חוואהוות פראכו

# POWER GRID CORPORATION OF INDIA LIMITED

(A Government of India Enterprises)



Northern Region - I, 765/400/220 KV S/S, VPO: Nimriwali, Distt. Bhiwani - 127311 (Haryana)

101	ICE UNDER I	HE ELECTR	ICITY AC	T, 2003 READ	WITH	THE II	NDIA	N TELEGR	APH ACT, 1885
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Thendial Gaziteo detiledb	n Telegraph Act, 1885 I India on 24.12.2003. elow White all possibles	f The Electricity Ac to Power Grid Corp In exercise of such e care will be taken	oration of Inc powers, noti- to minimize t pring constru	lia Ltd. (POWERGRID) v ce is hereby given that ti he damage to standing	ide Notific he above r crop and t n damage	ation No. nentioned rees in the s/tree fell	S.O. 14 Hine sh Right ino sha	63 (E) published all pass through of Way (RoW), ce Il be compensate	y Authority under Part-III of in the Extraordinary Official your property/properties as rtain minimum unavoidable ed as per the assessment of
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Acknowle	dgement	*In case more trees, Table with such details may be annexed  For Power Grid Corporation of India Ltd.							
Signature with Name  Üwner/Beneficiary/Representatives (Signature with Name)			nature of Issuing Official) Name/Seal			(Countersigned by Executive) Name/Seal			
Verified By	: Concerned Revenu	e Official		_	andine	of tree f	alled.	3 5	
*Based on p	reliminary assessment.	However, compensa	ition shall be p	oaid as per actual crop d	imagewiic	, 01 000	,		
							DAIPAN	No.:	horized representative
This is to ce	rtify that the damage	d crops / felled tree	es as per encl	osed list have been har	ided over	by PUWE	ar Poi	ver Grid Corpo	horized representative ration of India Ltd.
Signature w	rith Name	(Signature of Issuing Official) Name/Seal				(Countersigned by Executive) Name/Seal			

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# The Gazette of India

अस्माध्यारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

सं. 1148] No. 1148]

नई दिल्ली, जुधवार, दिसम्बर 24, 2003/पौष 3, 1925 NEW DELHI, WEDNESDAY, DECEMBER 24, 2003/PAUSA 3, 1925

विद्युत मंत्रालय

आवेश

नई दिल्ली, 24 दिसम्बर, 2003

का.आ. 1463(अ).—जहाँ पावरग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड, जिनका पंजीकृत कार्यालय बी-9, कुतुब इंस्टीट्यूशनल एरिया, कटवारिया सराय, नई दिल्ली (अब से ''पाबरग्रिड'' नाम से संदर्भित) है, कंपनी अधिनियम, 1956 के अंगर्गत पंजीकृत एक सरकारी कंपनी है और विद्युत अधिनियम, 2003 के अंतर्गत अंतरराज्यीय पारेषण कार्य के लिए लाइसेंसी हैं।

और, जहाँ पावरिष्ठं द्वारा अंतरराज्यीय पारेषण प्रणाली के जरिएं पारेषणं, प्रणाली स्थापित करना तथा विद्युत पारेषण का कार्य करना अपेक्षित हैं।

और, जहाँ विद्युत पारेषण या कार्यों के समुचित समन्वयन के लिए आवश्यक दूरभाषीय या तार संबंधी सम्प्रेषण के उद्देश्य से किसी अचल संपत्ति में या पर पोस्ट के नीचे, ऊपर, पास में या इसके पार विद्युत तार या विद्युत संयंत्र स्थापित करने और इनका अनुरक्षण करने के लिए भारतीय तार अधिनियम, 1885 (1885 का 8) के भाग-3 के अंतर्गत तार लाइनों को बिछाने या स्थापित अथवा अनुरक्षित पोस्ट या इस प्रकार स्थापित अथवा अनुरक्षित तार लाइनों एवं पोस्टों के संबंध में पाबरग्रिड को शक्तियाँ प्रदान करने एवं पाबरग्रिड द्वारा इनका प्रयोग किया जाना अपेक्षित है।

अतः, अब विद्युत अधिनियम, 2003 की धारा 164 द्वारा प्रदत्त शंक्तियों का प्रयोग करते हुए पावरप्रिङ को एतद्द्वारा विद्युत पारेषण के लिए तथा कार्यों के समुचित समन्वयनं के लिए आवश्यक दूरभाषीय या तार संबंधी सम्प्रेषण के उद्देश्य से बिछाई गयी या अनुरक्षित अथवा बिछाई जाने या अनुरक्षित की जाने वाली विद्युत लाइनों एवं विद्युत संयंत्र के संबंध में भारतीय तार अधिनियम, 1995 के भाग-3 के अंतर्यत तार प्राधिकरण की प्रदत्त एवं इसमें निहित शक्तियों का प्रयोग करने हेतु प्राधिकृत किया जाता है।

