

**Before**

**UTTARAKHAND ELECTRICITY REGULATORY COMMISSION**

**In the Matter of:**

Revision against the Order dated 27.09.2014 issued by the District Magistrate Udham Singh Nagar (Uttarakhand), under Rule 3 Sub-Rule 2 of The Work of Licensee Rules, 2006 on the representation of Mr. Suresh Kumar Mittal.

**And**

**In the Matter of:**

1. Uttarakhand Power Corporation Ltd., Urja Bhawan, Kanwali Road, Dehradun, Uttarakhand, through its Managing Director.
2. Executive Engineer (UPCL), EDD, Sitarganj, District-Udham Singh Nagar, Uttarakhand

..... **Revisionist**

**&**

1. District Magistrate/Collector, District-Udham Singh Nagar, Uttarakhand
2. Suresh Kumar Mittal S/o Late Sh. Mangatram, R/o Ward No. 4, Khatima, Tehsil Khatima, District Udham Singh Nagar.

..... **Respondents**

**Coram**

**Shri Subhash Kumar**

**Chairman**

**Shri C.S. Sharma**

**Member**

**Shri K.P. Singh**

**Member**

**Date of Hearing: March 03, 2015**

**Date of Order: March 03, 2015**

Heard the Revisionist and the Respondent No. 2 in the matter.

The Commission had earlier vide its Order dated 02.09.2014 remanded the matter to District Magistrate, Udham Singh Nagar for issuing a fresh Speaking Order as directed by the Hon'ble High Court and also that such Order may cover views on contentions and arguments advanced by the petitioner as lay down the basis of determining compensation, if any. During the course of this hearing, the Revisionists stated that neither a fresh hearing was held nor views on its contentions were included

in the impugned Order dated 27.09.2014 issued by District Magistrate, Udham Singh Nagar.

Further, during the hearing, the Commission in light of the fact that UPCL had erected the line way back in the year 2006-07, enquired from Respondent No.2 about the reason for almost six years delay in raising objection to the line trespassing his land to which Respondent No. 2 stated that he had met with an accident and remained hospitalised for prolonged period. He further, submitted that only after recuperation, it came to his knowledge about the infringement of his land by UPCL.

Taking cognisance of the said Order issued by District Magistrate, Udham Singh Nagar and after hearing both the parties, the Commission observes that the District Magistrate, Udham Singh Nagar did not conduct hearing of the parties after the matter was remanded back to it. Moreover, the Commission also observes that the Order issued does not deal with any of the issues raised by the Revisionists and also has not given any basis for the compensation determined.

The Commission, hereby, Orders that the matter be remanded back to the District Magistrate, Udham Singh Nagar for passing a fresh speaking Order, which shall cover the views on contentions and arguments advanced by the Revisionists & Respondent No. 2 and also lay down the basis of determination of compensation.

**(K.P. Singh)**  
Member

**(C.S. Sharma)**  
Member

**(Subhash Kumar)**  
Chairman