

COURT-I

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

**APPEAL No. 80 of 2014 &
I.A. Nos. 149 & 151 of 2014**

Dated :14th November, 2014

**Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member**

Education Research & Development FoundationAppellant(s)

Versus

**Central Electricity Regulatory
Commission & Ors.**

.... Respondent(s)

Counsel for the Appellant(s)	:	Mr. Ambar Qamaruddin
Counsel for the Respondent(s)	:	Mr. M.G. Ramachandran Mr. Vishal Gupta Mr. Kumar Mihir for R.2

ORDER

We have heard the learned counsel for the parties. With regard to the fresh development, an affidavit has been filed on 13.11.2014 after serving copy on the other side by the Respondent No.2. The relevant extract is given below:

“In terms of para no.3 (v) of the Order dated 03.06.2014 of Hon'ble Tribunal passed IA No. 221 of 2014 in Appeal no. 80 of 2014, the Respondent No.2 (North East Transmission Company Ltd.) is submitting

the monthly progress report as on 10.11.2014 as under:

- a) Respondent no.2 (NETC) had requested to the Division forest Officer, Khasi Hills Forest Division, Shillong, Meghalaya (DFO) on 08.10.2014 to depute his representative on 13.10.2014 for joint enumeration of trees along with the proposed alternative route of the transmission line. The Forest Ranger and official of Respondent no.2 met Chairman RIST on 13.10.2014 and requested to depute representative for witnessing the enumeration of trees. The enumeration of trees commenced in the presence of forest officials and representative of Respondent No.2 as no representative of Appellant joined the enumeration of trees. The enumeration of trees were completed on 23.10.2014. the list of trees certified by Beat Forest Officer, Khanapara Beat, Meghalaya and Range Forest Officer, I/C Byrnihat, Meghalaya was forwarded vide letter no. BHT/51/2014-15/149 dated 23.10.2014 (Refer Annexure A) was forwarded to Divisional Forest Officer, Khasi Hills Division, Shillong, Meghalaya for further processing the forest proposal.**
- b) Letter dated 05.11.2014 (Refer Annexure B) was written by Managing Director, NETC (Respondent no.2) requesting for an appointment with Chief**

Secretary, Govt. of Meghalaya, Shillong to discuss the issue and expedite for providing non-forest land for Compensatory Afforestation or otherwise certificate of Non-availability of the same.

c) Letter dated 08.11.2014 (Refer Annexure C) was written by Respondent no.2 to the Dy. Commissioner Ri-bhoi District, Nongpoh, Shillong, requesting for an appointment for meeting to expedite the certificate regarding Forest Right Act.”

A perusal of the affidavit containing various details of the progress would make it clear that enumeration of trees were completed on 23.10.2014 and thereafter on the same day i.e., on 23.10.2014 a letter was sent to the Divisional Forest Officer. Thereupon, on 05.11.2014, a letter was sent to the Chief Secretary and on 08.11.2014, a letter was sent to the Dy. Commissioner seeking for the appointment for meeting. The date of appointment has not been conveyed.

Under these circumstances, we issue the following directions to the parties.

After getting appointment, the Respondent No.2 is directed to intimate the same and request the Appellant to accompany them to

meet the Chief Secretary and request for expeditious action to be taken in the matter.

In the meantime, the Appellant is also directed to do his best in getting the appointment for an early date from the Chief Secretary if it is requested by Respondent No.2 through the letter.

Post the matter on **24.11.2014 at 2.30 p.m** for reporting further progress.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

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