

**ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION**  
4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad 500 004

**O.P.Nos.53 of 2017, 54 of 2017, 55 of 2017, 56 of 2017, 57 of 2017, 58 of 2017,  
62 of 2017 and 63 of 2017**

**Date: 17-03-2018**

Present  
**Sri Justice G. Bhavani Prasad, Chairman**  
**Dr. P. Raghu, Member**  
**Sri P. Rama Mohan, Member**

**O.P.No.53 of 2017**

**Between:**

Sri D. Chinna Raghavulu, S/o. D. Kotaiah  
1-79, Gollagudem, Adavinekkalam Panchyat,  
Agiripalli Mandal, Krishna District – 521 212. A.P.

... Petitioner

**A N D**

1. Chairman & Managing Director,  
APTRANSCO, Vidyut Soudha, Gunadala  
Vijayawada-8, Andhra Pradesh
2. Chief Engineer 400 KV Line,  
Vidyut Soudha, Gunadala, Vijayawada-8.
3. Superintending Engineer 400 KV (Construction),  
Vidyut Soudha, Gunadala, Vijayawada-8.
4. Asst. Executive Engineer,  
400 KV L7SS SD-11, Room No.111,  
Transmission Nilayam, Gunadala  
Vijayawada – 520 004.
5. The District Collector & Magistrate,  
Machilipatnam, Krishna District.

.... Respondents

**O.P.No.54 of 2017**

**Between:**

Sri Delli Balaraju, S/o. D. Chinna Venkateswara Rao,  
Gollagudem, Adavinekkalam Panchyat,  
Agiripalli Mandal, Krishna District – 521 212. A.P.

... Petitioner

**A N D**

1. Chairman & Managing Director,  
APTRANSCO, Vidyut Soudha, Gunadala  
Vijayawada-8, Andhra Pradesh

2. Chief Engineer 400 KV Line,  
Vidyut Soudha, Gunadala, Vijayawada-8.
3. Superintending Engineer 400 KV (Construction),  
Vidyut Soudha, Gunadala, Vijayawada-8.
4. Asst. Executive Engineer,  
400 KV L7SS SD-11, Room No.111,  
Transmission Nilayam, Gunadala  
Vijayawada – 520 004.
5. The District Collector & Magistrate,  
Machilipatnam, Krishna District. .... Respondents

**O.P.No.55 of 2017**

**Between:**

Smt. Yadala Samba, W/o. Y. Sambaiah,  
1-79, Gollagudem, Adavinekkalam Panchyat,  
Agiripalli Mandal, Krishna District – 521 212. A.P. ... Petitioner

**A N D**

1. Chairman & Managing Director,  
APTRANSCO, Vidyut Soudha, Gunadala  
Vijayawada-8, Andhra Pradesh
2. Chief Engineer 400 KV Line,  
Vidyut Soudha, Gunadala, Vijayawada-8.
3. Superintending Engineer 400 KV (Construction),  
Vidyut Soudha, Gunadala, Vijayawada-8.
4. Asst. Executive Engineer,  
400 KV L7SS SD-11, Room No.111,  
Transmission Nilayam, Gunadala  
Vijayawada – 520 004.
5. The District Collector & Magistrate,  
Machilipatnam, Krishna District. .... Respondents

**O.P.No.56 of 2017**

**Between:**

Sri Kurakula Poothuraju, S/o. K. Venkatasubbaiah  
3-91 & 3-96, Gollagudem, Adavinekkalam Panchyat,  
Agiripalli Mandal, Krishna District – 521 212. A.P. ... Petitioner

**A N D**

1. Chairman & Managing Director,  
APTRANSCO, Vidyut Soudha, Gunadala  
Vijayawada-8, Andhra Pradesh
2. Chief Engineer 400 KV Line,  
Vidyut Soudha, Gunadala, Vijayawada-8.
3. Superintending Engineer 400 KV (Construction),  
Vidyut Soudha, Gunadala, Vijayawada-8.
4. Asst. Executive Engineer,  
400 KV L7SS SD-11, Room No.111,  
Transmission Nilayam, Gunadala  
Vijayawada – 520 004.
5. The District Collector & Magistrate,  
Machilipatnam, Krishna District. .... Respondents

