



पावरग्रिड
POWERGRID

पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड

(भारत सरकार का उद्यम)

POWER GRID CORPORATION OF INDIA LIMITED

(A Government of India Enterprise)

Registered Post with Acknowledgement Due

Ref: SR-II: RTI: F-1057-II:20-21/Appeal /2446

Date: 25th August, 2020

To

Shri Shaju M Mathew,
C1 POWERGRID Township,
Pappakudi South,
Meensuritti Post,
Ariyalur 612 903 (TN)

Sir,

Sub: Your RTI Appeal – reg.

This has reference to your Appeal dated 20/07/2020 under RTI Act, 2005 (received at this office on 27/07/2020) against the reply dated 24/06/2020 given by the CPIO/POWERGRID Southern Region-II. Your appeal vis-à-vis reply by the CPIO/POWERGRID Southern Region-II have been considered carefully. It is found that the CPIO has furnished information as per the records available and also provided the same within the time frame stipulated under RTI Act, 2005.

The appeal for issuing the documents in respect of Sl.No.2&4 in your application dated 21/05/2020 are internal approvals. The documents which contains 36 pages are enclosed herewith.

Thanking you,

Yours faithfully,

(S.RAVI)

Executive Director (SRTS-II)

Appellate Authority

e-mail : sr2edo@powergrid.co.in

Tel.No.: 080-23093701

Encl.: As above



POWER GRID CORPORATION OF INDIA LIMITED
ERODE TLC



Ref. No.: SR-II/ERODE/TLC/EMC/F-112/2017

Date: 04.10.2017

Sub.: Construction of 765 kV D/C Tuticorin PS – Dharmapuri PS TL (Part-II) – Proposal for Final Time Extension and finalization of LD - reg.

1.0 EMC Ltd, Kolkatta has been awarded a Contract for Construction of 765kV D/C Tuticorin PS – Dharmapuri PS TL (Part-II) vide

- CC-CS/99-SR2/TW-936/3/G4/NOA-I/3941 dated 22.10.2011- Supply
- CC-CS/99-SR2/TW-936/3/G4/NOA-II/3942 dated 22.10.2011- Erection

2.0 The final amendment to the LOA has been issued for supply and Service portions vide SR-2/C&M/RHQ/1110/99-SR2/TW-936/F. Amend/944, dt. 31.07.2017.

3.0 Important details in respect of execution of this package has been given below:

- Date of Award : 22.10.2011
- Scheduled date of commencement of works : 22.10.2011
- Actual date of Commencement of site works : 28.12.2011
- Scheduled Date of completion : 22.04.2014
- Last ROW Loc.101/0, Reliance Petrol Bunk Cleared Date : 06.07.2016
- Actual date of completion and line commissioning : **11.11.2016**
- Date of commercial operation as per DOCO : 13.11.2016
- Date of completion of foundation rectifications : 26.07.2017
- TOC issued with the effective from : 26.07.2017
- Completion date considered for LD calculation Purposes : **11.11.2016**
- Final Time Extension proposed up to : 30.11.2017
- LoA Value of contract : Rs.399,01,17,991/=
- Final amendment value of the contract : Rs.469,19,05,340/=

4.0 As per L2 issued to the subject LOA, M/s EMC Ltd have to complete the entire scope of the works by April 2014 itself. The works on the subject TL has been seriously affected, due to ROW issues and also discrepancies observed in the foundations casted. The quantum of works completed by EMC as on 22.04.2014 is tabulated below :

As on 22.04.2014

Sl No	Description	Unit	Actual	Balance Line Qty
01	Foundations	Nos	512	26
02	Tower erection	Nos	119	419
03	Stringing	Kms	0	199.053



5.0 EMC Ltd, vide their letter dated 29.08.17 (**Flag-A**), enclosed, requested for Final Time Extension up to 30.11.2017 without imposing any LD and submitted the following reasons for POWERGRID considerations;

5.1 Delay on account of RoW issues

- Major delay in completion of foundations is due to persistent problems of RoW and delay in approval of railway crossing. The locations in which major RoW clearance was delayed are 101/0, 84/0, AM6/1, AMK7/0, S4/0.
- The RoW at location no.101/0 was cleared on 29.06.2016, RoW in section AMK 9/0-AMK 10/0 was cleared by POWERGRID on 11.07.16 and RoW at location 85/0 was cleared on 10.08.15.
- Apart from the above, approval of unequal chimney extension at 16 locations was delayed which effected the completion of foundation.
- As explained above, completion of foundation was delayed upto July'16 because of the reasons beyond control of M/s EMC. M/s EMC had to mobilise gangs again and again as and when foundation locations were cleared by POWERGRID.
- For 765kV charging portion of the line RoW at location S1/0, RoW resolved only on 23.02.16 and foundation works completed on 25.03.16.
- Due to delay in completion of foundation at location no: 101/0 due to RoW issues, erection works in the location has been completed on 22.09.16.
- Locations in which major RoW encountered during erection works in addition to foundation works are AMK9/0, AMK8/0, AM6/1, AM7/0, AMK10/0, 80/0, AMK8/0.
- Erection works in 765kV portion of the line were completed on 20.03.17, the erection works delayed due to non supply of towers as the approval of proto waiver for auxiliary cross arm given on 06.01.17.
- M/s EMC informed that, they have mobilized large no. of tower erection gangs (max. of 22 gangs) to expedite progress of work as and when the work front was made available to us due to various reasons as explained above. Further, informed that, such huge mobilization is much more than the required mobilization to complete the works as per L2 schedule.
- M/s EMC informed that, in addition to RoW in foundation and erection works, stringing works also affected due to RoW issues. Major RoW issues due to which stringing works affected in the line are, AMK9/0-AMK10/0, 100/0-101/0, 101/0-102/0. The tree cutting at the section AMK9/0-AMK10/0 not done by POWERGRID due to RoW issues caused by dispute in ownership of trees. After resolution of issues stringing could complete by 31st Oct'16.



- M/s EMC informed that, they have mobilized huge no. of gangs 18 foundation rectification gangs, max. of 22 nos erection gangs, 10 nos TSE and 9 nos manual stringing gangs to complete the project at shortest possible time.

5.2 Delay on account of other issues:

- Work activities severely affected due to non mobilization of man power during the Chennai flood. As maximum trains were cancelled due to floods. Therefore total site progress during this period affected adversely.
- Delay on account of issuance of amendment-III to the contract which was issued on 10.07.14.
- Change of tower type even after finalization of quantities. Specifically at loc no: 101/0 DD+6 tower has been changed to DD+9 due to severe RoW issues vide POWERGRID mail dated: 08.07.16.
- Due to Kaveri water issue border areas of Tamilnadu and Karnataka got affected. Due to the same, transportation of hardware fittings from M/s ITL & supply of reinforcement steel by M/s TATA Steel, Bangalore required for rectification works affected. More over mobilization of gangs from Jharkhand & Bihar state suffered due to cancellation of large no. of trains.
- There was no standard procedure for testing available with POWERGRID. Initially for testing of foundations, POWERGRID decided to carry out the test by core cutting and subsequently POWERGRID decided to carry out NDT test instead of core cutting. For deciding the methodology of test to be carried out, considerable delay took place which leads to delay in subsequent activities in the project.
- Total 197 loc. were technically not accepted by POWERGRID based on NDT results, which were rectified in the interest of the project by M/s EMC by mobilizing 18 nos of gangs incurring expense of Rs 35.65 Cr(approx.) without any addl. financial implication to POWERGRID, which resultant in considerable financial liabilities on M/s EMC.

Since reasons for delay in completion of the line beyond M/s EMC's control, it was requested to grant final time extn. in completion schedule without levying liquidated damages upto 30.11.17.



6.0 POWERGRID comments:

6.1 As reported by EMC Ltd, there were many RoW issues in the subject TL, which were cropped up at the very beginning of the project itself. In particular following are the critical ROW issues, which has substantially delayed the completion of the subject project, irrespective of the observations and discrepancy in the foundations casted.

Sl No	Loc. No / Section	Work affected	Start Period	End Period	Delay in days	Net. Hindrance
01	85/0 IOC petrol Bunk Shri Krishnamoorthy	Foundation, Erection and stringing	02.06.12	10.08.15	1164	475
02	101/0, Reliance Petrol Bunk		29.05.12	28.06.16	1491	323
03	AMK9/0 – AMK10/0	Stringing	11.07.13	11.07.16	402	13
04	Time period proposed to be given for completion of works at 101/0 upon resolution of RoW issues after 29.06.16					60
Sub Total						871
Net. Hindrance after adjusting the overlapping period attributable to POWERGRID on account of RoW						871
Total delay in the project						934
Delay attributable to agency						63 days

Time period of 60 days has been considered for completion of foundation, erection and stringing works upon resolution of RoW issues at 101/0 and 20 days has been considered for completion of stringing works upon resolution of RoW issues in section AMK 9/0- AMK 10/0.

It may be noted that, works in the 765kV portion of the line which are not essential for commissioning of the line at 400kV level have been completed subsequently. Since, this portion of the line is only required for commissioning of the line at 765kV level and also the line is under commercial operation since 13.11.16, the delay in completion of this minor portion of works has not been considered for calculation of liquidated damages.

Since, Part-I of the subject transmission line was held up due to RoW issues and was only ready for commissioning on 11.11.16, even though this part of the line was ready, the subject transmission line would not have been commissioned.



