

BEFORE THE HONOURABLE KERALA STATE ELECTRICITY REGULATORY  
COMMISSION, THIRUVANANTHAPURAM

OP / 2018

PM Thomas, 63 Years,

-- Petitioner

Power Grid Corporation of India  
Represented by its Deputy General Manager

-- Respondent

**VAKKALATH**

I, PM Thomas, 63 Years, S/o Mathew, Palliparambil House, Pallikkunnu P.O, Anjukunnu Village, Mananthavadi Taluk, Wayanad dist

do hereby appoint and retain Advocates **M.O. THOMAS , K 208/90** and **OMANA VARGHESE KL 108/88** MGT Buildings, Kalpetta North, Wayanad to appear for me in the above Petition or Appeal and to Conduct and Prosecute (or Defend) the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein. I empower the said Pleaders to appear in all miscellaneous proceedings in the above Petition or matter till all decrees or orders are fully satisfied or adjusted and to produce in Court any money, documents or valuable security on my behalf to apply for their return and to receive back the same, to apply for and obtain copies of all documents with the court of the proceedings to draw any monies that may be payable to me in the above suit or matter and sign and compromise petition and I further empower my pleaders to accept o my behalf service of notice of all or any appeals or petitions filed in any court of appeal, reference or revision with regard to the said suit or matter, before the disposal of the same in this Honorable Commission and I do hereby agree that everything lawfully done or made be by the said Pleaders in the conduct of the petition or matter shall be as valid and binding on me as if done by me in person.

Signed this the <sup>th</sup> 16 day of October 2018

*P.M. Thomas*

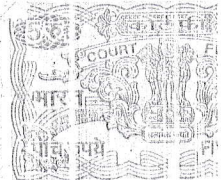
Executed & signed before me on  
on this the <sup>th</sup> 16 day of October 2018

*M. Mathews*

Accepted by me on 16.10.2018

*M. Mathews*

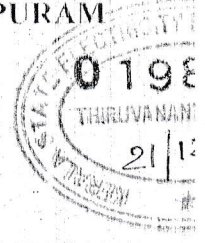
<b>KSERC</b>	
Chairman	
Member (E)	
Member (F)	
Secretary	
Action by	JCW



*P. S. D. 007*

**BEFORE THE HONOURABLE KERALA STATE ELECTRICITY  
REGULATORY COMMISSION THIRUVANANTHAPURAM**

/2018



PM Thomas, 63 Years, S/o Mathew,  
Palliparambil House,  
Pallikkunnu P.O, Anjukunnu Village,  
Mananthavadi Taluk, Wayanad dist.

}

PETITIONER

Power Grid Corporation of India, represented  
By Deputy General Manager, Areekode,  
Muzhapuram P.O. Malappuram dist.

}

RESPONDENT.

PETITION FILED BY THE PETITIONER UNDER SECTION 181 SUB  
SECTION (1) AND SECTION 67 (4) OF THE ELECTRICITY ACT 2003 R/W  
RULE 13(2) OF THE WORK OF LICENCE RULE 2006.

1. The address for service of purposes and notice on the petitioner is that of his counsels Sri. M.O. THOMAS & OMANA VARGHESE Advocates Kalpetta North, Wayanad District.
2. The address for service of process and summons to the respondent is mentioned above.
3. The petitioner is the owner of the garden land lying in **Survey No. 376/ and 401/2** of **Anjukunnu** village in Mananthavady Taluk. Power grid Corporation has cut down valuable kuzhikoors standing over the petitioner's property in order to drawing the 400 KV Mysore – Kozhikode Double Circuit line. The junior engineer of the Power Grid Corporation has take the particulars of trees and crops before cutting from the petitioner's property on **17.11.2011** and a copy of the same Mahazar was given to the petitioner in the tower location between **59 A/3 – 59 A/4**. After cutting of the above trees and valuable improvements from the property, the respondent had awarded an amount of **Rs. 91656/-** in **T.C. 137/11** to the petitioner which is inadequate and meager. The petitioner has received the award amount on **04.10.2012** with under protest. The petitioner is also entitled to get compensation payable as per the datas applicable with the date of cutting i.e on **24.03.2012** which is inconsonance with the real market value of the same. The petitioner is entitled to get interest from the date of cutting to till the date of payment of award amount.

And on **29.08.2008** the Respondent prepared another Mahazar in location between **59 A/3 – 59 A/4** and awarded **Rs. 63703/- in T.C. 120/08** and Petitioner received the same on **19.03.2009**. The Tree Clearance Certificate issued on **14.12.2008**.

Again in Location **59 A/4** and in location **59 A/4 – 600** the Petitioner got two awards for stringing works. **Rs. 9329/- in T.C 395/07** and **Rs. 26218 in T.C 398/08**. The Petitioner received both award.

