

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram

- 1. Dr. Pramod Deo, Chairperson**
- 2. Shri S. Jayaraman, Member**
- 3. Shri V. S. Verma, Member**

Petition No. 248/2009

In the matter of

Application under Rule 3(3) of the Works of Licensee Rules-2006

And the in the matter of

M/s Adani Power Ltd.

... Petitioner

Vs

1. Patel Parsottambhai Laljibhai, Residing at K-34,
Jalaramnagar Society, Mehsana
2. Patel Laljibhai Hirabhai, Residing at K-34,
Jalaramnagar Society, Mehsana
3. Collector, Mehsana

... Respondents

Following were present

1. Shri Sanjay Sen, Advocate, Adani
2. Shri Neil Hilderth, Advocate, Adani
3. Shri Malar Deliwala, Adani

**ORDER
(Date of Hearing 24.11.2009)**

This petition has been filed with the prayer to set aside the order dated 8.7.2009 passed by the District Magistrate, Mehsana, Gujarat, on an application made by the owners of the land over which the petitioner has taken electric lines for its dedicated transmission system.

2. Briefly the facts of the case are that the petitioner has been granted permission vide, Ministry of Power, letter dated 10.10.2007 under section 61(1) of the Electricity Act, 2003 (the Act) for construction of dedicated transmission line from Mundra - Dahegam 400 KV D/C and 400 KV switching station at Baspa village in District Patan. In the course of construction of the transmission system, the petitioner has taken lines over the private lands owned by respondents No. 1 and 2. Thereupon, the said respondents moved an application before the District Magistrate to hold the action of the petitioner as not sustainable and for directing the petitioner to remove electric supply lines laid by it on the land in question. The DM vide his order dated 8.7.2009 held that the petitioner had laid the electric line on the disputed land without prior permission of the owner or possessor and directed the petitioner to remove the electric supply line at its own cost. Thereafter, the petitioner moved the Gujarat Electricity Regulatory Commission which, vide its order dated 9.9.2009 in petition No. 973/2009 dismissed the petition for want of jurisdiction. The petitioner has consequently moved the Commission through the present petition, under sub rule (3) of Rule 3 of the Works of Licensee Rules, 2006.

3. Learned counsel for the petitioner submitted that an order is already operating against the petitioner and requested that ex-party interim stay of the operation of the impugned order dated 8.7.2009 passed by the District Magistrate, Mehsana, be granted.

4. List the case on 3.12.2009. Dasti notice is permitted. The petitioner is directed to serve copy of the petition on the respondents, if not already been served.

5. In the meantime, there shall not be any coercive action for removal of the lines laid by the petitioner passing over the land belonging to respondents No. 1 and 2.

sd/-
(V. S. VERMA)
MEMBER

sd/-
(S. JAYARAMAN)
MEMBER

sd/-
(Dr. PRAMOD DEO)
CHAIRPERSON

New Delhi, dated the 25th November 2009