

COURT-I
Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal no. 80 of 2014, IA No. 149 of 2014 &
IA No. 151 of 2014

Dated : 5th January, 2015

Present: **Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson**
 Hon'ble Mr. Rakesh Nath, Technical Member

In the matter of

Education Research & Development Foundation ...Appellant(s)

Versus

Central Electricity Regulatory Commission & Ors. Respondent(s)

Counsel for the Appellant(s): Proxy Counsel for
 Mr. Jayant Bhushan, Sr. Adv.

Counsel for the Respondent(s): Mr. M.G. Ramachandran
 Mr. Vishal Gupta

ORDER

The Appellants are aggrieved by the erection of transmission line over their campus. During the hearing of the Appeal, the parties tried to find out a solution or an alternate route for the transmission line which requires forest clearance. On 3rd June, 2014 this Tribunal passed a detailed order. Material portion of the said order reads as under:

- “i) The Applicant/Respondent, NETC will proceed to lay down the overhead line temporarily across the campus of the Appellant by connecting existing towers which have been constructed outside the area of the College to allow flow of power on the said transmission line from ONGC’s Tripura gas based power station.*
- ii) The Applicant/Respondent, NETC will take immediate steps for taking up the works on the alternative route as suggested by the Central Electricity Authority in their Report dated 20.1.2014. The Appellant (Education Foundation) will provide land for constructing the tower in the Southern side of the campus as suggested by the Central Electricity Authority on the alternate route for the transmission line.*
- iii) The following schedule is given for completion of the alternate route by the Applicant/Respondent, NETC.*
- (a) The activities up to the stage of submission of Forest clearance Application excluding the Forest Right Act Compliance will be completed within 60 days of the date of this order.*
- (b) NETC will tie up with the contractor and also undertake all activities viz. procurement of towers, conductors, insulators and other materials during the pendency of the Application for Forest clearance so as to commence the work immediately on grant of Forest clearance.*
- (c) Immediately after the grant of Forest clearance, the NETC will take up the construction work on the alternate route and will complete the same within 90 days from the date of the receipt of the Forest clearance.*
- (d) After due completion of the stringing on the alternate route, the Applicant/Respondent, NETC will disconnect and remove the existing overhead line passing over the campus of the Institute of the Appellant.*
- iv) NETC will put up a notice board near the Tower prominently mentioning that the said overhead line is purely temporary and in the process of being shifted within the period as fixed by this Appellate Tribunal for Electricity, New Delhi.*

- v). *The Applicant/Respondent, NETC shall submit monthly progress report on the works undertaken periodically to enable this Tribunal to pass further orders.*
 - vi) *In case, for whatever reason the alternate route is not constructed within a reasonable time, the Appeal shall be heard on merits and the stringing done by the authority on the basis of this interim order shall be subject to the outcome of the Appeal.*
4. *The Registry is directed to send a copy of this order to Secretary, Ministry of Power with a request to take up the matter with Ministry of Environment and Forest for early Forest clearance for the alternate route in view of the emergent situation arise out of the peculiar circumstances and the apprehension of the students studying in the Institute.*
 5. *A copy of this order may also be sent to Ministry of Environment and Forest.*
 6. *In the light of the report submitted by the Forest Department today, the meeting scheduled on 07.06.2014 may go on and all the parties will participate in that. Thereafter, the Forest Department will file a report in this Tribunal.*
 7. *This interim order is passed on the basis of the concurrence given by all the parties concerned and in the presence of all the parties as well as Learned Senior Counsel and the Learned Counsel for the parties.*

On 24.11.2014, the Ministry of Environment and Forest was impleaded as a party Respondent and notice was issued to the newly added Respondent. Order dated 28.11.2014 indicates that the Ministry of Environment and Forest has been served.

It is distrusting to note that despite service the Ministry of Environment and Forest has not chosen to appear in this matter. The presence either of

the Counsel or Officer of the Ministry of Environment and Forest is absolutely necessary to resolve the issues involved in this Appeal. Hence, we direct the Appellant to serve a fresh notice on the Ministry of Environment and Forest.

Post the matter for further hearing on **04.02.2015.**

(Rakesh Nath)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

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