1. The petitioner has well maintained his agricultural improvements which are high yielding varieties. The petitioner's property is located in high potential areas having road, electricity, and water facilities. The respondent has drawn the electric line through the prime location of petitioner's property which has caused much inconvenience, diminishing the land value and its utility not only to the area used for line drawing, but it also affected to the remaining area of land of the petitioner. The respondent has not given any amount as compensation for diminishing land value.
5. The respondent has given compensation only for the value of improvements which they have cut and removed. The assessment of the calculation of compensation also is not in proper system and without following correct guidelines. The respondent ought to have follow the guidelines as per the orders in '**Livisha's case**'. While calculating the compensation respondent have taken the **Multiplier '10' instead of '8'**. So there is a **difference of 25% less** in the awarded amount. In case of plants, which had not yet started yielding, the respondent's assessment of compensation was also very low.
6. In case of trees, which are of non - yielding type the respondent assessed, calculated and given compensation of a meager amount which is only 10 rupees for yearly growth. But the petitioner has to get at least 20 rupees for yearly growth. Due to the removal of trees all the shade in that area is fully removed. Moreover the natural bio - manure from the tree leaves were fully lost. So also the utility and productivity in that area is considerably reduced.
7. Due to the cutting of all shade trees standing in the coffee planted area for drawing the electric line a large number of coffee trees were damaged and due to the removal of shade trees in that area the yield of the coffee will be badly affected and reduced. But the respondent has given compensation for only a small percentage of coffee plants in that drawing area. That is not sufficient for the damages caused while stringing the lines. The respondent have

no considered the future loss of yield from the coffee plants due to the removal of shade trees.

8. The compensation claimed by the petitioner under different heads are as follows :-

i.	Compensation for reduction in market value of the property which is lying below the electric lines.	: 6,00,000.00
ii.	Compensation for reduction in market value of the remaining property	:1,00,000.00
iii.	Compensation towards loss of timber trees	:NIL
iv.	Compensation towards loss of fruit bearing trees and yielding crops.	:47,727.00
v.	Compensation of loss of future yield from Coffee plants due to the removal of shade Trees. (consequential loss)	: NIL
	Total compensation claimed	: 7,47,727.00

Claim Limited to **Rs. 5,00,000.00 (Rupees FIVE Lakhs Only)**

The cause of action for the petition arose when the respondent have cut and removed the valuable kuzhikoors and trees in the petitioner's property and when the amount was passed by the respondent. The petitioner has received the cheque with under protest and thereafter at ANJUKUNNU Village, Mananthavady Taluk, in Wayand Dist, Kerala within the jurisdiction of this Hon'ble Commission.

A. Therefore it is most humbly prayed that this Hon'ble Commission may direct the respondent to file a statement relating to the date of Muhazar, date of award, date of tree clearance certificate, the number of coffee trees standing in the affected area as per the notice under Indian Telegraph Act of 1885 and also direct to file a statement relating to the amount awarded to yielding crops and non yielding crops separately.

- B. And also pass an order directing the respondent to pay an amount of **Rs. 5,00,000/- (Rupees FIVE Lakhs Only)** as compensation to this petitioner with statutory interest from the date of cutting of trees to till the date of payment as the above compensation award amount to this petitioner.
- C. Directing the respondent to pay the costs of this proceedings.
- D. Grant such other or further reliefs ordered by this Hon'ble Commission deems fit grant.
- E. Issue notice to the respondents as per Order V Rule 6 of CPC.

The Court Fee for the purpose of jurisdiction as follows:

Court fee payable under section 67 (3)  
r/w Schedule of fees (Sl. No. 13 in  
column No. 1 of (conduct of business ) 2017) : **Rs. 5,000/-** (Rupees  
FIVE Thousand Only)

*Thomas M  
Advocate*

Dated this the <sup>16<sup>th</sup></sup> day of Oct 2018.

VERIFICATION

*P.M. Gomez*

I, PM Thomas, 63 Years, S/o Mathew, Palliparambil House, Pallikkunnu P.O, Anjikkunnu Village Mananthavadi Taluk, Wayanad dist Mananthavady Taluk, Waynamand dist do hereby declare that the above facts are true, to the best of my knowledge, information and belief.

*Thomas M  
Advocate*

Dated this the <sup>16<sup>th</sup></sup> day of Oct 2018

*P.M. Gomez*

List of Documents

Sl. No	Date	By Whom Executed	To Whom Executed	Nature of Documents	Points to be proved
1	17.11.2011	Special Tahasildar (LA)	Petitioner	Mahazar in T.C 137/11	To prove the number and details of crops
		Special Tahasildar		Award Notice in	Showing

3	24.03.2011	Junior Engineer, Power Grid Corporation	Petitioner	Tree Clearance Certificate in TC 137/11	Showing the date of cutting of trees.
4	09.08.2008	Junior Engineer, Power Grid Corporation	Petitioner	Mahazar in T.C 120/08	To prove the number and details of crops
5		Special Tahasildar (LA)	Petitioner	Award Notice in T.C 120/08	Showing the amount of award
6	14.12.2008	Junior Engineer, Power Grid Corporation	Petitioner	Tree Clearance Certificate in TC 120/08	Showing the date of cutting of trees.
7	04.11.2008	Special Tahasildar (LA)	Petitioner	Award Notice in T.C 395/07	Showing the amount of award
8	15.10.2008	Special Tahasildar (LA)	Petitioner	Award Notice in T.C 398/08	Showing the amount of award

*Thomas Ho*  
*Advocate*

Dated this the 16<sup>th</sup> day of Oct 2018

*P. M. Gnanendran*