6.2 During Jan'2014, Regional Vigilance Department carried out the inspection and reported discrepancies in casted foundations. Sub-sequent to this, EMC Ltd was informed to disengage AAR foundations, vide our letter dt.31.01.2014 (**Flag-B**). Regional level committees were formed and foundations casted were examined through core extraction, Rebound Hammer test etc.

The works on the subject TL has been seriously affected for about TWO years since Jan'2014 subsequent to the observations regarding discrepancy in foundations casted. In accordance with the meeting held at CC, Gurgaon regarding execution of 765 kV D/C Tuticorin-Salem (Dharmapuri) TL on 10.05.2015 (**Flag-C**), competent authority had approved the methodology for testing the foundations casted by AAR foundations in Part-1 & 2 of the subject TL and constituted a high level committee to recommend the methodology of recovery as well as terms and conditions including extended warranty etc.

The high level committee vide note dt 19.11.15 & 01.12.15 (**Flag-D**) had determined the methodology for recovery on commercial implications on M/s EMC for the foundations, which are technically acceptable/not acceptable, based on the actual Concrete strength & Dimensions and brought out the following broader guidelines to determine the suitability of all foundations casted by AAR foundations in Part-1 & 2 of the subject TL and also recommended the following in respect of rectification of foundations

- i. EMC to take up rectification of foundations as per the POWERGRID approved drawings without any additional financial implication to POWERGRID.
- ii. Consultancy charges being paid to consultant, charges incurred for excavating the casted foundations and JMC/core cutting/NDT activities and incidental expenditure (crop compensation etc.) directly attributable to the foundation rectification works to be recovered from M/s EMC.
- iii. Extended warranty to be submitted by M/s EMC from the date of commissioning/taking over.

6.3 Since NDT testing of foundations, design of rectification foundation and approval of drawings is time consuming process, to avoid further delay in completion of the line, in principle approval for continuation of stringing works pending completion of rectification in suspension tower foundations has been obtained vide note dt. 11.04.16 (**Flag-E**) based on undertaking from M/s EMC.



6.4 The abstract of technically acceptable and non-acceptable foundations as analyzed and reported by CC-Engg, TL are placed at Annexure-I (**Flag-F**). EMC Ltd rectified all the reported technically not acceptable foundations of 197 nos without any additional financial implications to POWERGRID and as per Revised SFQP(Rev-5). The abstract of Foundation Rectification JMC's for 197 locations is placed at Annexure-II (**Flag-G**).

6.5 Vide recovery proposal dt.23.05.17, an amount of Rs.7.03 Crores has been proposed for recoveries towards technically acceptable locations, which is under approval.

6.6 Agencies' claim of delay on account of delay in issuance of interim amendment – III is not tenable as the tower supplies have not completed even as per the LoA quantity as on date of scheduled completion. Further, railway crossing approvals has been conveyed well before scheduled completion.

7.0 It may also be noted that, though there were issues during construction of the subject transmission line regarding quality of casted foundations as some of the foundations were not meeting the tech specification, agency has carried out the rectification of the same without addl. financial implication to POWERGRID as per the approved drawings and also the same was not affected the commissioning of the line after resolution of RoW issues. Further, M/s EMC had mobilized substantial resources like 18 no of foundation rectification gangs, 10TSE & 9 manual gangs and max. of 22 erection gangs during construction of the line to complete the project at shortest possible time.

7.1 Entire delay in execution of the project has been condoned by CERC vide tariff order dated: 19.09.2017.

8.0 Liquidity Damages:

Delays in completion of the line have been analysed, delay of 871 days out of total delay of 934 days is attributable to POWERGRID on account of RoW issues. Hence, net delay attributable to agency is 63 days (9 weeks).

The commissioning of the line has been delayed mainly due to delay in providing RoW and 63 days of delay is attributable to M/s EMC. However, even if the entire works completed by agency, the line would not have charged as the other part of the line was held up due to RoW issues and was ready for commissioning only by 11.11.16.





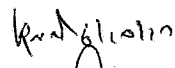
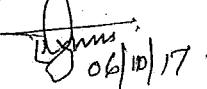
Hence, it is proposed to levy token LD of an amount Rs. 16,18,784/- for the period of 63 days, as per the provisions of WPP. The working sheet is placed at Annexure-III (Flag-H)

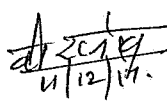
9.0 In view of the above, it is proposed to issue Final Time Extension to the subject LOA upto 30.11.2017 with a levy of token LD of Rs. 16,18,784/- in line with provisions of WPPP C 2.14.4.9.

Regional standing committee on recoveries and LD may examine the proposal and recommend suitably for the approval of the competent authority.

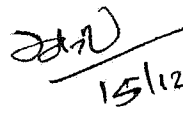
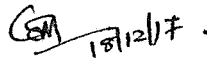
Submitted pl.


09/10/17
[S BALASUBRAMANIAN]
Asst.GM/Erode TLC

~~DGM (Dharmapuri & Erode TLC)~~ 
05/10/17
~~GM/TN Proj/Chennai~~ 
06/10/17
~~AGM/TN Projects/Chennai~~ 
06/10/17

~~DGM/PMS/SR-II~~ the proposal may be put up by the
standing committee. 
11/12/17

~~DGM (CSM)~~
Standing committee may pl
examine

~~Asst GM (CSM)~~ 
15/12/17

15/12/17



189916



REF: SR-II/C&M/1110/765KV TUT-SLM/FTE

date: 20/11/2017

Sub: Committee recommendation for final time extension and finalization of LD for the Tower package for construction of 765 kV D/C Tuticorin - Dharmapuri PS TL (Part-II) associated with LTOA Projects in Tuticorin Part B awarded to M/s EMC Limited, Kolkata - reg.

Undersigned standing committee for finalization of liquidated damages for contracts awarded by CC has reviewed the proposal (*Flag-A*) received from site for final time extension of subject Transmission Line package up to 30.11.2017 with token LD of Rs. 16,18,784/- . Observations and recommendations are given below.

Total executed value as per Final Ament (Revised)	: Rs. 4,69,29,94,341/- ✓
Scheduled completion as per the contract	: 22.04.2014 ✓
Actual date of commissioning	: 11.11.2016 ✓
Total delay	: 934 Days ✓
Delay due to ROW issues	: 871 Days ✓
Delay attributed to the agency	: 63 Days

While proposing the FTE, site has stated that the construction of the line got delayed mainly due to many ROW issues cropped up at the very beginning of the project itself. Though there were issues during construction of the subject line regarding quality of the casted foundations as some of the foundations were not meeting the technical specification and the same were rectified by the agency without any additional financial implication to POWERGRID which had not affected the commissioning of the line after resolution of the ROW issues. It was also stated that M/s. EMC had mobilized substantial resources like 18 nos. of foundation rectification gangs, 10 TSE and nine manual stringing gangs and about 22 erection gangs to complete the project at the shortest possible time.

It is understood that CERC vide tariff order dt: 19.09.2017 has condoned entire delay during the execution of the project due to ROW issues.

Though the agency was allowed a reasonable time of 60 days for completion of foundation, tower erection, stringing and pre commissioning checks after clearing the ROW issues at location 101/0, the agency could not complete the entire stretch and got delayed by another 63 days for making the stretch ready for commissioning.

Hence, site has attributed a delay of 63 days to the agency as the line along with part -I was commissioned on 11.11.2016. However it has been stated that as the part-I was delayed solely due to ROW issues and was made ready only 11.11.2016, the subject Part-II portion of the line could not be charged even if the same was made ready without the delay mentioned above.

Therefore, site has proposed for granting FTE up to 30.11.2017 by levying a token LD of Rs. 16,18,784/- in line with clause C2.14.4.9 of WPPP Volume -II, as there was no

27
27
12

Rs. 1600 27/11/17

M. Miral

G. G. G.

372

Sub: Committee recommendation for final time extension and finalization of LD for Tower package for construction of 765 kV D/C Tuticorin - Dharmapuri PS TL (Part II) associated with LTOA Projects in Tuticorin Part B awarded to M/s EMC Limited - reg

पावरग्रिड

demonstrable loss to POWERGRID due to the said delay for this portion alone. The calculation of token LD has been reviewed and revised to Rs.14,59,287/- (Flag-A).

In view of the above, considering the line completion was delayed due to RoW issues and the delay of 63 days has not caused any demonstrable loss to POWERGRID, committee recommends the site proposal for Final Time Extension till 30.11.17 by levying a revised token LD of Rs.14,59,287/- in line with clause C2.14.4.9 WPPP volume -II against original completion schedule of 22.04.2014 without any additional financial implication to POWERGRID including Price Variation.

K. Kiran
Manager (PMS)

C.S. Jayachandran
Asst. GM(C&M)

Ashwani Kumar
Manager (F&A)

~~DGM:C&M~~

~~DGM: PMS~~

~~GM:TN Projects~~

~~GM: Projects~~

~~DGM:F&A(HOF)~~

~~ED.S.R.-II~~

AS at 'A' above, there is no demonstrable loss to Powergrid, but I feel some extra avoidable expenditure was incurred on account of deputation of extra manpower and deputation of Senior level executives. To look after this issue also a HOD level committee as below is hereby constituted, who will review entire proposal including admin expenditure and put up recommendations -

1. AGM (Engg.)
2. DGM (F&A) HOF
3. DGM (PMS)
4. DGM (C&M)

GM (Proj)
DGM (C&M)

K. Kumar
27/12/17

Concern PPs

Handwritten notes and stamps on the left margin, including a circular stamp from POWERGRID CHENNAI and a date stamp 20/12/17.



