



सूचना
का अधिकार



पावर ग्रिड कोर्पोरेशन ऑफ इंडिया लिमिटेड
Power Grid Corporation of India Limited
सूचना का अधिकार अभिनियम 2005 के अंतर्गत केन्द्रीय लोक सूचना अधिकारी
Central Public Information Officer under the RTI Act, 2005
केन्द्रीय कार्यालय, 'सौदामिनी', प्लॉट नं.2, सैक्टर-29, गुडगांव, हरियाणा-122007
Corporate Centre, 'Saudamini', Plot No. 2, Sector-29, Gurgaon, Haryana-122007

CP/RTI/2017/438

Date: 23rd December, 2017

Shri Basavaraj Kumati,
Banawadi Village,
Solur Hobli,
Magadi Taluk, Ramanagar,
Distt. – Karnataka – 562 121

Sub: Information under Right to Information Act, 2005.

Sir,

This has reference to your RTI request forwarded by MOP through online RTI portal on 14th December, 2017 for providing information under RTI Act, 2005.

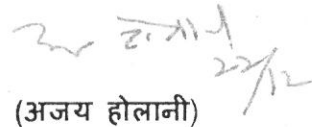
The desired information is attached at **Annexure-I**.

First Appeal, if any, against the reply of CPIO may be made to the first appellate Authority within 30 days of the receipt of the reply of CPIO. Details of Appellate Authority at Corporate Centre, Gurgaon, under RTI Act, 2005 is as below:

Shri Sanjeev Singh,
Executive Director (CMG) & Appellate Authority
Corporate Centre, Power Grid Corporation of India Limited
"Saudamini", Plot No. 2, Sector-29, Gurgaon – 122007, Haryana.
Email ID: sanjeev@powergridindia.com
Phone No. 0124-2571962

Thanking you,

भवदीय,


(अजय होलानी)

अपर महाप्रबंधक (के.आ.) एवं के.लो.सू.अधिकारी
Email ID: cpio.cc@powergrid.co.in

Point wise reply to RTI Query of Sh Basavaraj Kamati is as given below:

1. What are the guidelines to be followed by transmission laying company with regard to compensation to crops or structures coming under Right of Way and tower base?

➤ Power Grid Corporation of India Limited (POWERGRID) is a Government of India enterprise engaged in the business of bulk power transmission and associated activities. It is a designated "Central Transmission Utility" (CTU) under section 38 of the Electricity Act, 2003. Being a CTU, it is also a "Deemed Transmission Licensee" under section 14 of the said Act. The provisions stipulated in section 67-68 of the said act read with section 10 & 16 of the "Indian Telegraph Act, 1885" governs the compensation as POWERGRID has been vested with the powers of Telegraph Authority vide MoP's Gazette Notification dated 24.12.03 under section 164 of the Electricity Act, 2003.

As regard compensation for structure, compensation is payable in case the structure needs to be removed to maintain electrical clearance as per CEA safety regulation notified by Central Electricity Authority vide Gazette Notification dated 20.09.2010.

2. What is the Width of Right of Way considered for compensation purpose for 400 kV power transmission line?

➤ As per CEA Guidelines, the maximum width of Right of Way for 400 kV Transmission line is 46 Meters.

However, the Telegraph Act provides for compensation for all damages incurred during construction activity and not for complete width of Right of Way.

3. Are the crop or structures coming under Right of Way eligible for compensation or not?

➤ Section 10 (d) of Indian Telegraph Act, 1885 provides for full compensation only for the damages after due assessment by revenue authorities. As already mentioned in reply 2, Compensation is paid for damages incurred towards crop/trees/structure affected/ damaged and not for complete width of Right of Way.

4. Who will prepare the estimation of compensation amount to crops or structures belonging to farmers land coming under Right of Way? Is it concerned Government Departments or tendered company?

➤ After the detailed survey and finalization of route alignment and tower spotting a notice is issued to land owner detailing likely damage of existing crops/ trees with a copy to the Revenue Officer/ Designated State Govt Officer. Based on the assessment of actual damages, the compensation is assessed and finalized by concerned revenue officials and same is paid mostly online or through Demand Draft/Cheques. The same process is applied again during erection and stringing, if damages are caused during these activities.

For assessing the value of timber yielding trees, help of forest officials is taken and for fruit bearing trees, help of Horticulture department is taken. For Structure Compensation, local PWD officials are also consulted.

5. If a government department prepares compensation estimate for crops or structures belonging to farmers land coming under Right of Way, is it mandatory for the transmission laying company to accept the report or not?
 - All Compensation towards damages is assessed by local Revenue Authorities. Hence, chances of not accepting of compensation by executing agency are quite remote. However in case of unreasonable demand/ assessment, option for requesting review by DM is always available for both the parties and is built in the process of tree/ crop compensation.
6. If transmission laying company doesn't pay compensation according to estimation report given by concerned government department in the state, what legal actions can be initiated against it?
 - Since, POWERGRID has been vested with the powers of Telegraph Authority vide MoP's Gazette Notification dated 24.12.03 under section 164 of the Electricity Act, 2003. As regard insufficiency or unreasonability of compensation, the Indian Telegraph Act under section 16(3) provides either of the disputing parties may approach the District Judge within whose jurisdiction the property is situated whose order will be final and binding.
7. What are the guidelines to be followed for giving compensation to crops or structures by the projects implementing under Built, Operate, Own, Manage concept?
 - Same as explained above if powers of Telegraph Act are vested to licensee under Section 164 of Electricity Act 2003. However, if such powers are not vested with the licensee, the provisions of "**Works of Licensee Rules, 2006**" notified by MoP on 18th April 2006 are to be followed.
8. If the tendered company under BOOM concept, found not following guidelines for giving compensation to farmers, what action can be initiated against them?
 - Concerned DM may be approached for the resolution subsequently higher authority/ Regulatory Commission may be informed.
9. What is the compensation procedure to land falling under right of way and tower base of transmission line?
 - The applicable provisions of Telegraph Act provide compensation towards all damages while placing the tower and line. However, considering the effect on land value due to laying of transmission line and restriction imposed to maintain safe

electrical clearance, Ministry of Power, after detailed deliberations with States, issued guidelines for payment of compensation towards damages in regard to Right of Way for transmission lines which provides payment of 85% of land value for tower base area and 15% of land value towards diminution of land value in the width of Right of Way (RoW) corridor in addition to normal tree and crop compensation on 15th Oct.'2015. As per point No. 4 of the said guidelines, the guidelines are to be adopted by the respective States/ UTs and appropriate direction/ order have to be issued for its implementation. As per the information available till date, only 10 states viz. Andhra Pradesh, Gujarat, Chhattisgarh, Kerala, Karnataka, Madhya Pradesh, Maharashtra, Assam, Odisha and Tamil Nadu have adopted MoP guidelines.