

Before
UTTARAKHAND ELECTRICITY REGULATORY COMMISSION
Misc. Appl. No. 71 of 2025

In the Matter of:

Misc. Application filed by Shri Vikram Singh Chikara, Kuanwala, Near Soap Factory/Generator Factory, Dehradun pertaining to Shifting of Electric Line.

And

In the Matter of:

Shri Vikram Singh Chikara,
Kuanwala, Near Soap Factory/Generator Factory,
Dehradun

...Petitioner

&

In the Matter of:

- (1) Managing Director,
Uttarakhand Power Corporation Ltd. (UPCL),
VCV Gabar Singh Urja Bhawan, Kanwali Road, Dehradun
- (2) Executive Engineer,
Uttarakhand Power Corporation Ltd. (UPCL),
Electricity Distribution Division-Raipur, 359/2, Dharampur, Dehradun
- (3) Sub Divisional Officer,
Uttarakhand Power Corporation Ltd. (UPCL),
Electricity Distribution Sub-Division-Balawala,
Dehradun

...Respondents

Coram

Shri M. L. Prasad
Shri Anurag Sharma

Shri Prabhat Kishor Dimri

Chairman
Member (Law)
Member (Technical)

Date of Order: November 24, 2025

ORDER

This Order relates to the Petition filed by Shri Vikram Singh Chikara, Kuanwala, Near Soap Factory/Generator Factory, Dehradun (hereinafter referred to as "the Petitioner") vide his application dated 07.07.2025, seeking removal of an electric line passing over his house and has claimed compensation for the period

from 2001 to 2024 from Uttarakhand Power Corporation Ltd. (hereinafter referred to as “UPCL” or “the licensee”).

Background & Submissions

2. The Petitioner, Shri Vikram Singh Chikara, resident of Kuanwala, near Soap Factory/Generator, Dehradun, has filed the present Petition before the Commission raising grievances against the overhead electricity line passing over his residential premises and alleging that the said line was installed without his consent.
3. The Petitioner has submitted that the land in question was purchased by him on 10.05.2000 from its erstwhile owner Smt. Vijay Pathania, wife of Brigadier Shri R.S. Pathania, resident of Village Kuanwala, Dehradun. The sale deed was duly registered on 10.05.2000.
4. The Petitioner has further stated that upon purchase of the said land, he constructed a temporary room in the year 2000, followed by the construction of a full residential house in the year 2018. Electricity and water connections were installed in the premises on 20.05.2023.
5. The Petitioner claims that at the time of purchase of the land, no electricity line existed over the said plot, and that the overhead line presently passing above his premises has been illegally drawn for the purpose of the Tube Well of Shri Ashok Kumar, located near to his house.
6. The Petitioner has alleged that the said overhead line was initially installed in the year 2001, without obtaining his consent, and that despite his request dated 05.07.2002 to the Department to remove or relocate the line, no action was taken.
7. The Petitioner has stated that the height of the overhead line is considerably low, posing a serious threat to the safety of his family and children, and that the proximity of the live line has created constant apprehension of electric hazard.
8. The Petitioner has also placed on record that the office of the Superintending Engineer, Electricity Distribution Circle (Rural), Dehradun had issued a notice dated 29.01.2024, against which he has raised objection and also submitted a

representation before the District Magistrate, Dehradun on 06.08.2024, but no redressal has been granted.

9. Further, the Petitioner has sought the following reliefs before the Commission:

“

क) यह कि विपक्षी को निर्देशित किया जाये कि विपक्षी प्रार्थी/परिवादी के आवास के ऊपर से बिना प्रार्थी की अनुमति के निकाली गई विद्युत लाईन श्री अशोक कुमार के बारातघर के लिये वर्ष 2001 से 2024 तक का मुआवजा दिलाया जाये।

ख) यह कि विपक्षी को आदेशित किया जाये कि विद्युत लाईन अविलम्ब हटाये।

ग) अन्य कोई अनुतोष जो उत्तराखण्ड विद्युत नियामक आयोग उचित समझे।”

10. Accordingly, the Commission vide its Notice dated 27.08.2025 listed the matter for hearing on 02.09.2025 on the issue of admissibility, and directed the Respondents Managing Director, UPCL, Executive Engineer, EDD Raipur, and SDO, EDSD Balawala to file their replies under affidavit by 01.09.2025.