**O.P.No.57 of 2017**

**Between:**

Sri Tirupathi Guravaiah, S/o. T. Pedda Venkateshwarlu,  
1-295, Gollagudem, Adavinekkalam Panchyat,  
Agiripalli Mandal, Krishna District – 521 212. A.P. ... Petitioner

**A N D**

1. Chairman & Managing Director,  
APTRANSCO, Vidyut Soudha, Gunadala  
Vijayawada-8, Andhra Pradesh
2. Chief Engineer 400 KV Line,  
Vidyut Soudha, Gunadala, Vijayawada-8.
3. Superintending Engineer 400 KV (Construction),  
Vidyut Soudha, Gunadala, Vijayawada-8.
4. Asst. Executive Engineer,  
400 KV L7SS SD-11, Room No.111,  
Transmission Nilayam, Gunadala  
Vijayawada – 520 004.
5. The District Collector & Magistrate,  
Machilipatnam, Krishna District. .... Respondents

**O.P.No.58 of 2017**

**Between:**

Smt. Dasari Ramanjamma, W/o. Pedda Gangadevi  
Gollagudem, Adavinekkalam Panchyat,  
Agiripalli Mandal, Krishna District – 521 212. A.P. ... Petitioner

**A N D**

1. Chairman & Managing Director,  
APTRANSCO, Vidyut Soudha, Gunadala  
Vijayawada-8, Andhra Pradesh
2. Chief Engineer 400 KV Line,  
Vidyut Soudha, Gunadala, Vijayawada-8.
3. Superintending Engineer 400 KV (Construction),  
Vidyut Soudha, Gunadala, Vijayawada-8.
4. Asst. Executive Engineer,  
400 KV L7SS SD-11, Room No.111,  
Transmission Nilayam, Gunadala  
Vijayawada – 520 004.
5. The District Collector & Magistrate,  
Machilipatnam, Krishna District. .... Respondents

**O.P.No.62 of 2017**

**Between:**

Sri Nakkaboyana Venkateswar Rao, S/o. Venkaiah,  
G.Konduru Village & Mandal, Krishna District, A.P. ... Petitioner

**A N D**

1. Chairman & Managing Director,  
APTRANSCO, Vidyut Soudha, Gunadala  
Vijayawada-8, Andhra Pradesh
2. Chief Engineer 400 KV Line,  
Vidyut Soudha, Gunadala, Vijayawada-8.
3. Superintending Engineer 400 KV (Construction),  
Vidyut Soudha, Gunadala, Vijayawada-8.
4. Asst. Executive Engineer,  
400 KV L7SS SD-11, Room No.111,  
Transmission Nilayam, Gunadala  
Vijayawada – 520 004.
5. The District Collector & Magistrate,  
Machilipatnam, Krishna District. .... Respondents

**O.P.No.63 of 2017**

**Between:**

Smt. Madupu Sai Kumari, W/o. Late M. Satyamurti,  
Adavinekkalam Village, Agiripalli Mandal  
Krishna District, A.P.

... Petitioner

**A N D**

1. Chairman & Managing Director,  
APTRANSCO, Vidyut Soudha, Gunadala  
Vijayawada-8, Andhra Pradesh
2. Chief Engineer 400 KV Line,  
Vidyut Soudha, Gunadala, Vijayawada-8.
3. Superintending Engineer 400 KV (Construction),  
Vidyut Soudha, Gunadala, Vijayawada-8.
4. Asst. Executive Engineer,  
400 KV L7SS SD-11, Room No.111,  
Transmission Nilayam, Gunadala  
Vijayawada – 520 004.
5. The District Collector & Magistrate,  
Machilipatnam, Krishna District.

.... Respondents

All these Original Petitions have come up for hearing finally on 24-02-2018 in the presence of Sri P. Changal Reddy, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the AP Transco / utilities. After carefully considering the material available on record and after hearing the arguments of the learned counsel for both parties, the Commission passed the following:

**COMMON ORDER**

O.P.Nos.53 of 2017, 54 of 2017, 55 of 2017, 56 of 2017, 57 of 2017, 58 of 2017, 62 of 2017 and 63 of 2017 on the file of this Commission are filed by the respective petitioners to direct the 1<sup>st</sup> respondent / Transmission Corporation of Andhra Pradesh Limited to pay compensation to them respectively for the loss of

value of their respective lands under towers and lines with interest and any other entitlements and for other appropriate orders.