189930



Ref: SR-1/C&M/1109/765KV TUT-SLM/FTE

date: 20/12/17

Sub: Committee recommendation for final time extension and finalization of LD for the Tower package for construction of 765 kV D/C Tuticorin - Dharmapuri PS TL (Part-I) associated with LTOA Projects in Tuticorin Part B awarded to M/s EMC Limited, Kolkata - reg.

Undersigned standing committee for finalization of liquidated damages for contracts awarded by CC has reviewed the proposal (*Flag-A*) received from site for final time extension of subject Transmission Line package up to 30.11.2017 without levy of liquidated damages. Observations and recommendations are given below.

Scheduled completion as per the contract: 22.04.2014

Actual date of commissioning: 11.11.2016

Total delay: 934 Days

While proposing the FTE, site has stated that the construction of the line got delayed mainly due to ROW issues from the beginning itself, though there were discrepancy in foundations observed during execution of the project and the same were rectified by the agency without any additional financial implication to POWERGRID.

It is understood that CERC vide tariff order dt: 19.09.2017 has condoned entire delay during the execution of the project due to ROW issues.

It was observed that ROW at location 13/0 was cleared on 25.09.2016, subsequently tower erection and stringing in that section has been completed and line was made ready for commissioning by 10.11.2016 within reasonable period of 47 days including final checking, minor rectifications and pre-commissioning testing.

In view of the above, considering the line completion delayed due to RoW issues and court cases, committee recommends the site proposal for Final Time Extension till 30.11.17 without levy of any LD against original completion schedule of 22.04.2014 without any additional financial implication to POWERGRID including Price Variation.

~~K. Kiran
Manager (PMS)~~

~~C.S. Jayachandran
Asst. GM(C&M)~~

~~Ashwani Kumar
Manager (F&A)~~

~~DGM:C&M~~

~~DGM:PMS~~

~~GM:TN Projects~~

~~GM: Projects~~

~~DGM:F&A(HOF)~~

~~ED.-S.R.-II~~

AS at 'A' above, we agree that delay was due to ROW issues and Court cases. However since

Handwritten notes and stamps on the left margin:
- Vertical stamp: "PGCIL, CHENNAI" with "दि. नं. 604 दि. 28/12" and "1882".
- Vertical text: "P.S. 12/12", "21/12/17", "P.S. 1555 20/12/17".
- Other marks: "A", "20/12/17", "20/12/17", "20/12/17", "27/12/17", "27/12/17".



Contd from Page 1/

:: 2 ::

Sub: Committee recommendation for final time extension and finalization of LD for the Tower package for construction of 765kV DC Tuticorin-Dharmapuri PS TL(Part-I) associated with LTOA Projects in Tuticorin Part B awarded to M/s. EMC Limited, Kolkata - reg.

We have deployed extra manpower for supervision of works from other stations and also ^{frequency} visits of Senior level officer, we should ~~to~~ look after this issue also and review entire proposal and put up recommendations for considerations. Following HOD level committee is hereby nominated.

1. AGM (Engg.)
2. DGM (R&A)
3. DGM (PMS)
4. DGM (CRM)

GM (Engg.)
DGM (CRM)

R. K. Das
27/12/17

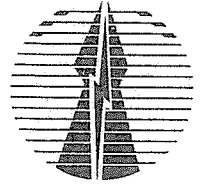
R. Das
27/12/17

continuation page 3.



एक कदम स्वच्छता की ओर

- 3 -



पावरग्रिड

Ref: SR-II/C&M/1110/765KV TUT-SLM/FTE

date: 28.12.2017

Sub: Committee recommendation for final time extension and finalization of LD for the Tower package for construction of 765 kV D/C Tuticorin - Dharmapuri PS TL (Part-II) associated with LTOA Projects in Tuticorin Part B awarded to M/s EMC Limited, Kolkata - reg.

Undersigned HOD committee has reviewed the proposal for finalization of liquidated damages for 765 kV D/C Tuticorin - Dharmapuri PS TL (Part-II).

Comments / Observations on the standing committee recommendation are given below.

1. The said line was commissioned on 11.11.2016 against the scheduled completion of 22.04.2014 with a total delay of 934 Days. Standing committee has stated that there was delay of 871 days attributable to RoW issues and 63 days attributable to agency.
2. The construction of the line got delayed mainly due to ROW issues, Court cases and rectification works carried out in foundations where discrepancy was found. It is also to mention that the rectification has been carried out by the agency without any additional financial implication to POWERGRID.
3. M/s. EMC had mobilized substantial resources like 18 nos. of foundation rectification gangs, 10 TSE and nine manual stringing gangs and about 22 erection gangs to complete the project at the shortest possible time, as mentioned in the proposal without any extra cost to POWERGRID.
4. It is stated that CERC vide tariff order dt: 19.09.2017 has condoned entire delay during the execution of the project due to ROW issues.
5. It is brought out in the standing committee recommendation that though ROW issues at location 101/0 was cleared on 28.06.2016, the agency could not complete the entire stretch and got delayed by 63 days for making the stretch ready for commissioning. It is also stated that part-I was delayed solely due to ROW issues and was made ready only on 11.11.2016. Hence charging of subject portion of the line(Part II) would not have been possible even if the same were made ready without the delay mentioned above.

In addition to this delay of 63 days, further POWERGRID have incurred additional expenditure (unquantifiable) in addressing the issue of defective foundations, deriving methodology for rectification and supervision/JMC during liquidation of defects of foundation, even though the Contractor have carried out all rectifications of defective foundations without any additional financial implication to POWERGRID, it is proposed to levy a token LD to cover incidental expenditure of POWERGRID.

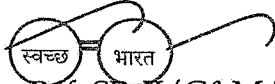
जे.ए.ए.ए.

अ.ए.ए.
28/12.

जे.ए.ए.
28/12/17

अ.ए.ए.
28/12/17

Page 1 | 2

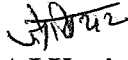


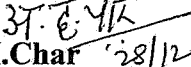
Ref: SR-II/C&M/1110/765KV TUT-SLM/FTE date: 28.12.2017

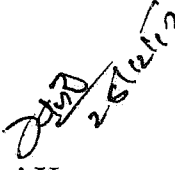


Sub: Committee recommendation for final time extension and finalization of LD for the Tower package for construction of 765 kV D/C Tuticorin - Dharmapuri PS TL (Part-II) associated with LTOA Projects in Tuticorin Part B awarded to M/s EMC Limited, Kolkata - reg

As stated by Standing Committee, though the commissioning of Line got delayed primarily due to ROW issues, the rectification of defective foundations and also some portion of works and supplies in the line were carried out after scheduled completion of Line, before resolving of ROW, it is proposed to levy maximum leviabale token LD which works out to be Rs 2,34,64,972.00 as a special case to cover incidental expenditure which POWERGRID have incurred in deputing additional manpower. ED SRTS II may kindly accord approval vide Clause 9.0 remarks @ 1.a of Sec I of DOP.


AJ Xavier
AGM (Engg)


A.H. Char
DGM (F&A)

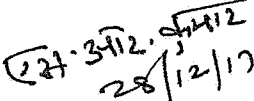

LK Khaj Kumar
DGM (C&M)

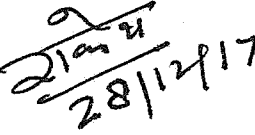

V. Rajesh
DGM (PMS)

GM: Projects:

ED (S.R.-II):

DGM(C&M)


28/12/17


28/12/17

Tower Package P239-TW03 for 765 kV D/C Tuticorin Pooling Station - Salem Pooling Station (Part-I) associated with LTOA projects in Tuticorin Part -B

Total value of the contract as per Final AMD					2,988,102,306.00
Max LD			5%		149,405,115.30
Maximum allowable Token LD					14,940,511.53

Tower Package P239-TW03 for 765 kV D/C Tuticorin Pooling Station - Salem Pooling Station (Part-II) associated with LTOA projects in Tuticorin Part -B

Total value of the contract as per Final AMD					4,692,994,341.00
Max LD			5%		234,649,717.05
Maximum allowable Token LD					23,464,971.71

Annexure

Ref CA No.CC-CS/99-SR2/TW-936/3/G4/CA-I &CA-II /3941 & 3942 dt:18.11.2011		
Tower Package P239-TW03 for 765 kV D/C Tuticorin PS - Salem PS (Part-II) associated with LTOA Projects in Tuticorin Part-B		
Agency : M/s EMC Limited, Kolkata		
<u>Liquidated Damages calculation -</u>		
	Total Final executed On shore value in INR	4,69,29,94,341
	Effective Date of Contract	22/10/11
	Scheduled date of Completion	21/04/14
	Actual date of completion	11/11/16
	Total scheduled completion period (T)	912 Days
	Total delay	934 Days
(i)	A= Total Delay occurred in the contract	934 days
(ii)	B= Cumulative Delay on account of force majeure	
(iii)	C= Delay on account of POWERGRID/Other agencies	871 days
(iv)	X= Concurrent cumulative Delay in (B & C)	0
(v)	Total delay attributable to contractor - Z=A-(B+C-X)	63 days
(vi)	Total delay attributable to the contractor in weeks	9 weeks
II	Loss to POWERGRID as per clause C2.14.4.8 of WPPP Vol II	
	Total demonstrable loss	0
III	Total LD calculated for period Z	Rs. 21,11,84,745
IV	Maximum leviabale LD=5% contract price	Rs. 21,11,84,745
V	CALCUALTION OF TOKEN LD	
(i)	Scheduled completion period =T	912 Days
(ii)	Ratio for T LD(L) =Z/T	0.0691
(iii)	If L>1, then LD=10% of LD amount calculated for period Z	
(iv)	If L<1 the Token LD=L*10% of LD calculated for period Z	
(v)	Since L<1 then token LD=L*10%*Sl. No.IV	Rs. 14,59,287
		Rs. 14,59,287
(vi)	Total liquidated damages for the package = Demonstrable loss + token LD.	Rs. 14,59,287
VI	Total liquidated damage recommended	Rs. 14,59,287

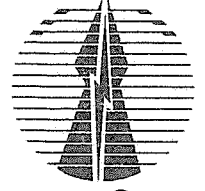
Genl. P.