11. In compliance, the Respondent No. 1 (Managing Director, UPCL) filed its submission vide letter No. 7327/UPCL/RM dated 30.08.2025, raising preliminary objections to the maintainability of the Petition which are provided in the following paras:

- (1) The Respondent submits that the present Petition is not maintainable either in law or on facts. The exclusive jurisdiction over matters relating to removal or alteration of overhead electricity lines, or compensation for the same, lies with the District Magistrate/Commissioner of Police under Rule 3 of the Works of Licensees Rules, 2006. Section 53 of the Electricity Act, 2003, does not confer any individual right or adjudicatory power upon the Commission, as it merely empowers the State Government to frame safety measures in consultation with the Central Electricity Authority.
- (2) It is emphasized that under Rule 3, only the District Magistrate or Commissioner of Police can decide issues concerning removal, alteration, or compensation related to overhead lines. Consequently, the present Petition falls outside the Commission's jurisdiction.

- (3) The Respondent states that the Petitioner has wrongly alleged illegal installation of the overhead line, whereas the line existed much before his construction. The Petitioner built a shop beneath a pre-existing line despite prior warnings. Hence, no negligence or “sufficient cause” for removal has been shown. The Petitioner’s conduct disqualifies him from any equitable relief, and his compensation claim is untenable.
- (4) A combined reading of Section 67(3) of the Act and Rule 3 shows that the law distinguishes between works before and after installation, and the Petitioner’s case does not fit either situation. A landowner who constructs beneath pre-existing works cannot claim their removal or seek compensation for resulting inconvenience.
- (5) The Respondent further submits that Section 53 only enables the Government to make safety rules and provides no enforceable right to individuals, making its invocation misconceived. The Petitioner’s allegation that the line passes through his premises is false since the construction came after the line’s lawful installation.
- (6) The Respondent reiterates that the line is properly maintained, and no negligence or safety lapse has been shown. Therefore, the Petition is liable to be dismissed as (i) jurisdiction lies with the District Magistrate/Commissioner of Police, (ii) Section 53 provides no remedy before the Commission, and (iii) the claim is a misconceived attempt to obtain compensation under the guise of public safety.

Accordingly, the Petition deserves dismissal at the admission stage itself.

12. Further, Respondent No. 2, Executive Engineer, EDD-Raipur vide its letter No. 4954/EDD(Raipur)/DDN dated 30.08.2025 and Respondent No. 3 Sub Divisional Officer, EDSD-Balawala has reiterated the submission made by Respondent No. 1 as elaborated above.
13. On the scheduled date of hearing dated 02.09.2025, the Commission heard the Petitioner and Respondents in the matter of admissibility and reserved its Order in the matter.

14. Furthermore, in continuation of its earlier submission vide letter No. 7327 dated 30.08.2025 UPCL submitted following additional supplementary submission vide letter No. 7385/UPCL/RM dated 03.09.2025:

“

1. *That, the aforesaid matter was listed on 02.09.25 for admission, and this Hon'ble Commission was pleased to advance issue notice to the respondents for filing its representation opposing admission of the present petition. During the course of hearing, the respondent has duly submitted its written preliminary objections along with a compilation of relevant case law and supporting documents.*
2. *That, the present additional submissions are being filed in order to assist this Hon'ble Commission and to clarify certain legal and factual aspects which arose during the course of hearing on the respondent's preliminary objections. These submissions are intended to address the specific queries raised by this Hon'ble Commission, as well as to place on record the statutory framework and judicial precedents that govern the present dispute. The same are filed without prejudice to the respondent's primary objection regarding the non-maintainability of the petition.*
3. *That, Section 67(2) of the Electricity Act, 2003 ("2003 Act") empowers the appropriate Government to frame rules regarding, inter alia, the determination of compensation or rent payable under Section 67(2) (e) of the 2003 Act, and the procedure for alteration of the position of pipes, electric lines, electrical plants, etc. under Section 67(2)(i) of the 2003 Act. It is humbly submitted that Section 67(2) of the 2003 Act, specifically enumerates the contingencies in which such rules may be framed by the appropriate Government.*
4. *That, it is further necessary to highlight that prior to the enactment of the 2003 Act, the Electricity Act, 1910 ("1910 Act") was in force. The second proviso to Section 12(2) of the 1910 Act expressly provided as follows:*

Provided also, that, if at any time the owner or occupier of any building or land on which any such support, stay or strut has been fixed shows sufficient cause, the District Magistrate or, in a Presidency-town the Commissioner of Police may by order in writing direct any such support, stay or strut to be removed or altered.