2. The petitioners are the owners of lands respectively specified and described in the petitions, which lands have also Mango trees. The Transmission Corporation of Andhra Pradesh Limited through its Chairman and Managing Director, Chief Engineer, Superintending Engineer and Assistant Executive Engineer constructed lines and towers of 400 KV I & SS DS-lines from Nunna to Jujjuru during 2014-15. Some Mango trees were removed during construction and the entire lands of the respective petitioners became value less because of towers and lines. When the petitioners and other farmers received a notice dated 27-02-2014 from the Assistant Executive Engineer about construction of lines and towers, they submitted representations to the respondents, objecting entering into their lands, without obtaining prior consent and making payment of compensation. The 4<sup>th</sup> respondent replied by a letter dated 18-03-2014 that they are following Electricity Act, 2003 and Indian Telegraph Act, 1885 to lay the lines and any tree / crop compensation will be paid as per the assessment of the Tahsildar as per Section 68 of the Electricity Act, 2003 and there is no provision for land compensation. The petitioners and others resisted construction of lines and towers on 08-01-2015 and filed Writ Petitions before the Hon'ble High Court, which directed in W.P.No.12040 of 2013 and batch on 07-08-2015 directing payment of compensation in accordance with law, against which the petitioners are given liberty to seek enhancement of compensation. The works of 1<sup>st</sup> respondent were completed in the meanwhile and the representations by the petitioners and others for compensation for loss of land value were not considered. Consent from the petitioners or the District Collector was not obtained as required by the Andhra Pradesh Works of Licensees Rules, 2007 and the

procedure there-under was not followed. The crops and trees were damaged, the tube wells and their sheds were closed, pipelines, drip pipelines were damaged and the lands became totally unfit for farming or any other development due to the towers and lines. The warning pamphlet of the respondents dated 06-10-2015 not to carry bamboo poles and iron rods and not to use the land for any permanent assets under the lines shows that serious damage was done to the property and the proceedings of the Collector & District Magistrate, Krishna District dated 21-05-2014 for Mango tree compensation and other proceedings for compensation for losses sustained under the tower bases did not award adequate compensation for the valuable land lost under the towers and right of way though they are located in a highly developed central area near the State capital and National Highway. The decisions of the Constitutional Courts protected human right of property by awarding adequate compensation and due to the failure of the Transmission Corporation of Andhra Pradesh Limited to follow the prescribed procedure and pay legal compensation, these petitions are filed.

**3.** The respondents 1 to 4 filed counters in all the petitions contending that a Gazette Notification was issued by the Transmission Corporation of Andhra Pradesh Limited on 18-06-2005. It was repeated in newspapers having wide circulation about the works undertaken and the towers were erected and lines were laid by removing some Mango trees in the agricultural lands for which compensation was paid as per rules. Notices were served on the respective land owners by the Assistant Executive Engineer before taking up the construction of towers and lines passing through Agiripalli (Krishna District) and other Mandals and the work was executed in accordance with the Electricity Act, 2003 and Indian Telegraph Act, 1885. The Assistant Executive Engineer has also explained the provisions relating to payment

of compensation in reply to a letter addressed by certain farmers. Common Orders were passed by the Hon'ble High Court on 07-08-2015 in W.P.No.2013 of 2015 and batch directing payment of compensation as per law. The lines were completed by 06-10-2016 and were ready for commissioning and pamphlets about the necessary precautions were distributed in the respective villages. Farmers of different villages represented to the District Collector, Krishna for compensation and the District Collector, Krishna fixed compensation in proceedings dated 21-05-2014 at Rs.25,000/- per Mango tree for complete removal and Rs.5,000/- per Mango tree for partial damage. No orders were issued for payment of compensation for the diminution of land value and no compensation can be paid for the land which was not fixed by the district authorities at the time of execution of the work. Hence, any application under the Andhra Pradesh Works of Licensees Rules, 2007 or Rule 3 thereof does not arise and the power under Section 164 of the Electricity Act, 2003 remains unaffected by the rules. Regarding corridor area (right of way area), there were no guidelines and the compensation already paid was in accordance with the rules. The petitions are barred by limitation and hence the respondents 1 to 4 sought for dismissal of the petitions with costs.