22/11/2011

EMC



- 3 -



Ref: SR-II/C&M/1109/765KV TUT-SLM/FTE

date: 28.12.2017

पावरग्रिड

Sub: Committee recommendation for final time extension and finalization of LD for the Tower package for construction of 765 kV D/C Tuticorin - Dharmapuri PS TL (Part-I) associated with LTOA Projects in Tuticorin Part B awarded to M/s EMC Limited, Kolkata - reg.

Undersigned HOD committee has reviewed the proposal for finalization of liquidated damages for 765 kV D/C Tuticorin - Dharmapuri PS TL (Part-I).

Comments / Observations on the standing committee recommendation are given below.

1. The actual date of commissioning is 11.11.2016 against the scheduled completion of 22.04.2014. There has been delay of 934 Days attributable to various reasons.
2. The construction of the line got delayed mainly due to ROW issues, Court cases and rectification works carried out in foundations where discrepancy was found. It is also to mention that the rectification has been carried out by the agency without any additional financial implication to POWERGRID.
3. There had been RoW issues at few locations during the execution period and RoW of location 13/0 was cleared only on 25.09.2016. Subsequent to clearance of this location the tower erection and stringing in that section has been completed and line was made ready for commissioning by 10.11.2016 within reasonable period of 47 days including final checking, minor rectifications and pre-commissioning testing.
4. Also, CERC vide tariff order dt: 19.09.2017 has condoned entire delay during the execution of the project due to ROW issues.

Further, POWERGRID have incurred additional expenditure (unquantifiable) in addressing the issue of defective foundations, deriving methodology for rectification and supervision/JMC during liquidation of defects of foundation , even though the Contractor have carried out all rectifications of defective foundations without any additional financial implication to POWERGRID, it is proposed to levy a token LD to cover incidental expenditure of POWERGRID.

जोषी

अ.ए.एम.
28/12/17

अ.ए.एम.
28/12/17

अ.ए.एम.
28/12/17

Page 1 | 2

Ref: SR-II/C&M/1109/765KV/TUT-SLM/FTE date: 28.12.2017



Sub: Committee recommendation for final time extension and finalization of LD for the Tower package for construction of 765 kV D/C Tuticorin - Dharmapuri PS TL (Part-I) associated with LTOA Projects in Tuticorin Part B awarded to M/s EMC Limited, Kolkata - reg.



As stated by Standing Committee, though the commissioning of Line got delayed primarily due to ROW issues, the rectification of defective foundations and also some portion of works and supplies in the line were carried out after scheduled completion of Line, before resolving of ROW, it is proposed to levy maximum leviable token LD which works out to be Rs. 1,49,40,512.00 as a special case to cover, incidental expenditure which POWERGRID have incurred. ED/SRTS II may kindly accord approval vide Clause 9.0 remarks @ 1.a of Sec I of DOP.

28/12/2017
AJ Xavior
AGM (Engg)

28/12/17
A.H.Char
DGM (F&A)

28/12/17
LK Khaj Kumar
DGM (C&M)

28/12/17
V.Rajesh
DGM (PMS)

GM: Projects: *28/12/17*

ED (S.R.-II): *28/12/17*
DGM(C&M)

Tower Package P239-TW03 for 765 kV D/C Tuticorin Pooling Station - Salem Pooling Station (Part-I) associated with LTOA projects in Tuticorin Part -B

Total value of the contract as per Final AMD					2,988,102,306.00	
Max LD				5%	149,405,115.30	
Maximum allowable Token LD					14,940,511.53	

Tower Package P239-TW03 for 765 kV D/C Tuticorin Pooling Station - Salem Pooling Station (Part-II) associated with LTOA projects in Tuticorin Part -B

Total value of the contract as per Final AMD					4,692,994,341.00	
Max LD				5%	234,649,717.05	
Maximum allowable Token LD					23,464,971.71	

ITEM NO.16

COURT NO.12

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C).....

CC No. 6703/2016

(Arising out of impugned final judgment and order dated 01/04/2015
in WA No. 1015/2014 passed by the High Court Of Madras)

T. BHUVANESWARI

Petitioner(s)

VERSUS

THE DISTRICT COLLECTOR-CUM-
DISTRICT MAGISTRATE & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date : 11/07/2016 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. S. Gowthaman, Adv.

For Respondent(s) Mr. S. B. Upadhyay, Sr. Adv.
Mr. Pawan Upadhyay, Adv.
Mr. K. P. Pathak, Adv.
Mr. Saranjeet P. Singh, Adv.
Mr. V. Kalyanaraman, Adv.
Mr. Anindam Dey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

After hearing learned counsel appearing for the
parties, we do not find any reason to interfere with the
impugned order. No doubt, transmission lines which are
erected passed above the land of the petitioner herein.

Signature
Date
Place

However, learned counsel for the respondent has made a
statement at the Bar that these are, on both sides, at the

pillars which are of the height of 97 meters from the ground level.

We also find that the learned Single Judge had passed order for grant of compensation which is to be decided by the District Judge. Before the District Judge, it would be open to the petitioner to establish his case that after the laying of said transmission lines, it is not possible for him to use his land and if that is found to be correct, District Judge will be at liberty to grant due compensation which may be the value/ market price of the land itself. District Judge will complete the inquiry within six months from today.

The special leave petition stands disposed of.

(Nidhi Ahuja)
Court Master

(Tapan Kr. Chakraborty)
Court Master

விருதுநகர் மாவட்ட ஆட்சியர் அவர்களின் செயல்முறை ஆணைகள்
முன்னிலை: திரு.அ.சிவஞானம்,இ.ஆ.ப.,

மூ.மு. எண்: ஆ4/22275/14

நாள்: 20.09.2016.

பொருள்: மின் கோபுரம் - நிலம் - விருதுநகர் மாவட்டம் - சாத்தூர் வட்டம் - சின்னகொல்லப்பட்டி கிராமம் - புல எண் 214/1, முதல் 214/8 வரை மற்றும் 215/1 முதல் 215/3 வரை - 20 ஏக்கர் நிலம் - மத்திய அரசு நிறுவனம் பவர் கிரிட் கார்ப்பரேசன் சார்பில் மின் டவர் அமைக்கப்படுவதை எதிர்த்தும் புல எண் 230 அரசு புறம்போக்கில் மின் டவர் அமைக்க கோரியும் டாக்டர் வெங்கடேஷ் என்பவர் மனு செய்தது - நிறுவனம் பவர் கிரிட் கார்ப்பரேசன் மின் டவர் அமைக்க அனுமதியளித்து ஆணையிடல் - தொடர்பாக.

- பார்வை:
- 1) டாக்டர் வெங்கடேஷ் மனு, நாள் 31.1.2012
 - 2) சென்னை உயர்நீதிமன்ற மதுரை கிளை W.P.(MD) No 7314/2012 & M.P(MD)No 1/2012 ல் 27-3-2014 அன்று வழங்கிய தீர்ப்பு.
 - 3) பவர் கிரிட் கார்ப்பரேசன் நிறுவனத்தின் மதுரை துணை பொது மேலாளர் கடித நாள் 7-5-2014
 - 4) இவ்வலுவலக இதே எண்ணிட்ட நேமுக கடிதம், நாள்: 05.08.2015, 01.10.2015 மற்றும் 10.12.2015
 - 5) சாத்தூர் வட்டாட்சியர் கடித எண் ந.க.ஆ2/10520/2015, நாள்: 17.06.2016.
 - 6) விருதுநகர் மாவட்ட வருவாய் அலுவலர் அவர்களின் புலத்தணிக்கை அறிக்கை நாள்:03.08.2016.

ஆணை:

விருதுநகர் மாவட்டம், சாத்தூர் வட்டம், சின்னகொல்லப்பட்டி கிராமம், புல எண் 214/1 முதல் 214/8 வரை மற்றும் 215/1 முதல் 215/3 வரை உள்ள 20 ஏக்கர் நிலம் தனக்கு சொந்தமானது என்றும், மேற்படி நிலத்தில் பள்ளிக்கூடம் நடத்த உள்ளதாகவும், இந்நிலையில் மேற்படி நிலத்தில் மத்திய அரசு நிறுவனமான பவர் கிரிட் கார்ப்பரேசன் மின்சார டவர் அமைக்க முயற்சி மேற்கொண்டுள்ளனர் என்றும், தனது நிலத்தில் மின்சார டவர் அமைத்தால், பள்ளி மாணவர்களுக்கு ஆபத்தாக இருக்கும் என்றும், தனது நிலத்தில் மின்சார டவர் அமைப்பதற்குப் பதிலாக தனது நிலத்தின் அருகில் உள்ள சர்வே எண் 230 அரசு புறம்போக்கு நிலத்தில் மின்சார டவர் அமைக்கும்படியும் டாக்டர் வெங்கடேஷ் என்பவர் 31.1.2012 நாள்ிட்ட

மனுவை, பவர் கிரிட் கார்ப்பரேசன் நிறுவனத்தின் மதுரை துணை பொது மேலாளர் பார்வை-3-ல் காணும் கடிதத்தின் மூலம் விருதுநகர் மாவட்ட ஆட்சியர் அவர்களுக்கு மனு செய்துள்ளார்.