5. *That, Section 12(3) of the 1910 Act vested powers in the District Magistrate and Commissioner of Police to determine compensation and rent in respect of works carried out by the licensee. In the absence of such provisions in the 2003 Act, the Central Government framed the Works of Licensees Rules, 2006 ("2006 Rules") under Section 176(2)(e) read with Section 67(2) of the 2003 Act. Rule 3 of the 2006 Rules continues the same scheme, by conferring similar powers upon the District Magistrate and Commissioner of Police, as were earlier contemplated under Section 12(2) of the 1910 Act.*
6. *That, it is further pertinent to note that under Section 17(1) of the Indian Telegraph Act, 1885 ("1885 Act"), enables a landowner or occupier seeking alteration or removal of telegraph/electric lines to approach the Telegraph Authority. In case of non-compliance by the Telegraph Authority, Section 17(2) of the 1885 Act permits the aggrieved party to apply before the District Magistrate within whose jurisdiction the property is situated.*
7. *That, it is further submitted that even in respect of disputes arising prior to the promulgation of the 2006 Rules, the statutory scheme under the earlier enactments followed the same principle, namely that jurisdiction for adjudication of disputes relating to alteration, removal, or compensation for overhead lines vested with the District Magistrate/Commissioner of Police. Under the 1910 Act, Section 12(2) and Section 12(3) expressly empowered these authorities to determine such issues, and similarly, under the 1885 Act, Sections 17(1) and 17(2) conferred parallel authority in the same manner. The 2006 Rules framed under Section 176(2) (c) read with Section 67(2) of the 2003 Act merely carry forward and codify the same legislative intent. Therefore, even matters arising prior to 2006 are to be dealt with in a similar manner, with the District Magistrate/Commissioner of Police being the competent authority, and not this Hon'ble Commission.*
8. *That, in the State of Uttarakhand, the 2006 Rules have not been separately framed by the State Government. In such absence, the 2006 Rules framed by the Central Government continue to hold the field, and have been duly recognised by the Hon'ble High Court of Uttarakhand in Sumit Kumar v. State of Uttarakhand, 2024 SCC Online Utt 911; Om Packaging Industries v. Union of India, 2025 SCC OnLine Utt*

1980; and *Suresh Kumar Mittal v. Uttarakhand Power Corporation Ltd.*, 2014 SCC OnLine Utt 203.

9. *That, a similar view has also been consistently taken by the Learned Ombudsman in various cases, where the applicability of the 2006 Rules was acknowledged. Reference may be made to Shri Harsh Lal v. Executive Engineer, Order dated 31.01.2023, Diger Singh Bist v. Executive Engineer, Order dated 30.06.2022; and Hemant Sharma v. Executive Engineer, Order dated 30.06.2022.*
10. *That, it is respectfully submitted that even though the State of Uttarakhand has not framed separate Works of Licensees Rules under Section 67(2) of the 2003 Act, 2006 Rules, framed by the Central Government remain fully applicable within the State. This position is fortified by settled judicial precedents of the Hon'ble Uttarakhand High Court, which have categorically recognised the applicability of the Central Rules in the absence of corresponding State rules. Therefore, the petitioner cannot contend that there exists any legal vacuum, as the 2006 Rules duly govern the field and confer jurisdiction exclusively upon the District Magistrate/Commissioner of Police for adjudicating issues relating to removal, alteration, or compensation concerning overhead lines.*
11. *That, the legal position is well settled that under the 1910 Act, jurisdiction for issues relating to alteration of lines or compensation vested in the District Magistrate/Commissioner of Police; under the 1885 Act, the initial recourse was to the Telegraph Authority, with subsequent jurisdiction of the District Magistrate; and under the 2003 Act, through the 2006 Rules, the same powers stand expressly conferred upon the District Magistrate/Commissioner of Police. Accordingly, the present petition filed before this Hon'ble Commission is misconceived and non-maintainable.*
12. *That the overhead 11 kV line had been constructed many years prior to the petitioner's purchase of the said land, and that the said line was laid strictly in accordance with the prevailing safety rules and regulations in force at that time.*
13. *That, furthermore, the petitioner has neither shown "sufficient cause" under Rule 3 nor established any negligence on the part of respondent, particularly when the overhead line pre-existed and warnings were issued against construction beneath it.*

Thus, both on jurisdictional and factual grounds, the statutory matrix squarely supports respondent, and the petition is liable to be dismissed at the threshold."