**4.** The 5<sup>th</sup> Respondent / District Collector, Krishna did not enter appearance and did not file any counter.

**5.** The point for consideration is whether the petitioners are entitled to claim revision of compensation for land value on the laying of towers and lines in question along with interest and other entitlements and if so, in what manner.

**6.** Section 67 of the Electricity Act, 2003 in sub-section (2) (e) provides for appropriate Government making rules for determination and payment of

compensation or rent to the persons affected by the works of the licensees. Section 67 (3) of the Electricity Act, 2003 provides that a licensee shall cause as little damage, detriment and inconvenience as may be in exercise of its powers under Section 67 or the Rules made there under and shall make full compensation for any damage, detriment or inconvenience caused by him or any one employed by him. Section 68 (6) of the Electricity Act, 2003 provides for award of reasonable compensation to the person interested in any tree in existence before the placing of the overhead line, which can be recovered from the licensee. While appropriate Government may confer the powers of a Telegraph Authority under the Indian Telegraph Act, 1885 on any public officer or licensee or supplier of electricity for placing of electric lines or electrical plant for transmission of electricity, such powers of Telegraph Authority under Section 164 of the Electricity Act, 2003 conferred by the appropriate Government shall have to be so exercised as to be in consonance with the determination and payment of compensation under Section 67 (2) (e) and Section 68 (6) of the Electricity Act, 2003 in tune with the accepted principle that all the provisions of a statute must be read together and given effect to.

7. The Government of India made Works of Licensees Rules, 2006 under Section 67 (2), while the Government of Andhra Pradesh made the Andhra Pradesh Works of Licensees Rules, 2007 under Section 67 (2) read with Section 180 (2) (b) of the Electricity Act, 2003. Both the Rules almost are verbatim replicas of each other in their content and substance. Rule 3 of the State Rules which authorizes the licensee to carryout works, states in sub-rule (4) that the District Magistrate authorized by the State Government in this behalf shall, after considering the representations of the concerned persons, fix the amount of compensation or of annual rent or both, which should in his opinion be paid by the licensee to the owner

or occupier of a building or land on which any works have been carried out. Full compensation for any loss or damage by reason of carrying out any works is the underlying theme under all the Rules and Rule 13 provides for determination and payment of compensation to affected persons for any loss or damage incurred due to any such works or non-compliance with the Rules. The determination shall be by the District Magistrate authorized by the State Government in this behalf, if not mutually agreed between the parties and any difference or dispute arising as to the amount of compensation determined by the District Magistrate, shall be determined by the State Commission. The Government of Andhra Pradesh appointed the District Collector to exercise the powers and perform the functions and duties under the Andhra Pradesh Works of Licensees Rules, 2007 and directed that any works of licensees in the State of Andhra Pradesh shall have to be taken up and executed in strict compliance of the said statutory Rules as per G.O.Ms.No.6, Energy, Infrastructure & Investment (Power-III) Department, dated 06-03-2017. The guidelines for payment of compensation towards damages in regard to Right of Way for transmission lines issued by the Ministry of Power, Government of India on 15-10-2015 were initially not accepted by the State of Andhra Pradesh regarding the compensation for the corridor while it opined that 100% land value should be paid for the tower base. However, in G.O.Rt.No.83, Energy, Infrastructure & Investment (Pr.II.A2) Department, dated 20-06-2017, the Government of Andhra Pradesh laid down the guidelines for payment of compensation towards diminution of land value in the width of the Right of Way Corridor with effect from the date of Government Orders.

**8.** The proceedings of the Collector & District Magistrate, Krishna concerning the subject matter of the petitions start with the proceedings in H2/1410/2013 dated

20-06-2013, in which the District Collector, Krishna referred to full compensation payable for damages as contained in Indian Telegraph Act, 1885, Part 3, clause 10 (d) and decided to pay compensation of Rs.3,50,000/- per tower location along with tree / crop compensation towards damages sustained by the farmers, as a very special case and consequential action for calculating and payment of such compensation was directed to be taken, while any obstruction to any work of construction of the transmission line was prohibited. The proceedings do not indicate the manner in which the quantum of compensation was arrived at or the procedure followed therefor or the criteria or factors that were taken into account and on what permissible or reasonable method, uniform compensation was fixed for a number of villages through which the line is passing.