மேலும் டாக்டர் வெங்கடேஷ் சென்னை உயர்நீதிமன்ற மதுரை கிளையில் W.P.(MD) No 7314/2012 & M.P(MD)No 1/2012 வழக்கு தொடர்ந்துள்ளார். மேற்படி வழக்கில் 27.3.2014 அன்று தீர்ப்பு வழங்கப்பட்டுள்ளது. மேற்படி தீர்ப்பில் மனுதாரரின் 31.1.2012-ம் தேதிய மனுவை, மாவட்ட ஆட்சியர் பரிசீலனை செய்யும்படி தெரிவிக்கப்பட்டுள்ளது.

அதனடிப்படையில் சாத்தூர் வட்டாட்சியரிடமிருந்து பார்வை 5-ன்படி பின்வருமாறு அறிக்கை வரப்பெற்றுள்ளது.

சாத்தூர் வட்டம், சின்னக்கொல்லப்பட்டி கிராமம், பட்டா எண் 248-ன்படி புல எண்கள் 214/1B, 214/2B, 214/3, 214/5B, 214/6B, 214/7, 214/8 மற்றும் பட்டா எண் 669-ன்படி புல எண்கள் 215/1B, 215/2B, 215/3, 215/4 மொத்தம் 8.65.00 ஹெக்டேர் நிலமானது சிவகாசி 29, பி.எஸ்.ஆர்.நகர் ரோடு என்ற முகவரியைச் சேர்ந்த மனுதாரர் திரு.வெங்கடேஷ் என்பவருக்கு சொந்தமானதாகும். மனுதாரர் திரு.வெங்கடேஷ் மேற்படி இடத்தில் ஒரு பள்ளி கட்டப்போவதாகவும் தன்னுடைய இடத்தின் மையப்பகுதியில் புல எண் 214/1B -ல் மின்சார கோபுரம் அமைக்க வேண்டாம் என்றும், அதற்கு மாற்றாக தன்னுடைய இடத்தின் தெற்குப்பகுதியில் புல எண்கள் 214/7, 214/8 மற்றும் 214/6B-ல் மின் கோபுரம் அமைக்க தமக்கு ஆட்சேபனை ஏதுமில்லை என்றும் தெரிவித்துள்ளார்.

பவர் கிரிட் நிறுவனம் சார்பில் தற்போது அமைக்கப்படும் 388 கி.மீ நீளமுள்ள மின்வரிசை கடத்திகள் தூத்துக்குடி மாவட்டம், எட்டையபுரம் முதல் தர்மபுரி மாவட்டம், சோமனஹள்ளி வரை செல்கிறது. தேசிய நெடுஞ்சாலையில் LOC எண் 13 விருந்து 14 செல்லுமிடத்தில் மனுதாரரான திரு.வெங்கடேஷ் என்பவர் ஆட்சேபனை தெரிவிக்கும் இடமான LOC 13-ல் மட்டும் மின் கோபுர இடத்தினை மாற்ற இயலாது என்றும், ஏற்கனவே 462 இடங்களில் அடித்தளம் கட்டப்பட்டுள்ளதாகவும் 444 இடங்களில் உயர்மின்கோபுரம் அமைக்கப்பட்டுவிட்டதாகவும், 89 கி.மீ நீளத்திற்கு கம்பிகள் இழுக்கப்பட்டு பணிகள் முடிக்கப்பட்டுவிட்டதாகவும் தெரிவிக்கின்றனர். மேலும் 1885 இந்தியன் டெலிகிராப் சட்டம் பாகம் III பிரிவு-10 ன்படி பவர்கிரிட் நிறுவனத்திற்கு மின்கம்பிகளை எந்த ஒரு தனியார் நிலத்தின் மீது எடுத்துச் செல்லவும் எவ்வித அனுமதியோ, ஒப்பந்தமோ அவசியமில்லை என்றும் தெரிவிக்கப்பட்டுள்ளது.

எனவே, அரசு நலன் கருதி சாத்தூர் வட்டம், சின்னக்கொல்லப்பட்டி கிராமம் மேற்கண்ட புல எண் 214/1B-ல் மின்கோபுரம் அமைக்கப்படுவது தொடர்பான திரு.வெங்கடேஷ் என்பவரது கோரிக்கையினை நிராகரித்தும், மனுதாரர் திரு.வெங்கடேஷ் அவர்களின் இடத்தின் பகுதியில்

பவர்கிரிட் நிறுவனம் மின்சார கோபுரம் அமைக்க தடையேதுமில்லையென்றும் சாத்தூர் வட்டாட்சியர் தெரிவித்துள்ளார்.

மேலும் பார்வை-6-ல் காணும் மாவட்ட வருவாய் அலுவலர் அவர்களின் புலத்தணிக்கை அறிக்கையில் புல எண்:214/1B-ன் மத்தியில் பவர் கிரிட் நிறுவனத்தால் மின்கோபுரம் அமைக்க அஸ்திவாரம் போட்டு முடிக்கப்பட்டுள்ளது. இந்த ஒரு மின்கோபுரத்தை தவிர முன் மற்றும் தொடர் மின் கோபுரங்கள் முழுஅளவில் அமைக்கப் பெற்றுள்ளது. பவர்கிரிட் அமைக்கும் இந்த மின் கடத்தியானது சுமார் 1.5 கி.மீ தூரத்திற்குள் விருதுநகர் கோவில்பட்டி- இருப்புபாதை, விருதுநகர் - கோவில்பட்டி நான்குவழிச் சாலை மற்றும் ஒரு உயர் அழுத்த மின் கடத்தியை 90 டிகிரி கோணத்தில் கடக்க வேண்டி அத்தியாவசியத்தில் உள்ளது. எனவே, தொழில் நுட்பரீதியாக தற்சமயம் அமையப் பெற்றுள்ள மின்கடத்தி பாதையை பவர்கிரிட் நிறுவனம் அமைத்துள்ளது.

மேலும் மனுதாரர் டாக்டர் வெங்கடேஷ் கோரியுள்ளது போல அவரது புல எண்: 214/1B-ன் தென்எல்லை ஓரமாக மின்கடத்தி அமையப்பெற்றால் அதன் எதிர்புறம் நான்கு வழிச்சாலைக்கு மேற்கில் ஒ.மேட்டுப்பட்டி கிராம புல எண்:342-ல் அஞ்சல்காரன் ஊரணி அமைந்துள்ளது. நான்கு வழிச்சாலைக்கு மேற்கில் இவ் ஊரணியில் மின்கோபுரம் அமைப்பது தொழில்நுட்ப மற்றும் சட்டரீதியில் சாத்தியமில்லை என்பது புலனாகிறது. எனவே டாக்டர்.வெங்கடேஷ் முன்மொழிந்த மாற்றுப்பாதை சாத்தியமில்லாததாக உள்ளது.

எனவே, மேற்கண்ட கோரிக்கையினை பரிசீலனை செய்ததில், 1885 டெலிகிராப் சட்டப்படி பவர்கிரிட் நிறுவனத்திற்கு மின்கம்பிகளை எந்த ஒரு தனியார் நிலத்தின் மீது எடுத்துச்செல்லவும் எவ்வித அனுமதியோ, ஒப்பந்தமோ அவசியமில்லை என்றும், Central Electricity Authority Regulations, 10-ன்படி இரண்டு மின் கோபுரங்கள் இணைக்கப்படும்போது, அதன் தரை தளத்தில் தெரு அல்லது ரோடு செல்லும் பட்சத்தில் "ஷை" மின் கோபுரங்கள் 90 டிகிரி (Right Angles) கோணத்தில் அமைக்கப்பட வேண்டும் என உள்ளதின் அடிப்படையிலும், மனுதாரரான திரு.வெங்கடேஷ் என்பவர் ஆட்சேபனை தெரிவிக்கும் இடத்திற்கு மேற்கு பகுதியில் ஒ.மேட்டுப்பட்டி கிராம புல எண்:342-ல் அஞ்சல்காரன் ஊரணி அமைந்துள்ளதால், நீர்நிலை புறம்போக்கு பகுதியில் அதிகமான வோல்ட் மின்சாரத்தை எடுத்து செல்லும் மின் கடத்திகள் அமைக்கப்படக் கூடாது என்ற அரசு விதிகளுக்குட்பட்டும், பொதுமக்கள் நலன் கருதியும், L.O.C-13ல் மின் கோபுர இடத்தினை மாற்ற தேவையில்லை என்பதால், மேற்படி புல எண்:214/1B-ல் பவர்கிரிட் நிறுவனம் மின்சார கோபுரம் அமைக்கலாம் என பரிந்துரை செய்துள்ளார்.