पावरग्रिंड को उपर्युक्त शबित का प्रत्यायोजन इसके द्वारा विद्युत अधिनियम, 2003 के प्रावधानों एवं इसके अंतर्गत बनाए गए नियमों का अनुपालन करने की **शर्त** पर दिया गद्या<sub>न्</sub>है।

> [सं. 23/73/2003-आर एंड आर] अजन शंकर, संयुक्त सचिन

PROVIDED that—

- (a) the telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the 1 [Central Government], or to be so established or maintained;
- (b) the <sup>1</sup>[Central Government] shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which the telegraph authority places any telegraph line or post; and
- (c) except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that
- (d) in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.

# COMMENTS

If the exercise of the powers under s. 10 in respect of property referred to in cl. (d) thereof is resisted or obstructed, s. 16 lays down that the District Magistrate may, in his discretion, order that the telegraph authority shall be permitted to exercise them. The word "obstructed" encompasses any tangible or identifiable obstruction or even a protest would tantamount to obstruction and attract s. 16 and as mandated therein, the telegraph authority should obtain the order of the District Magistrate to remove such obstruction.—Erammanavara Aswathappa v. Karnataka Electricity Board AIR 1987 Kar 282; See also Bharat Plywood & Timber Products Pvt. Ltd. v. Kerala State

Electricity Board AIR 1972 Ker 47 11. Power to enter on property in order to repair or remove telegraph lines or posts

The telegraph authority may, at any time, for the purpose of examining, repairing, altering or removing any telegraph line or post, enter on the property under, over, along, across, in-or upon which the line or post has been placed.

# PROVISIONS APPLICABLE TO PROPERTY VESTED IN OR UNDER THE CONTROL OR MANAGEMENT OF LOCAL AUTHORITIES

12. Power for local authority to give permission under section 10. clause (c), subject to conditions

Any permission given by a local authority under section 10, clause (c) may be given subject to such reasonable conditions as that authority thinks fit to impose, as to the payment of any expenses to which the authority will necessarily be put in consequence of the exercise of the powers conferred by that section, or as to the time or mode of execution of any work, or as to any other thing connected with or relative to any work undertaken by the telegraph authority under those powers.

13. Power for local authority to require removal or alteration of telegraph line or post

When, under the foregoing provisions of this Act, a telegraph line or post has been placed by the telegraph authority under, over, along, across, in or upon any property

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(j) the procedure for fencing, guarding, lighting and other safety measures relating to works on streets, railways, tramways, sewers, drains or tunnels and immediate reinstatement thereof;

(k) the avoidance of public nuisance, environmental damage and unnecessary damage to the public and private property by such

(I) the procedure for undertaking works which are not reparable by the Appropriate Government, licensee or local authority;

(m) the manner of deposit of amount required for restoration of any railways, tramways, waterways, etc.;

the manner of restoration of property affected by such works and

(o) the procedure for deposit of compensation payable by the licensee and furnishing of security; and

(p) such other matters as are incidental or consequential to the construction and maintenance of works under this section.

(3) A licensee shall, in exercise of any of the powers conferred by or under this section and the rules made thereunder, cause as little damage, detriment and inconvenience as may be, and shall make full compensation for any damage, detriment or inconvenience caused by him or by any one employed by him.

(4) Where any difference or dispute [including amount of compensation under sub-section (3)] arises under this section, the matter shall be determined by

(5) The Appropriate Commission, while determining any difference of dispute arising under this section in addition to any compensation under subsection (3), may impose a penalty not exceeding the amount of compensation

Provisions relating to overhead lines

68. Overhead lines.—(1) An overhead line shall, with prior approval of the Appropriate Government, be installed or kept installed above ground in accordance with the provisions of sub-section (2).

(2) The provisions contained in sub-section (1) shall not apply-

(a) in relation to an electric line which has a nominal voltage not exceeding 11 kilovolts and is used or intended to be used for supplying to a single consumer;

(b) in relation to so much of an electric line as is or will be within premises in the occupation or control of the person responsible for its installation; or

(c) in such other cases, as may be prescribed.

