

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 118/MP/2013

Subject : Revision Petition u/s 79 (1) (c) and Section 67 (4) of the Electricity Act, 2003 read with Rule 3 (3) of the Works of Licensees Rules, 2006 seeking direction for construction of 400 kV D/C Byrinihat to Bongaigaon section of Palatana - Bongaigaon transmission line as per the approved alignment passing through the extension of the Regional Institute of Science and technology, 9th Mile Campus at Technocity, Baridua, Raid Marwet, Ri Bhoi District, Meghalaya.

Date of hearing : 23.7.2013

Coram : Shri V.S.Verma, Member
Shri M. Deena Dayalan, Member
Shri A.S.Bakshi, Member (EO)

Petitioner : North East Transmission Company Limited

Respondents : Education Research and Development Foundation

Parties present : Shri Vishal Gupta, Advocate for the petitioner NETC
Shri Kumar Mihir, NETC

Record of Proceedings

Learned counsel for the petitioner submitted that the present revision petition has been filed under section 79 (1) (c) and section 67 (4) of the Electricity Act, 2003 read with Rule 3 (3) of the Works of Licensees Rules, 2006. Learned counsel for the petitioner further submitted as under:

(a) The petitioner is an inter-State transmission licensee in terms of Section 2 (73) of the Electricity Act, 2003 and engaged in the development and operation of the power transmission in NER.

(b) The petitioner has been entrusted with the construction of 400 kV D/C transmission line from Pallatana in Tripura to Bongaigaon in Assam for evacuation of power from the gas based power plant of the ONGC Tipura Power Company Ltd. having a capacity of 726 MW situated at Pallatana in Tripura.

(c) In order to undertake the construction of the transmission line a survey was undertaken in the year 2006, wherein it was found that a part of the said transmission line was to pass through the land falling within the Myllem Reserve Forest of Meghalaya.

(d) Based on the petitioner's application, on 27.2.2010 Ministry of Environment and Forest granted forest clearance to the petitioner for diversion of 114.0156 Ha of forest land. Subsequently, on 30.4.2012 Ministry of Environment and Forest accorded final clearance for diversion of forest land.

(e) The petitioner approached the Deputy Commissioner, District Ri Bhao seeking support for the construction of the transmission line.

(f) On 4.4.2013, the respondent, Education Research and Development Foundation (Institute) had filed Writ Petition No. (SH) 69 of 2013 before the Hon'ble High Court of Meghalaya. Hon'ble High Court vide its order dated 5.4.2013 directed the parties to approach the appropriate Commission and suspended the construction of the transmission line till the dispute is settled by the appropriate Commission.

(g) The Institute was deliberately not approaching CERC for adjudication of the disputes raised it and was enjoying the interim relief granted to it by the High Court.

(h) Regulation 58 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 provides that the minimum ground clearance of live wire of 400 kV transmission line should not be less than 8.84 meters for the safety. However, the ground clearance of the live conductor of the subject transmission line passing over the campus of Institute is 33 meters as against minimum requirement of 8.84 meters.

2. After hearing learned counsel for the petitioner, the Commission directed to admit the petition and issue notices to the respondents.

3. The Commission directed the petitioner to submit on affidavit by 15.8.2013 as to whether any alternative route was studied.

4. The petitioner was directed to serve copy of the petition to the respondents by 2.8.2013. The respondents may file their replies by 27.8.2013, with an advance copy to the petitioner. The petitioner may file its rejoinder, if any on or before 11.9.2013.

5. The petition shall be listed for hearing on 19.9.2013.

By the order of the Commission,

Sd/-

(T. Rout)
Joint Chief (Law)