எனவே மேற்கண்ட அறிக்கை மற்றும் ஆவணங்களின் அடிப்படையிலும் மனுதாரர் திரு.வெங்கடேஷ் என்பவரது நிலமான சாத்தூர் வட்டம், சின்னக்கொல்லப்பட்டி கிராமம் புல எண் 214/1B-ல் பவர்கிரிட் நிறுவனம் மின்கோபுரம் அமைப்பது தவிர்க்க இயலாது என்பது

ஊர்ஜிதமாகிறது. மேலும் ஏற்கனவே 462 இடங்களில் அடித்தளம் கட்டப்பட்டுள்ளதாகவும் 444 இடங்களில் உயர்மின்கோபுரம் அமைக்கப்பட்டுவிட்டதாகவும், 89 கி.மீ நீளத்திற்கு கம்பிகள் இழுக்கப்பட்டு பணிகள் முடிவு பெற்றுள்ளதை கவனத்தில் கொண்டும், மதுரை இந்திய மின்பகிர்மானக் கழகம் துணை பொது மேலாளரின் மனு ஏற்கப்பட்டும், இந்திய டெலிக்கிராப் சட்டம் பிரிவு 16(1)-ன் கீழ் நிர்வாக நடுவர் மற்றும் மாவட்ட ஆட்சித்தலைவருக்கு உள்ள அதிகார வரம்பின் கீழ் விருதுநகர் மாவட்டம், சாத்தூர் வட்டம், சின்னக்கொல்லப்பட்டி கிராமம் புல எண் 214/1B-ல் பவர்கிரிட் நிறுவனம் மின்கோபுரம் அமைக்க அதன் நில உரிமையாளர் திரு.வெங்கடேஷ் என்பவர் தெரிவித்துள்ள ஆட்சேபணைகள் தள்ளுபடி செய்தும், இந்திய மின்பகிர்மான கழகத்தால் விருதுநகர் மாவட்டம், சாத்தூர் வட்டம், சின்னக்கொல்லப்பட்டி கிராமம் புல எண் 214/1B-ல் பவர்கிரிட் நிறுவனம் மின்கோபுரம் அமைக்க அனுமதியளித்து உத்தரவிடப்படுகிறது.

ஓம்/-அ.சிவஞானம்,
மாவட்ட ஆட்சியர்,
விருதுநகர்.

/உத்தரவின்படி/

K. S. Man
மாவட்ட ஆட்சியருக்காக.

4/4

பெறுநர்:

1. துணை பொது மேலாளர்,
பவர் கிரிட் கார்ப்பரேசன், மதுரை கன்ஸ்ட்ரக்ஷன் ஆபிஸ்,
சி.27.பிருந்தாவன் தெரு, 4வது நிறுத்தம்,
திருநகர், மதுரை.....06.

3/2/16

2. திரு.வெங்கடேஸ்,
த/பெ.திரு.சங்கர நாராயணன்,
29,பி.எஸ்.ஆர் ரோடு, சிவகாசி.

நகல்:1. வட்டாட்சியர் சாத்தூர்.
2. ஆ4-இருப்புக்கோப்பு.



पावर ग्रिड कार्पोरेशन ऑफ इंडिया लिमिटेड

(भारत सरकार का उद्यम)

POWER GRID CORPORATION OF INDIA LIMITED

(A Government of India Enterprise)



पावरग्रिड

नं. सी. 27, ब्रिंदावन स्ट्रीट, 4 वा स्टॉप, तिरुनागर, मदुरै-625 006. दूरभाष 0452-2483622, 2483633 फैक्स 2483622
No. C 27, Brindhavan Street, 4th Stop, Tirunagar, Madurai-625 006. Ph : 0452-2483622, 2483633, Fax : 2483622

CAO/MDU/F-9132/16

Dt. 22/09/16

To, The Inspector of Police
Sattur Town PS
Sattur

Sir,
Sub: Tuticorin - Dharmapuri Line Constr - Chinna -
Kollapath Village - Obstruction to work -
Complaint

District Collector, Virudhunagar, vide Order
B4/22275/14 dt 20/9/16 has granted permission to
work in Survey No 214/18 of Chinna Kollampatti
Village, Sattur Taluk.

One, Sri. Thangapandi, Sattur is obstructing
work on this site. As per Indian Telegraph Act 1885
clause: 16.2 obstruction of work is criminal
offence as per Indian Penal Code 1885.

It is requested that necessary action may
please be taken to remove obstruction and
for POWERGRID to carry out work, which is
being done for Public Purpose.

Thanking you,

Yours sincerely

(K. P. BALANARAYAN)
AGM/PROJ/MDU

Ref: SRTS-II/CAO/MDU/F 9132/2016/

dt. 21.09.2016

To

The Inspector of Police
Sattur Town Police Station,
Sattur
Virudunagar District.

Sir,

Sub: 765 kV Tuticorin- Dharmapuri Line Construction- Permission for tower erection and stringing works- District Collector order – Reg

Ref: 1) W. P. (MD) No 7314/2012 & MP(MD)No. 1/2012 dt 27/3/2014

2) Dist Collector ,Virudunagar Order No. B4/22275/14 Dt 20/09/2014

District Collector Vide order cited second in the Ref. above has given permission to POWERGRID for proceeding with the works of tower erection and stringing works in Survey no 214/B of Chinnakollampati Village, Sattur Taluk, Virudunagar Dist.. The copy of the order is enclosed for your ready referencnce. Based on the above said Order POWERGRID is going ahead with the works. This is for your kind information please.

Thanking you,

Yours faithfully,
For Power Grid Corporation of India limited,


21/9
(K P Balanarayan)

Additional General Manager

O/c

Ref: AGM/PROJECT/F-9132/2016/

dt.19.08.2016

To
District Collector
Virudhunagar District
Virudhunagar

Respected Sir,

Sub: Construction of 765 kV Tuticorin – Dharmapuri Transmission Line – Writ Petition filed by
Dr.Venkatesh – Judgement proclaimed – Hearing – Request for orders-Reg.

Power Grid Corporation of India Ltd. is “A Govt. of India Enterprise” & “The Central Transmission Utility” under the aegis of Ministry of Power and is a Corporation of National Importance incorporated as a “Government Company” under the provisions of the Companies Act, 1956. Powergrid is established with a view to develop an efficient Power Transmission System network throughout the country and to establish the National Power Grid in the Country.

POWERGRID is a Deemed Transmission License in the capacity of “Central Transmission Utility” as envisaged u/s 38 & 40 of the Electricity Act 2003. All the acts and steps taken by this Corporation are legal and only on the strength of the relevant provisions of the Electricity Act 2003 and Part-/Sec. 10 to 19 of The Indian Telegraph Act 1885. Government of India in exercise of powers conferred by Sub-section (1) of Section 38 of the Electricity Act, 2003 (36 of 2003) had notified this Corporation as ‘the Central Transmission Utility’ vide Notification dated 27th November 2003 published vide Gazette of India No.1084 dated 4th December 2003.

As per Sec. 14 of ‘The Electricity Act 2003, ‘Central Transmission Utility shall be deemed to be a Transmission Licensee’ under the Act. It is submitted that the statutory provisions, referred to, clearly authorise POWERGRID to place and maintain Transmission Lines under, over, along or across and posts/towers in or upon any immovable property. For the said purpose POWERGRID need not acquire any right other than that of user only in the property under, over along or across, in or upon the property wherein POWERGRID places Transmission Lines or Posts/Towers.

The subject line “765 kV Double Circuit Power Transmission Line from Tuticorin to Dharmapuri” which POWERGRID has been entrusted with under approval of Govt. of India vide No.1/4/2007-POWERGRID dated 23.06.2010. The anticipated line length of the Transmission Line is about 365 KMS with 1000 Towers. The estimated cost of the project is Rs 3000/- Crores (approx.). For Administrative convenience the Project is divided into two parts Part-I & Part-II. I submit that Part-I (Tuticorin to Salem) consists of 462 Towers. The laying of foundation for erection of the towers commenced from 26.01.2012. The above said project has been envisaged to cater to the power requirements of all southern states and is

Contd..2..

o/c




scheduled to be commissioned by March 2014. The work is under progress in full swing and out of total 462 foundations, work has already been completed at all locations. Tower Erection is completed at 460 Locations and approximately 150km stringing has been completed in this Part. This line is planned for the evacuation of the Wind Power generated in the Southern Districts of Tamilnadu and Thermal generation in Tuticorin area. Due to the non availability of this line these quantum of power is bottled up. The entire line is planned to be commissioned in the month of Sept'16 to mitigate the severe power crisis being faced by the State

Pursuant to the sanction of the said Transmission Line Project, POWERGRID has surveyed the area, to ascertain the most techno-economically feasible route for drawing up the transmission line, taking into account various parameters such as:

- a) Minimal impact on the environment.
- b) Avoiding inhabitant area to the extent possible
- c) Least impact on the crop and plantation
- d) Crossing the EHT line at an angle as close to 90 degree
- e) Crossing the National Highways and Railway line at an angle of 90 degree.
- f) Avoiding places of worship etc.
- g) Avoiding Natural water bodies, drains and Parks etc
- h) Most economical route

The walk over survey in respect of the project was completed during October and November of 2011. Check survey works were carried out during January 2012. The best techno-economically feasible route alignment was finalized in January 2012 after through survey of various possible options and taking into account the above said parameters. Also the entire line route was finalized without displacing any habitants and damaging any permanent structures and on the principle of avoidance and minimizing mitigation. Further while finalizing the route, care was also taken to minimize the disturbance in forest area as for the Govt. of India regulations and meeting statutory requirements for crossing the railway lines, power lines and national High ways. Part of the subject line passing through the petitioner land is crossing the National highway-7 in this section and in the preceding section is crossing the Madurai-Thirunelveli BG Railway line and in the succeeding section is crossing the TNEB 110 kV Anuppankulam-Kayathar transmission line. A sketch indicating th above is enclosed as Annexure. The Railway crossing and Power line crossing works are already completed. As per the statuory regulation all these crossing are to be made nearing to 90 deg. These being the facts and any deviation from the finalized route will have cascading effect on the entire route and this will become a never ending process for aligning any transmission line.

