, Chairman**  
**Sri P. Rajagopal Reddy, Member**  
**Sri Thakur Rama Singh, Member**

O.P.No.19 of 2020

### **Between:**

Valeti Venkata Sessaiah S/o. Subbaramulu

... **Petitioner**

### **A N D**

1. The District Magistrate & District Collector  
Prakasam District at Ongole
2. The Superintending Engineer  
OMC Circle, APTRANSCO, Ongole
3. The Executive Engineer  
Construction, APTRANSCO, Ongole

... **Respondents**

This Original Petition has come up for hearing on 12-06-2020 in the presence of Sri P. Shiva Rao, learned Standing Counsel for the respondents at the web hearing. After carefully considering the material available on record and after hearing the arguments of the learned Standing Counsel, the Commission passed the following:

### **ORDER**

The petitioner sent a petition / representation dated 05-02-2020 received by the office of the Commission on 10-02-2020 wherein he has stated that a 220 kV electric line from Podili to Parchur was laid on his land admeasuring Ac.0-80 cents; that before laying the electric line, Subabul crop was sown; that in 2017(year mentioned is

evidently wrong), APTransco has cut the trees grown under the electric line corridor; that many representations have been given on 18-07-2016, 12-02-2018 and 30-01-2020 in the grievance cell of respondent no. 1 for payment of compensation for cutting all his Subabul trees; that on 22-08-2016, he was informed that as the crop was not existing at the time of laying the line, he is not entitled to compensation. He has also stated in the representation that he was not given notice before laying the line; that his permission for laying of line was not taken; that he was not informed as to which of the crops could not be raised under the electric corridor etc. The petitioner also enclosed copies of the applications filed before respondent no.1 and replies dated 22-08-2016 & 13-11-2017 of the respondent nos. 2 & 3 mentioning the reasons for not granting compensation.

**2.** On receipt of the petition, the Commission examined the same with reference to the provisions of law in general and Sections 67 and 68 of the Electricity Act, 2003 r/w A.P. Works of Licensees Rules, 2007 (for short 2007 Rules) in particular before taking the petition on file as O.P.No.19 of 2020. Accordingly, the Commission issued the following notice on 24-02-2020 to respondent no.1 with copies to respondent nos.2 & 3, and the petitioner, which reads as under:

“Take notice that you have prima facie contravened sections 67 & 68 of the Electricity Act, 2003, read with the AP Works of Licensees Rules, 2007 by not determining the compensation payable to Sri. Valeti Venkata Seshaiah. By virtue of the powers vested in the Commission u/s 142 of the Electricity Act, 2003 you are hereby called on to show cause within two weeks from the date of receipt of this notice why such non-determination of the compensation for felling trees which have come up under an existing electric transmission line cannot be treated as violation of the provisions of the Electricity Act, 2003 and

the Rules made thereunder and action initiated against you for the same, failing which action as deemed fit u/s 142 of the Electricity Act, 2003 will be initiated against you”.

The above notice sent by the office of the Commission was through ordinary post. While respondent nos. 1 & 2 have not sent any reply, respondent no.3 sent a reply on 04-03-2020 *inter alia* stating that in 2013, 220 kV Podili-Parchuru line was laid and that as no crop was in existence at that time, compensation cannot be paid to the petitioner. As the limited issue before this Commission was non-disposal of the representation for determination of compensation by respondent no.1 who is the competent authority and as there was no response from him, the Commission issued another notice on 20-03-2020 and the same was delivered by Postal Department, Government of India at 16:32:49 hrs on 30-03-2020 as evinced from the Track Consignment sheet downloaded from the India Post website. On receipt of notice dt: 24-02-2020, respondent no.3 has sent a reply while respondent no.1 has not responded to both the notices. During the hearing, Sri P. Shiva Rao, learned Standing Counsel for the AP Transco representing respondent nos. 2 & 3 informed the Commission that the petition / representation made by the petitioner before the 1<sup>st</sup> respondent is pending.

**3.** It is regrettable that a functionary of the rank of the District Collector has ignored the two notices sent by this Commission in connection with the grievance of the owner of the land over which the electric line has been laid with regard to non-determination of compensation. Under the 2007 Rules framed by the Government of Andhra Pradesh, the District Magistrate is vested with the jurisdiction to determine compensation and this Commission is vested with the jurisdiction to adjudicate the disputes and differences in this regard. Under Section 142 of the Electricity Act, 2003,

this Commission is vested with the power and jurisdiction to levy penalty as prescribed therein as punishment for non-compliance of any directions issued by this Commission or contravention of any of the provisions of the Act or Rules or Regulations made thereunder. Though the Commission was *prima facie* satisfied that the District Magistrate / respondent no.1 has contravened 2007 Rules by not adjudicating the dispute regarding award of compensation raised by the petitioner before him, it has chosen to issue a notice to show cause why proceedings under Section 142 of the Electricity Act, 2003 shall not be initiated instead of straight away initiating the said proceedings. But, unfortunately respondent no.1 has turned a deaf ear to the notices issued by the Commission by not even responding to it on two occasions. Therefore, this Commission finds no option except initiating action under Section 142 of the Electricity Act, 2003 for imposing penalties on respondent no.1 for non-compliance with the provisions of the Electricity Act, 2003 and 2007 Rules. Issue notice to the respondents. Call on 14-07-2020 for being heard through web hearing.

**Sd/-**  
**Thakur Rama Singh**  
**Member**

**Sd/-**  
**Justice C.V. Nagarjuna Reddy**  
**Chairman**

**Sd/-**  
**P. Rajagopal Reddy**  
**Member**