



## ASSAM ELECTRICITY REGULATORY COMMISSION

FILE NO. AERC. 610/2017

Petition No.: 04/2017

### ORDER SHEET

07.07.2017

Before the Assam Electricity Regulatory Commission  
ASEB Campus, Dwarandhar,  
G. S. Road, Sixth Mile, Guwahati – 781 022.

Sri Dasarath Basumatary S/O – Sri Madan Basumatary, Udalguri.....**Petitioner**  
Power Grid Corporation of India Ltd (PGCIL) represented by DGM ..... **Respondent-1**  
Sri C Borkotoki, DGM, PGCIL Collegiate High School,  
Mazgaon Barua Chuburi, Dist- Sonitpur, Assam, Pin- 784001 .....**Respondent-2**  
Deputy Commissioner, Udalguri .....**Respondent-3**  
Secretary ,Revenue, Boro territorial council, Kokrajhar ..... **Respondent-4**

Date of Hearing: 07.07.2017

Representative for Petitioner:

Mr. Dhiraj Kr. Medhi, Advocate  
Ms. Rongjali Basumatary, Advocate

Representative for Respondent 1:

Mr. Sudip Dutta, Chief Manager, PGCIL.  
Mr. Sankar Pandey, Jr Engineer, PGCIL.  
Mr. M Z Ahmed, Sr Advocate.  
Mr. Arup Mrinal Dutta, Advocate

Representative for Respondent 3:

Mr. Bhaskar Jyoti Manta, ADC,Udalguri.

Representative for Respondent 4:

Mr. Arun Basumatary,Dy Secy ,(LR &DM), BTC, Kokrajhar.

#### In the matter of

The Misc Petition No. 04 of 2017 filed by Shri Dasarath Basumatary regarding dispute on nonpayment of compensation under section 67(3) of the Electricity Act 2003 while carrying out the work of tower erection and stringing of +800 KV HVDC power line from Biswanath Chariali to Agra by Power Grid Corporation of India Ltd.

#### CORAM

Shri Naba Kr. Das, Chairperson  
Shri Dipak Chakravarty, Member  
Shri Subhash Ch. Das, Member

#### ORDER

1. The Third Hearing was held on 07<sup>th</sup> July, 2017, on the Petition No. 04 of 2017 filed by Shri Dasarath Basumatary regarding dispute on non-payment of adequate compensation under section 67(3) of the Electricity Act 2003 while carrying out the work of tower erection and stringing of +800 KV HVDC power line from Biswanath Chariali to Agra by Power Grid Corporation of India Ltd. for the damages caused to the property of the petitioner.
2. In the Second hearing held on 30-05-2017 the Petitioner was directed by the Commission to submit a detailed report regarding his claim of insufficient compensation in the matter of Petition no. 04/2017 and accordingly the Petitioner submitted his report during the hearing and highlighted the following points :-
  - The Petitioner submitted that the value assessed by the Rubber Board only lays down the value of the rubber plant as on the date of the assessment and that amount cannot solely

comprise the compensation amount. Further, while calculating the compensation, the annual return at proper rate of interest is to be calculated and such value is to be multiplied by proper multiplier.

- The Petitioner further reiterated that Govt. of Assam notification dated. 10-03-2017, does not bar payment of compensation towards damages in right of way for transmission line in respect of any project initiated prior to the date of such notification in any other mode. Only the rates quoted in such notification shall not be applicable to such earlier projects.
- Further the Petitioner has mentioned one Judgment of Apex Court, regarding compensation towards damages in regard to Right of Way for transmission lines.

After hearing the Petitioner & Respondents ,the Commission ordered as follows :

1. The Commission directed the Petitioner for submission as per format prescribed in the AERC (Conduct of Business) Regulation and to submit the details of Supreme Court Order if any on or before 22-07-2017.
2. The Commission directed the Respondent 4 for submission of views & comments as per format prescribed in the AERC (Conduct of Business) Regulation on the Comments of PGCIL on or before 22-07-2017.
3. The Petitioner & Respondent will provide copies of their submissions to the opposite parties.

The next date of Hearing is schedule on 8<sup>th</sup> August, 2017.

Sd/-  
(Subhash Ch. Das)  
Member  
AERC

Sd/-  
(Dipak Chakravarty)  
Member  
AERC

Sd/-  
(Naba Kumar Das)  
Chairperson  
AERC