As per Section 10 of the Indian Telegraph Act, 1885 it is not necessary to issue personal notice or get prior consent from the private land owners. As stated in the paras above, while fixing the route the best techno-economic route alignment was finalized during 2012 after thorough survey of various possible options avoiding inhabitations. The above said line is passing through the Petitioner's land wherein it is proposed to erect one tower at location No.13/0 in the petitioner's land and Tower foundation works has already been completed on 30.06.2012. It is further submitted that the tower erection for the preceding



.... 3 ...

tower loc No.12/2 is completed and succeeding tower loc. No 14/0 has also been erected and stringing completed above the 110 kv power line. It is further submitted that POWERGRID does not acquire the land, but has the 'Right of User' only in the property under, over, along or across, in or upon which this Respondent Corporation places Transmission Lines or Posts/Towers. POWERGRID have laid 95,330 Circuit Kilometers of Transmission Line and there are 156 Nos. of Sub-stations having transformation capacity of about 1,50,000 MVA (Mega Volt Ampere) all over India. All crops can be cultivated and trees of short height can be grown within the line corridor and the tower is so designed that the land underneath the tower can also be ploughed through tractor.

With regards to the construction of school by the Petitioner, it is respectfully submitted that it is purely an afterthought by the Petitioner after knowing that POWERGRID is going to put up a tower in the Petitioner's land, with an intention to stall the Project. As a matter of fact till today no construction work has been carried out by the Petitioner in the said land, neither is there any approval for a school by the competent authorities. Further, preference shall be give to a benevolent scheme for the general public at large than interests of private individual for commercial purposes.

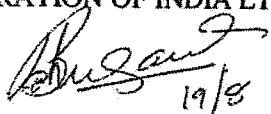
Laying of transmission line is heing done for the benefit of the general public and it is to state that the Hon'ble Supreme Court, and various High Courts while upholding the principle of Eminent Domain has held that the public interest is paramount than the private interest. In as much as POWERGRID is exercising its power in terms of Section 10 of the Indian Telegraph Act 1885, POWERGRID need not be put on notice before commencing the work. As already stated POWERGRID is implementing the most prestigious project of the Central Government after thorough analysis and getting sanction from the concerned Authorities.

It is most respectfully submitted that any delay in completion and commissioning of the project would enhance the cost of the project which would have a direct impact on Power Tariff and result in hike in the cost of power per unit burdening the common man. Undoubtedly it will adversely affect the economic status of the State of Tamil Nadu and. will result in a heavy loss to the Government exchequer.

On the above grounds we kindly pray for issuing orders to continue the transmission line works in Dr. Venkatesh's land to enable POWERGRID to complete the works at the earliest and mitigate the Power crisis in the State of Tamilnadu

Encl: as above

Yours faithfully,
For POWERGRID CORPORATION OF INDIA LTD.


19/8
(K.P. BALANARAYAN)
ADDL. GENERAL MANAGER

.... 3 ...

tower loc No.12/2 is completed and succeeding tower loc. No 14/0 has also been erected and stringing completed above the 110 kv power line. It is further submitted that POWERGRID does not acquire the land, but has the 'Right of User' only in the property under, over, along or across, in or upon which this Respondent Corporation places Transmission Lines or Posts/Towers. POWERGRID have laid 95,330 Circuit Kilometers of Transmission Line and there are 156 Nos. of Sub-stations having transformation capacity of about 1,50,000 MVA (Mega Volt Ampere) all over India. All crops can be cultivated and trees of short height can be grown within the line corridor and the tower is so designed that the land underneath the tower can also be ploughed through tractor.

With regards to the construction of school by the Petitioner, it is respectfully submitted that it is purely an afterthought by the Petitioner after knowing that POWERGRID is going to put up a tower in the Petitioner's land, with an intention to stall the Project. As a matter of fact till today no construction work has been carried out by the Petitioner in the said land, neither is there any approval for a school by the competent authorities. Further, preference shall be give to a benevolent scheme for the general public at large than interests of private individual for commercial purposes.

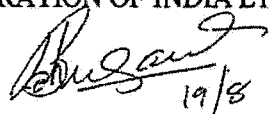
Laying of transmission line is being done for the benefit of the general public and it is to state that the Hon'ble Supreme Court, and various High Courts while upholding the principle of Eminent Domain has held that the public interest is paramount than the private interest. In as much as POWERGRID is exercising its power in terms of Section 10 of the Indian Telegraph Act 1885, POWERGRID need not be put on notice before commencing the work. As already stated POWERGRID is implementing the most prestigious project of the Central Government after thorough analysis and getting sanction from the concerned Authorities.

It is most respectfully submitted that any delay in completion and commissioning of the project would enhance the cost of the project which would have a direct impact on Power Tariff and result in hike in the cost of power per unit burdening the common man. Undoubtedly it will adversely affect the economic status of the State of Tamil Nadu and will result in a heavy loss to the Government exchequer.

On the above grounds we kindly pray for issuing orders to continue the transmission line works in Dr. Venkatesh's land to enable POWERGRID to complete the works at the earliest and mitigate the Power crisis in the State of Tamilnadu

Encl: as above

Yours faithfully,
For POWERGRID CORPORATION OF INDIA LTD.


19/8
(K.P. BALANARAYAN)
ADDL. GENERAL MANAGER



POWER GRID CORPORATION OF INDIA LIMITED
MADURAI TLC



पावरग्रिड

Date: 04-10-17

Ref. No.: SR-II/MDU/TLC/EMC/F-9050/2017

Sub.: Construction of 765 kV D/C Tuticorin PS – Dharmapuri PS TL (Part-I) – Proposal for
Final Time Extension and finalization of LD - reg.

1.0 EMC Ltd, Kolkata has been awarded a Contract for Construction of 765kV D/C Tuticorin PS – Dharmapuri PS TL (Part-I) vide

- CC-CS/99-SR2/TW-935/3/G4/NOA-I/3939 dated 22.10.2011- Supply
- CC-CS/99-SR2/TW-935/3/G4/NOA-II/3940 dated 22.10.2011- Erection

2.0 The final amendment to the LOA has been proposed vide note sheet dt 01.07.2017 and is under approval.

3.0 Important details in respect of execution of this package has been given below:

- Date of Award : 22.10.2011
- Scheduled date of commencement of works : 22.10.2011
- Actual date of Commencement of site works : 07.11.2011
- Scheduled Date of completion : 22.04.2014
- Clearance of Last ROW at Loc. 13/0 : 25.09.2016
- Actual date of completion and line commissioning : **11.11.2016**
- Date of commercial operation as per DOCO : 13.11.2016
- Date of completion of foundation rectifications : 08.08.2017
- Date of issuance of TOC issued w.e.f from 08.8.17 : 21.08.2017
- Completion date considered for LD calculation Purposes : **11.11.2016**
- Final Time Extension proposed up to : 30.11.2017
- LOA Value of the contract : Rs 319,00,84,496
- Final amendment value of the contract : Rs 299,79,31,888

4.0 As per L2 issued to the subject LOA, M/s EMC Ltd have to complete the entire scope of the works by April 2014. The completion of the subject TL has been seriously affected due to RoW issues. The quantum of works completed by EMC as on 22.04.2014 is tabulated below :

Status of works as on 22.04.2014

Sl No	Description	Unit	Completed	Balance
01	Foundations	Nos	457	05
02	Tower erection	Nos	216	246
03	Stringing	kMs	30.26	136.837

हिन्दी में काम करना आसान है, शुरू तो कीजिए ।

5/10/17



पावरग्रिड

...2...

5.0 EMC Ltd, vide their letter dated 29.08.17 enclosed at **(Flag-A)**, requested for Final Time Extension up to 30.11.2017 without imposing any LD and submitted the following reasons for POWERGRID considerations:

5.1 Delay on account of RoW issues

Major delay in completion of the works in the line was mainly attributable to RoW issues encountered during the construction of line and delay in approval of railway crossing. The locations in which RoW clearance for foundations was delayed are 29/2, 66/1, 91/3, 99/3, & 105/0, locations in which railway crossing approvals got delayed are 11/0-12/0, 30/0-31/0, 63/0-64/0 and 113/0-114/0 and locations in which erection works affected are 6/1, 6/2, 7/0, 13/0, 29/1, 31/1, 64/1, 73/2, 78/2, 84/1, 84/2, 84/3, 84/5, 85/0, 87/1, 90/0, 93/1, 93/2, 93/3, 100/0, 101/0, 109/4, 112/0 & 116/0 (24 nos). Due to delay in completion of foundation and erection works, stringing works in the line also affected.

RoW at location no: 1/0 at Tuticorin end has cleared on 30.04.17 after clearance from POWERGRID on 29.04.17, however, due to RoW issues in the location, works again stopped at the location.

Last location 13/0 for 400kV charging portion of the line has been cleared on 25.09.2016 and tower erection got completed on 05.10.16.

From the date of clearance of last location, i. e 13/0, tower erection has been taken up and completed on 05.10.16. Upon completion of tower erection, arrangements for stringing have been made, but stringing works could not continue due to non availability of permission from National Highways and it was obtained on 17.10.16. Stringing works incl. NH crossing has been completed on 25.10.16.