Commission's Observations, Views & Directions: -

15. The Commission examined the Petition, the relief sought, the written replies and additional submissions filed by the Respondents, and carefully considered the oral arguments advanced during the hearing on 02.09.2025. The issue raised by the Petitioner essentially pertains to **(a)** the alleged unauthorized passage of an overhead electricity line above his residential premises with potential of electric hazard, and **(b)** his claim for compensation for the period from 2001 to 2024 on account of such alleged infringement.
16. The Commission notes that the Petitioner has invoked Section 53 of the Electricity Act, 2003 ("the Act") and has sought directions for removal of the existing overhead electricity line and payment of compensation. However, before examining the merits of the claim, it is necessary to consider whether the matter as presented is within the jurisdictional competence of this Commission. The basic relief claimed by the Petitioner is for shifting of line and the relief of compensation is ancillary to the same, the Respondent have stated in its submission dated 03.09.2025 "*... that the overhead 11 kV line had been constructed many years prior to the Petitioner's purchase of the said land, and that the said line was laid strictly in accordance with the prevailing safety rules and regulations in force at that time.*" Whereas, the Petitioner in its Petition has submitted that the said line was constructed over his land after the purchase of the land in year 2001 for the purpose of electricity connection of Sh. Ashok Kumar, the issue, whether the construction was done under the existing overhead line as stated by the Respondent or whether the line was erected over the existing infrastructure as stated by the Petitioner, is a very relevant question, but presently at this juncture what is to be seen is whether this Commission can entertain a Petition of an individual consumer for shifting of line, if the consumer to this is in affirmative, then the said issue would arise for deliberation and discussions.

Further, as the Petitioner has filed the present Petition under Section 53 of the Electricity Act, 2003, therefore, the Commission has gone through the provisions of the aforesaid Section and notes that Section 53 of the Act, relied upon by the

Petitioner, does not create any enforceable right in favour of an individual nor confer any adjudicatory jurisdiction on this Commission. The said section reads as:

"Section 53. (Provisions relating to safety and electricity supply): The Authority may in consultation with the State Government, specify suitable measures for –

- (a) protecting the public (including the persons engaged in the generation, transmission or distribution or trading) from dangers arising from the generation, transmission or distribution or trading of electricity, or use of electricity supplied or installation, maintenance or use of any electric line or electrical plant;*
- (b) eliminating or reducing the risks of personal injury to any person, or damage to property of any person or interference with use of such property ;*
- (c) prohibiting the supply or transmission of electricity except by means of a system which conforms to the specification as may be specified;*
- (d) giving notice in the specified form to the Appropriate Commission and the Electrical Inspector, of accidents and failures of supplies or transmissions of electricity;*
- (e) keeping by a generating company or licensee the maps, plans and sections relating to supply or transmission of electricity;*
- (f) inspection of maps, plans and sections by any person authorised by it or by Electrical Inspector or by any person on payment of specified fee;*
- (g) specifying action to be taken in relation to any electric line or electrical plant, or any electrical appliance under the control of a consumer for the purpose of eliminating or reducing the risk of personal injury or damage to property or interference with its use."*

The above provision merely empowers the State Government, in consultation with the Central Electricity Authority (CEA), to frame safety measures relating to the supply and use of electricity. During the hearing, the Petitioner was asked to confirm, as to how the Petition is maintainable before the Commission. The Petitioner not only failed to make any legal or satisfactory submission before the Commission but also failed to clarify as to how invocation of Section 53 of the Act is applicable in the instant matter. In fact, the Commission has observed that the

invocation of Section 53 in the instant matter before the Commission is misconceived and untenable in law.

17. Further, in order to see whether the Commission has jurisdiction to take-up complaints/petitions of individual consumers, it is relevant to refer to the provision of Section 86 (1)(f) of the Electricity Act, 2003 which provides as under:

“ ...

(f) *adjudicate upon the disputes between the licensees, and generating companies and to refer any dispute for arbitration;*”

From the above, it is clear that the Commission takes-up adjudicatory role with respect to disputes pertaining to the licensees and generating companies only and not the individual consumer complaints.

18. In light of the discussion in the provision of law discussed above, since the Petitioner has failed to establish that the present Petition is maintainable before the Commission, the Commission finds this Petition as not maintainable and is therefore accordingly dismissed.

Ordered accordingly.

(Prabhat Kishor Dimri)
Member (Technical)

(Anurag Sharma)
Member (Law)

(M.L. Prasad)
Chairman