

पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड

(भारत सरकार का उद्यम)

पूर्वी क्षेत्र पारेषण प्रणाली-1, मुख्यालय,
बिहार राज्य ईलेक्ट्रिसिटी बोर्ड कोलोनी,
टी. आर. डब्लू भवन के नजदीक,
पोस्ट+थाना - शास्तीनगर, पटना- 800023

संदर्भ: पावरग्रिड/पू.क्षे.-1 क्षे.मु./आर.टी.आई- 367/2024-25/140 दिनांक: 02.05.2024

श्री राम बालक प्रसाद

ग्राम : बिजवन पर, पोस्ट - महानंदपुर, , थाना - दीपनगर

जिला - नालंदा (बिहार)

पीन - 803216.

विषय : पावरग्रिड, पूर्वी क्षेत्र -1 से संबंधित सूचना का अधिकार अधिनियम-2005 के अंतर्गत
माँगी गयी जानकारी के संबंध में ।

महोदय,

सूचना का अधिकार अधिनियम-2005 के तहत सूचना प्राप्त हेतु श्री ब्रज मोहन कुमार द्वारा
ऑन लाईन माध्यम से प्रेषित आवेदन (RTI MIS Reference No. PGCIL/R/E/24/00204
दिनांक 12.04.2024) जो आपसे सम्बंधित है , आर. टी. आई. विभाग, पटना पू.क्षे.-1 मुख्यालय
को 12.04.2024 को प्राप्त हुआ था।

संबंधित विभाग ने यह जानकारी दी है कि इस सम्बंध में आपके अभ्यावेदन दिनांक
18.03.2024 के प्रतिउत्तर में विस्तृत सूचना पत्र दिनांक 30.03.2024 के माध्यम से आपको
दी जा चुकी है । अतः आपके सूचनार्थ पुनः पत्र दिनांक 30.03.2024 कि प्रति इस पत्र के
साथ संलग्न की जा रही है ।

संलग्न : जैसा उपरोक्त ।

सधन्यवाद ।

भवदीय

(पूनम)

वरिष्ठ महाप्रबंधक (पी.ई.एस.एम) सह
केन्द्रीय लोक सूचना अधिकारी

सूचनार्थ प्रेषित:

1. कार्यपालक निदेशक, पूर्वी क्षेत्र-1, पटना
2. वरि.महाप्रबंधक (सतर्कता), पूर्वी क्षेत्र-1, पटना

Ref. No. ER-I/BSF/SS/148

Date- 30.03.2024

सेवा में,

श्री रामबालक प्रसाद

ग्राम- विजवनपर, पोस्ट- महानंदपुर

थाना - दीपनगर,

जिला - नालंदा (बिहार) -803216

Sub: नगर- निगम बिहारशरीफ, वार्ड नं०-50 के थाना नं०-07, खाता नं०-174, खेसरा नं०-2663 एवं खाता सं०-661, खेसरा सं०-2662 स्थित मेरे आवासीय परिसर से High Tension विधुतीय टावर एवं तार को हटाने संबंधी।

Ref. आपका पत्रांक दिनांक 18.03.2024

महोदय

Reply to your above referred representation is as under;

1. That Power Grid Corporation of India Ltd. is a Government of India undertaking and a "Transmission licensee" under the Indian Electricity Act, 2003. POWERGRID is engaged in establishment of the National Power Grid to facilitate transmission of electricity and functions under the Ministry of Power, Government of India. The Government of India has declared POWERGRID to be a "Telegraph Authority" vide Gazette Publication No.1148 Dt.24.12.2003.
2. That POWERGRID, a Maharatna Company of Govt. of India is primarily engaged in inter-State transmission power system and in this way, it is discharging the function which is of public interest and national importance.
3. In exercise of the powers conferred under sec.164 of the Electricity Act of 2003, the Central Government being the "Appropriate Government" has conferred the powers of "Telegraph Authority" upon POWER GRID vide notification no.1148 dt.24.12.2003 published in Gazette of India. Hence Power grid as a Transmission licensee is conferred with powers of a Telegraph authority under part III of the Indian Telegraph Act of 1885 and thus authorized to lay the poles, wires, posts etc. upon, across, along, over or under any immovable property as per Sec10 of the Indian Telegraph Act of 1885.

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That under provision of section 164 of the Electricity Act, 2003, POWERGRID has been authorized to exercise all the powers vested in the Telegraph Authority of Part-III of India Telegraph Act 1885 in respect of the electrical lines and electrical plants established or maintained or to be so established or maintained for the transmission of electricity, for placing and maintaining of electric lines under, over, along or across, in or upon any immovable property for transmission of electricity.

