

Kerala State Electricity Regulatory Commission
Thiruvananthapuram

Present **Shri. Preman Dinaraj, Chairman**

Shri. S. Venugopal, Member

O P No. 09/2018, 13/18 to 55/18

In the matter of **Petition file u/s 181 (1) and section 67 (4) of Electricity Act. 2003, claiming enhanced compensation for tree cutting.**

Petitioner **Bro. Sebastian,
Superior and Director,
Assisi Sneha Sadan Ashramam, Panavalli P.O,
Thirunelli Village, Mananthavadi, Wayanad District.
& others.
By Adv. M.O. Thomas**

Respondent **M/s Power Grid Corporation of India,
Represented by its General Manager,
Areekode, Ugrapuram P.O, Malappuram District.

By Adv. V.S. Vineethkumar.**

Daily order dated 14..05. 2019

The above petitions came up for hearing on 07.05.2019.
Adv. M.O.Thomas and Adv. V.S. Vineethkumar appeared for the
Petitioners and Respondent respectively.

The Counsel for the Petitioners argued that the Petitioner in OP 09/18 had earlier filed two petitions viz. OP(Ele) 213/09 and OP(Ele)8/11 before the District Court, Kalpetta claiming additional compensation. The Court in an identical petition (OP(Ele) 76/10) held that as per section 67 of Electricity Act, 2003 the Court has no jurisdiction to adjudicate the claim for additional

compensation and dismissed the petition with liberty to the Petitioner to approach the appropriate Commission for the same relief sought for. As such OP(Ele) 213/09 and OP(Ele) 8/11 were dismissed as not pressed. Hence the Petitioner has approached the Hon'ble Commission with a claim for additional compensation and it was admitted as OP 09/18. In addition, several other petitioners have filed similar petitions which were admitted as OP 13/18 to OP 55/18.

Adv. V.S Vineethkumar appearing for the Respondent argued that this Hon'ble Commission has no jurisdiction to entertain the instant petition. According to him as per the provisions of the Indian Telegraph Act, 1885 it is the District Judge who is having territorial jurisdiction and is the competent authority to adjudicate the claim for additional compensation. He further argued that the Respondent is a Central Transmission Utility and as per Section 67 (4) of Electricity Act, 2003 the appropriate Commission in this case is the Central Electricity Regulatory Commission, to decide the issue. He has produced a copy of judgment dt. 14.12.2016 of the Hon'ble Apex Court, along with the counter to substantiate his argument that the competent authority to adjudicate the claim for additional compensation is the District Judge concerned.

The Commission however observed that the issue of jurisdiction has to be decided preliminarily. So the Counsel for the Petitioner is required to submit in writing his arguments to counter the issue of jurisdiction raised by the Counsel for the Respondent, within a week positively.

**Sd/
S. Venugopal
Member**

**Sd/
Preman Dinaraj
Chairman.**

Approved for issue

SECRETARY

To

1. Adv. M.O. Thomas,
MGT Buildings. Kalpetta North P.O,
Kalpetta, Wayanad.
2. Ad. V.S. Vineeth Kumar,
Law Quarters, 8F- Maharani Buildings,
Vanchiyoor, Thiruvananthapuram-695035.