**9.** The second of the proceedings of the Collector & District Magistrate, Krishna were in Rc.H2/72/2012 dated 21-05-2014 in which, on the report of a committee constituted by himself and individual consent letters from Mango farmers, Collector fixed Rs.25,000/- for complete removal of a Mango tree and Rs.5,000/- for partial damage to a Mango tree as compensation under the Indian Telegraph Act, 1885, part-III, clause 18 (2) and Indian Electricity Act, 2003, part-8, Section 68 (6). The farmers were allowed to take away the wood and were directed not to obstruct the works. The proceedings of the Collector did not disclose the reasons or grounds on which the committee made its recommendations or the causes as to why such recommendations were found acceptable, while it is true that the Mango farmers themselves appeared to have represented for a compensation of Rs.25,000/- for every removed Mango tree and the Assistant Director, Horticulture, Vijayawada seemed to have assessed the likely income from such Mango tree over a period of 30 years at Rs.25,000/-. Obviously the proceedings did not indicate application of

mind by the Collector, Krishna and expression of his opinion on the acceptability or otherwise of the recommendations or the circumstances. The conclusion was stated to have been arrived at only considering the references in the proceedings.

**10.** The third of the proceedings of the Collector & District Magistrate, Krishna are in Rc.H2/278/2014 dated 10-06-2014 in which also formation of a committee by the Collector for the purpose was referred to and in a meeting with the farmers, the farmers were stated to have agreed for a compensation of Rs.3.5 lakhs per location as a onetime compensation irrespective of type of tower. The Transmission Corporation of Andhra Pradesh Limited was also stated to have agreed to make additional payment of compensation towards damage of crops and fruit bearing trees as per actual at the time of erection of towers and execution of works. The Collector ordered the compensation to be paid accordingly and apart from recording what had happened in the meeting held by the committee and what has been agreed to by the Transmission Corporation of Andhra Pradesh Limited, the Collector himself did not give any reasons or grounds for arriving at a particular quantum of compensation in the matter.

**11.** The fourth of the proceedings of the Collector & District Magistrate, Krishna District in Rc.No.H7/1767/2015 dated 05-08-2015 are also the subject matter of O.P.Nos.32, 42, 43, 44 and 45 of 2017 before this Commission, which were decided on merits by an order of the Commission dated 20-01-2018. It was held in the said order that "The proceedings of the Collector, Krishna District in Rc.No.H7/1767/2015 dated 05-08-2015, which are the subject matter of the present consideration referred to the proposals of the Revenue Divisional Officer, Nuzvid in great detail including the meetings with the aggrieved farmers, compensation fixed by the Collector, West

Godavari and the Collector, East Godavari concerning the transmission scheme, his further proposals based on the later Government Orders etc., and ultimately the Collector, Krishna District stated in his proceedings that the proposals are considered and one time compensation was fixed as proposed by the Revenue Divisional Officer, Nuzvid. The fixing of compensation is a verbatim reproduction of the recommendation of the Revenue Divisional Officer, Nuzvid. The Collector, Krishna District obviously did not make any effort to apply his mind to the representations / objections of the aggrieved farmers or the comparability between the properties covered by the orders of the Collectors, West and East Godavari Districts and the proposals of the Revenue Divisional Officer, Nuzvid or the individual factors or facts and circumstances relating to the loss of land or land use or trees of each of these farmers of the various villages in Krishna District through which this 400 KV electric line is passing. Section 67 (2) (e) or Section 68 (6) do not appear to contemplate such a composite consideration but each person affected / each person interested has the right to have the reasonable compensation to which he is entitled, fixed in accordance with the statute and the statutory Rules. Rule 3 sub-rule (4) of the Andhra Pradesh Works of Licensees Rules, 2007 specifically referred to the amount of compensation or annual rent which should **“in the opinion of the District Magistrate authorized by the State Government in this behalf”** be paid by the licensee to the owner or occupier of a building or a land. The language of the Rules is unambiguous. Each owner / occupier of a building / land is entitled to have such a reasonable compensation fixed and paid. Rule 13 makes full compensation determinable by the District Magistrate, authorized by the State Government in this behalf and the word **‘determination’** obviously implies a reasoned judicious determination on merits in accordance with law by the authorized District Magistrate