(3) The Appropriate Government shall, while granting approval under subsection (1), impose such conditions (including conditions as to the ownership and operation of the line) as appear to it to be necessary.

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(4) The Appropriate Government may vary or revoke the approval at any time after the end of such period as may be stipulated in the approval granted by it.

(5) Where any tree standing or lying near an overhead line or where any structure or other object which has been placed or has fallen near an overhead line subsequent to the placing of such line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of electricity or the accessibility of any works, an Executive Magistrate or authority specified by the Appropriate Government may, on the application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he or it thinks fit.

(6) When disposing of an application under sub-section (5), an Executive Magistrate or authority specified under that sub-section shall, in the case of any tree in existence before the placing of the overhead line, award to the person interested in the tree such compensation as he thinks reasonable, and such person may recover the same from the licensee.

Explanation.—For the purposes of this section, the expression "tree" shall be deemed to include any shrub, hedge, jungle growth or other plant.

- 69. Notice to telegraph authority.—(1) A licensee shall, before laying down or placing, within ten metres of any telegraph line, electric line, electrical plant or other works, not being either service lines or electric lines or electrical plant, for the repair, renewal or amendment of existing works of which the character or position is not to be altered,—
  - (a) submit a proposal in case of a new installation to an authority to be designated by the Central Government and such authority shall take a decision on the proposal within thirty days;
  - (b) give not less than ten days' notice in writing to the telegraph authority in case of repair, renewal or amendment of existing works, specifying—
    - (i) the course of the works or alterations proposed;
    - (ii) the manner in which the works are to be utilised;
    - (iii) the amount and nature of the electricity to be transmitted;
    - (iv) the extent to, and the manner in which (if at all), earth returns are to be used,

and the licensee shall conform to such reasonable requirements, either general or special, as may be laid down by the telegraph authority within that period for preventing any telegraph line from being injuriously affected by such works or alterations:

Provided that in case of emergency (which shall be stated by the licensee in writing to the telegraph authority) arising from defects in any of the electric lines or electrical plant or other works of the licensee, the licensee shall be required to give only such notice as may be possible after the necessity for the proposed new works or alterations has arisen.

(2) Where the works of the laying or placing of any service line is to be executed, the licensee shall, not less than forty-eight hours before commencing

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ं पु इंड 9. Government not responsible for loss or damage

The <sup>1</sup>[government] shall not be responsible for any loss or damage which may occur in consequence of any telegraph officer failing in his duty with respect to the receipt, transmission or delivery of any message; and no such officer shall be responsible for any such loss or damage, unless he causes the same negligently, maliciously or fraudulently.

<sup>2</sup>[PART IIA

## UNIVERSAL SERVICE OBLIGATION FUND

9A. Establishment of Universal Service Obligation Fund

- (1) On and from the commencement of the Indian Telegraph (Amendment) Act, 2003, there shall be deemed to have been established, for the purposes of this Act, a Fund to be called the Universal Service Obligation Fund.
- (2) The Fund shall be under the control of the Central Government and there shall be credited thereto—
  - (a) any sums of money paid under section 9B;
  - (b) any grants and loans made by the Central Government under section 9C.
- (3) The balance to the credit of the Fund shall not lapse at the end of the financial year.

9B. Crediting of sum to Consolidated Fund of India

The sums of money received towards the Universal Service Obligation under section 4 shall first be credited to the Consolidated Fund of India, and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, credit such proceeds to the Fund from time to time for being utilised exclusively for meeting the Universal Service Obligation.

9C. Grants and loans by Central Government

The Central Government may, after due appropriation made by Parliament by law in this behalf, credit by way of grants and loans such sums of money as that Government may consider necessary in the Fund.

9D. Administration and utilisation of Fund

- (1) The Central Government shall have the power to administer the Fund in such manner as may be prescribed by rules made under this Act.
- (2) The Fund shall be utilised exclusively for meeting the Universal Service Obligation.
- (3) The Central Government shall be responsible for the co-ordination and ensuring timely utilisation and release for sums in accordance with the criteria as may be prescribed by rules made under this Act.]

### PART III

# POWER TO PLACE TELEGRAPH LINES AND POSTS

10. Power for telegraph authority to place and maintain telegraph lines and posts

The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon, any immovable property:

Substituted by the AO 1950, for word "Crown" which had been substituted by the AO 1937 for words "Secretary of State for India in Council".

Inserted by The Indian Telegraph (Amdt.) Act, 2003 (8 of 2004), w.r.e.f. 1-4-2002.