Subsequent to completion of stringing works, final checking and rectification works incl. testing & precommissioning works have been taken up jointly with POWERGRID and the line was made ready for charging by 11.11.16. Hence, the delay from 26.09.16 to 11.11.16 shall be considered on account of RoW/Court cases.

M/s EMC in their letter dated: 29.08.17, detailed the list of the RoW issues encountered during the construction which were severely affected the progress of works in the line. Since, hindrance period at most of the locations is overlapping to the above major RoW issues; the same has not reproduced here.

5.2 Delay on account of other issues:

- i. M/s EMC vide letter dated: 29.08.17 indicated following other reasons for delay in completion of the line

....3

हिन्दी में काम करना आसान है, शुरू तो कीजिए ।

20/11/17

...3...

पावरग्रिड

- Delay in tower supply by M/s Aster due to financial crisis. As per post bid discussion M/s EMC has agreed to supply the tower parts from two supplier i.e. from M/s Shilpa and M/s Aster in 60:40 ratio respectively. But due to financial crisis of Aster, the supply was affected badly. It caused the delay in Tower Erection also.
- Delay in finalization of final tower and stub quantity.
- Delay in processing of Railway crossing approvals. Out of four crossings, two crossings were cleared only on 10.12.2013, 1 crossing cleared on 18.12.2013 and last one on 05.01.2014.
- Works couldn't taken up in the month of Nov'15 in Dindigul & Sattur Dist. due to floods. Therefore total site progress during the same period suffered adversely.
- Due to Kaveri water issue border area of Tamilnadu and Karnataka got affected. Due to this receipt of hardware fittings from M/s EMI, mobilization of gangs from Bihar & Jharkhand and reinforcement steel required for rectification works affected from 12th Sept'16-5th Oct'16.
- Non availability of methodology for testing of foundations and subsequent rectification delayed the entire process though M/s EMC agreed for rectification of discrepancy in foundations without addl. implication to POWERGRID.
- Further, M/s EMC informed that, total 22 nos of locations have been rectified with expenditure of Rs. 7.5Cr (approx.) without any financial implication to POWERGRID.

In view of the above, M/s EMC requested to grant final time extn. without levy of LD and payment of PV upto 11.11.16 for charging the 400kV portion of the line and upto 30.11.17 for completion of the additional work for charging the line on 765kV voltage.

6.0 POWERGRID comments:

6.1 As reported by EMC Ltd, there were many RoW issues in the subject line, which were cropped up at the very beginning of the project itself. Though there were several ROW issues during construction of the line, hindrance due to most of the RoW locations is over lapping with major RoW issues which are deliberated below.

6.2 Erection and stringing Works in the RoW section AP12-AP13-AP14 had been completed upon resolution of RoW at location no 13/0 on 25.09.16 and the line has been made ready for commissioning by 11.11.16 after testing and completion of all shutdown nature defects noticed by AM inspection team.

21/12/15

हिन्दी में काम करना आसान है, शुरू तो कीजिए ।

6.3 In particular following are the critical & major ROW issues, which has substantially delayed the completion of the subject transmission line, irrespective of the observations and discrepancy in the foundations casted.

S.No	Loc. No / Sec.	Work affected	Hindrance period			Net Hindrance
			Start Date	End Date	In days	
1	29/2	Foundation	23-08-2012	24-09-2014	762	155
2	66/1	Foundation	05-10-2012	12-10-2015	1102	383
3	105/0	Foundation	08-03-2013	18-01-2015	681	0
4	13/0	Erection, Stringing	15-07-2012	25-09-2016	1533	349
Net. Hindrance after adjusting the overlapping period (Days)						887
No. of days for making the line ready for commissioning upon resolution of last ROW at location 13/0 on 25.09.16 incl. testing, precommissioning and rectification of defects.						47
Total no. of days						934

6.4 It may be noted that, RoW at location 1/0 which is not essential for charging of the line at 400kV level has been resolved only in Sept'17 and foundation and erection works have been completed subsequently and not considered for calculation of LD as the line has been commissioned and under commercial operation from Nov'16.

6.5 As informed M/s EMC, they have mobilized the sufficient gangs of erection & stringing as and when works front was available. Maximum of 18 nos of gangs have been mobilized for erection works in the line.

Hence, the delay in commissioning of the line is mainly attributable to RoW issues. Though balance portion of the line was made ready, line could not be commissioned before completion of stringing works in RoW section.

7.0 Agencies' claim of delay on account of delay in tower supplies due to M/s ASTER's poor financial position, delay in clearing railway crossings and finalization of tower and stubs quantity is not tenable due to following:

- M/s ASTER is sub vendor of M/s EMC, supply of towers under the contract is solely responsibility of M/s EMC. However, based on the M/s EMC's request, three additional vendors (M/s EMC, M/s Utkarsh & M/s Ashutosh) for supply of tower parts have been approved vide letter dated: 30.05.13.
- Railway crossing locations were cleared within the LoA schedule.
- Finalisation of tower quantity with extns. is depends on the completion of check survey by EMC.



...5...

8.0 Agencies' claim on account of delay in clearing NDT results and approval of modification drawings is not attributable to POWERGRID as the discrepancies observed are first of its kind in the transmission lines and the rectification has been necessitated due to noncompliance of casted foundation to the tech. specification.

During Jan'2014, Regional Vigilance Department carried out the inspection and reported discrepancies in casted foundations. Sub-sequent to this, EMC Ltd was informed to disengage AAR foundations, vide our letter dt.31.01.2014 (Flag-B). Regional level committees were formed and foundations casted were examined through core extraction, Rebound Hammer test etc.

The works on the subject TL has been seriously affected for about TWO years since Jan 2014 subsequent to the observations regarding discrepancy in foundations casted. In accordance with the meeting held at CC, Gurgaon regarding execution of 765 kV D/C Tuticorin-Salem (Dharmapuri) TL on 10.05.2015 (Flag-C), competent authority had approved the methodology for testing the foundations casted by AAR foundations in Part-1 & 2 of the subject TL and constituted a high level committee to recommend the methodology of recovery as well as terms and conditions including extended warranty etc.

The high level committee vide note dt 19.11.15 & 01.12.15 (Flag-D) had determined the methodology for recovery on commercial implications on M/s EMC for the foundations, which are technically acceptable/not acceptable, based on the actual Concrete strength & Dimensions and brought out the following broader guidelines to determine the suitability of all foundations casted by AAR foundations in Part-1 & 2 of the subject TL and also recommended the following in respect of rectification of foundations

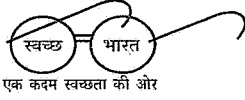
- i. EMC to take up rectification of foundations as per the POWERGRID approved drawings without any additional financial implication to POWERGRID.
- ii. Consultancy charges being paid to consultant, charges incurred for excavating the casted foundations and JMC/core cutting/NDT activities and incidental expenditure (crop compensation etc.) directly attributable to the foundation rectification works to be recovered from M/s EMC.
- iii. Extended warranty to be submitted by M/s EMC from the date of commissioning/taking over.

Since NDT testing of foundations, design of rectification foundation and approval of drawings is time consuming process, to avoid further delay in completion of the line, in principle approval for continuation of stringing works pending completion of rectification in suspension tower foundations has been obtained vide note dt. 11.04.16 (Flag-D) based on undertaking from M/s EMC.

...6

Handwritten signature/initials

हिन्दी में काम करना आसान है, शुरू तो कीजिए ।



...6...

The abstract of technically acceptable and non-acceptable foundations as analyzed and reported by CC-Engg, TL are placed at Annexure-I (Flag-E). EMC Ltd rectified all 22 nos of the reported technically not acceptable foundations without any additional financial implications to POWERGRID and as per Revised SFQP (Rev-5). The abstract of Foundation Rectification JMC's for 22 locations is placed at Annexure-II (Flag-F).

- 9.0 Vide recovery proposal dt. 01.02.17 an amount of Rs 1,01,62,066/- has been approved for recoveries towards technically acceptable locations and recovery towards misc. expenditure like crop compensation during NDT/rectification works in line with para 9.5 (iii) above is under approval.
- 10.0 Even though the works in the other portion of the line have been completed; the line would not commissioned without resolution of RoW issues which were finally resolved on 25.09.16.

It may also note that, though there were issues during construction of the subject transmission line regarding quality of casted foundations as some of the foundations were not meeting the tech specification, agency has carried out the rectification of the same without addl. financial implication to POWERGRID as per the approved drawings and also the same was not affected the commissioning of the line after resolution of RoW issues.

Entire delay in execution of the project has been condoned by CERC vide tariff order dated: 19.09.2017.

11. From the above, it may be seen that, the commissioning of the line has been affected due to delay in providing RoW. Hence, it is proposed to issue FTE upto 31.10.17 without levy of liquidated damages in line with provisions of WPPP C 2.14.

Submitted for kind approval please.

G Sekar
04/10/17
(G Sekar)
Chief Manager/TLC
Chidambaram.

Tuticorin PS
DGM/Tiruvallur-SS: *[Signature]*
05/10/17
C/M TN Proj/Chennai: *[Signature]*
06/10/17
AGM(TN Projects)/Chennai: *[Signature]*
06/10/17

DGM/PMS: The proposal may be put up by standing committee. *[Signature]*
14/12/17
DGM (CBM) please examine - by the standing committee.
हिन्दी में काम करना आसान है, शुरू तो कीजिए। *[Signature]*
15/12/17