himself but not a mere adaptation of a subordinate officer's proposal by the District Collector". There can be no different conclusion on merits in the present matters on identical facts reflected by identical material disclosing identical circumstances. The orders of this Commission dated 20-01-2018 do not appear to have been the subject of any challenge before the Hon'ble Appellate Tribunal for Electricity or the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh or the Hon'ble Supreme Court so far and consequently they appear to have become final with the respondents 1, 2, 4 and 5 herein also being parties therein.

**12.** This Commission further held therein that "The Andhra Pradesh Works of Licensees Rules, 2007 make an order under Rule 3 (4) revisable by the Commission. Rule 13 (2) provides for any difference or dispute as to the amount of compensation determined by the District Magistrate being determinable by the Commission. The power conferred on the State Regulatory Commission by these Rules is more or less akin to the powers conferred on an Appellate Court under order XLI of the Code of Civil Procedure, 1908 or a Revisional Court under Section 115 of the Code of Civil Procedure, 1908. An order can be made as the Revisional Court thinks fit to correct any errors of jurisdiction committed by the Sub-ordinate Court under Section 115. An Appellate Court can under Order XLI Rule 23 of the Code of Civil Procedure, 1908 remand a case to the Trial Court, if the disposal was on a preliminary point and if the disposal was otherwise than on a preliminary point, the Appellate Court can remand the case to the Trial Court under Order XLI Rule 23-A of the Code of Civil Procedure, 1908, if it considers a re-trial to be necessary".

**13.** The respondents relied on *Devisetty Ramaswamy Vs Chief Engineer, W.P.No.16017 of 2012*, decided by the Hon'ble High Court on 02-04-2013. The main question in that case was about the absolute power of the Transmission Corporation of Andhra Pradesh Limited to place electric supply lines or electric poles on private lands under Section 164 of the Electricity Act, 2003 read with Section 10 of the Indian Telegraph Act, 1885, which was upheld and for which neither acquisition of the lands nor any consent of the owner or occupier are held to be necessary. The earlier decision in *G.V.S. Rama Krishna's case AIR 2009 AP 158* was referred to wherein the learned Judge who decided that case was noted to have been erroneously led to believe that no rules had been framed under Section 67 (2). It was held in *G.V.S. Rama Krishna's case* that this absolute power is subject to the right of the owner / occupier to claim compensation, if any damage is sustained by him by reason or placing of such electric supply lines. The same learned Judge was also noted to have decided in *K. Subba Raju Vs Executive Engineer, TLC Division, AP Transco, Visakhapatnam 2010 (4) ALD 358* upholding the right of AP Transco to proceed, without obtaining consent of the owner / occupier. However, Hon'ble Sri Justice Sanjay Kumar referred to the judgments of the Hon'ble Supreme Court in *Kerala State Electricity Board Vs Livisha 2007 6 SCC 792* and *Kerala State Electricity Board Vs Chinamma Antony 2008 11 SCC 476* and after elaborate discussion concluded that the issue of the owner / occupier's entitlement to compensation would arise only at a later date and it cannot be a ground to hinder the completion of the scheme. What His Lordship has concluded was about the quantum of compensation to be paid for the loss caused to the owner / occupier, be it in terms of the diminution of the value of the lands or the actual damage caused to the land, crops and trees being determinable only after laying of the lines / towers following

the observations of the Hon'ble Supreme Court in Livisha and Chinamma Antony, His Lordship Sanjay Kumar has clearly observed about separate machinery being provided in the event the owner of the land concerned is dissatisfied about the compensation awarded and the observation by His Lordship that the procedure envisaged by Rules of 2006 (The Works of Licensees Rules, 2006 of the Government of India which are in *pari materia* with the Andhra Pradesh Works of Licensees Rules, 2007) read with Section 67 of the Electricity Act, 2003 had no application, once Section 164 was pressed into service have to be understood in that context and not as denying the right of compensation to the owner / occupier or applicability of Section 67 (2) read with 2007 Rules for determination of such compensation. That is why His Lordship has specifically observed that the issue of owner / occupier's entitlement to compensation would arise at a later date and not to hinder the completion of the scheme. In fact, this authority therefore lends support to the observation of this Commission in its order in O.P.No.32 of 2017 and batch about all the provisions of a statute having to be harmoniously given effect to.