5. That as per specific provisions contained in The Electricity Act 2003, and the Indian Telegraph Act 1885, neither right, title, possession nor interest of person concerned of land holder is denied by POWERGRID nor POWERGRID is required to acquired any land of land holder, rather right, title and interest of the land continues with the persons concerned, who are land owners of the land in question. POWERGRID has only user right as provided under The Indian Telegraph Act 1885.
6. That work of 400KV D/C Biharsharif- Koderma Transmission Line, having length of 111KMS was completed and commissioned after due authorization by the Central Govt. as per provisions of the Electricity Act and The Indian Telegraph Act, as stated above.
7. Recently, due to construction of NH-31 realignment of some towers were required therefore detailed technical survey have been conducted to minimize the damage and to utilize the existing corridor for towers realignment. Almost all the new towers have been spotted just below the existing corridor, however some overhead conductor may pass over to the nearby land.
8. Under applicable laws in the state of Bihar, there is no provision for land acquisition or payment of land compensation for construction of transmission line, however if any damaged caused to trees/crops etc. during construction, compensation will be paid as per the Sec 10 (d) of the Indian Telegraph Act 1885. Further as per sec 10 (b) of the said Act the Telegraph authority shall have right as a "user" in the property , under, over, along, across, in or upon which the telegraph authority places electric lines or posts.
9. That the Hon'ble Patna High Court had in various cases upheld the rights of POWERGRID and of transmission licensees in laying the lines or towers in exercise the rights conferred on them under sec10 of the Indian Telegraph Act read with Sec.164 of the Indian Electricity Act.
10. That in case of Power Grid Corporation of India Limited v. Century Textiles (2017)5SCC143, Hon'ble Supreme Court has held that, "As per the provisions of the Telegraph Act, 1885, unobstructed access to lay down telegraph and/or electricity transmission lines is an imperative in the larger public interest. Electrification of villages all over the country and availability of telegraph lines are the most essential requirements for growth and development of any country, economy and the well -being/progress of the citizens. The legislature has not permitted any kind of impediment/obstruction in achieving

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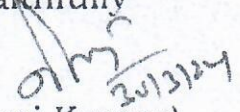
his objective and through the scheme of the Telegraph Act, 1885 empowering the licensee to lay telegraph lines, applied the same, as it is, for laying down the electricity transmission lines.”

That construction and running of transmission line is purely technical and diversion or modification or arrangement for convenience sake of particular person concerned, of tower line is not feasible from proposed alignment, since alignment of transmission line is made after detailed survey as per the topography of land with a view to cause least damage, disturbances to the existing village/populated area.

11. That prior to approval of project, detailed survey is conducted and after considering the most suitable route, feasibility report is prepared and thereafter project is approved by the Government. Transmission line cannot be erected in zigzag manner and the interest of individuals are to give way to larger interest since national projects usually benefit a number of states including this State of Bihar.
12. That so far safety measures are concerned, you have not to bother about that since our each and every project is approved after safety clearance by the concerned Central Govt. Authority and from the day of starting of construction of transmission line by POWERGRID we have taken care about that and in this regard your mandate or your experience is not at all required. You must go through Electricity Safety Rules, 2023 and section 68 of The Electricity Act, 2003 in this regard for removal of your misconception in this regard.
13. That as per the applicable Laws to the construction work of laying of Transmission power lines, there is no need for acquisition of the land in which the poles/ towers of the electric lines are to be constructed as per provision of the Indian Telegraph Act 1885 r/w section 164 of the Electricity Act 2003. Right, title and interest of the land continues with the persons concerned land owner.
14. That similar view was held by Hon'ble Supreme Court in the case of Power Grid Corporation of India Limited versus The Century Textiles and Industries Limited and Others (Reported in 2017(2) PLJR SC 152), and other Judgments, including others reported in 2018(1) PLJR Page 139, and 2017(3) PLJR 932. You are kindly requested to go through those Judgments for proper legal proposition and for your satisfaction, which has already suggested you in earlier correspondences.

Thanking You

Yours Faithfully



(Neeraj Kumar)

DGM/Biharsharif

नीरज कुमार / Neeraj Kumar

उप महाप्रबंधक / Dy. General Manager

पावरग्रिड, बिहारशरीफ उपकेंद्र

POWERGRID, BIHARSHARIF S/S

Copy to : SP, Nalanda