**14.** The power conferred on this Commission by the Andhra Pradesh Works of Licensees Rules, 2007 are more or less akin to the powers conferred on an Appellate Court or a Revisional Court under the Code of Civil Procedure, 1908 and in exercise of such powers, the matter can be remanded for retrial, of-course in a limited class of cases. The proceedings of the Collector, Krishna more particularly the fourth of them which were the subject matter of O.P.No.32 of 2017 and batch also, decided on 20-01-2018 by this Commission fall within such limited class of cases as stated in detail in the said order. Exercise of quasi judicial jurisdiction by the Collector, Krishna District could not have been "through a faithful reproduction of what all the Revenue Divisional Officer, Nuzvid has stated or through a

generalization of the quantum of compensation for all lands / trees under the whole transmission line passing through a number of villages / districts. The failure of the Collector, Krishna District to form an opinion of his own under Rule 3 (4) and to determine full compensation under Rule 13 (1) in his own best judgment on appreciation and evaluation of the material placed before him independently led to the failure of the Collector, Krishna District exercising a jurisdiction vested in him in accordance with law and consequently, the matters have to be remitted back to him for being decided in accordance with the statute and the statutory Rules. Any determination of the amount of full and reasonable compensation by the Commission itself in these proceedings will deprive the petitioners of the opportunity of approaching the State Commission against any wrong determination by the Collector, Krishna District and therefore, the matter has to be in all propriety remanded to the original authority in the interests of justice and fair play. The judgment of the Hon'ble High Court of Judicature at Hyderabad in W.P.No.2031 of 2015 and batch clearly shows that the official respondents therein undertook to pay the compensation, if any, payable to the petitioners therein, due to which the Hon'ble High Court directed determination and payment of compensation in accordance with law. Even before the common order dated 07-08-2015 was rendered by the Hon'ble High Court, the Collector, Krishna District was claimed to have issued the proceedings in question herein on 05-08-2015, which the respondents 1 to 3 seek to construe as fixing the right compensation. As already stated above, the proceedings in question without following statutory rules and without discharging the duty of the Collector prescribed by those rules cannot be considered to be answering the description of determining the compensation in accordance with law. The order of the Collector in question can also therefore be considered as violation of the orders

of the Hon'ble High Court in W.P.No.2031 of 2015 and batch and to be unsustainable for that reason”.

**15.** If the petitioners have already received some compensation as per the orders of the Collector, Krishna District, any determination of compensation on remand cannot possibly be less and cannot be contended by any of the respondents to be not a reasonable compensation. Hence, the question of any refund of compensation already received does not arise. But, any redetermination of compensation by the order of this Commission shall take into consideration and give credit to the compensation already paid and only the balance should be directed to be paid.

**16.** Accordingly the matters are remitted back to the Collector, Krishna District for reconsideration of the subject matter of his proceedings in (i) H2/1410/2013 dated 20-06-2013, (ii) Rc.H2/72/2012 dated 21-05-2014, (iii) Rc.H2/278/2014 dated 10-06-2014 & (iv) Rc.No.H7/1767/2015 dated 05-08-2015 and redetermination of reasonable and full compensation to which each of the petitioners is entitled to by reason of the works of the licensees in question, on merits, in accordance with law in general and the Andhra Pradesh Works of Licensees Rules, 2007 in particular.

**17.** The Original Petitions are ordered accordingly. No costs.

This common order is corrected and signed on this the **17<sup>th</sup> day of March, 2018**.

**Sd/-**  
**P. Rama Mohan**  
Member

**Sd/-**  
**Dr. P. Raghu**  
Member

**Sd/-**  
**Justice G. Bhavani Prasad**  
Chairman