

SR-II

PGCIL/R/2018/0001

## RIGHT TO INFORMATION ACT 2005

Regd Post

Date: 21 - 01 - 2019

**From:**

**P.Ramarajulu**

Plot No:81, 2<sup>nd</sup> Street  
Godhavari Nagar, 2<sup>nd</sup> street  
Iyyencherry, Urappakkam (PO)  
Kancheepuram Dt - 603 210

**TO:**

**The Appellate Authority**

Power Grid Corporation of India Limited.  
Saudamini Plot No:2  
Sector - 29  
Gurgaon - 122 001  
Haryana

**Sir.,**

**Sub: Information Sought Under RTI Act - 2005**

**Ref:**

- 1) My Complaint dated 25 - 05 - 2018, 27 - 07 - 2018 addressed to power grid corporation of India Limited and Ministry of Power.
- 2) My RTI application dt 09 - 11 - 2018 addressed to CPIO power grid corporation of India.
- 3) Our land care taker letter dated 18 - 07 - 18 addressed to power grid corporation of India.
- 4) Power grid corporation of India Bangalore Lt dt Ref: SR.II RTI: F - 807:2018/16143 dt 24 - 12 - 18
- 5) Power Grid corporation of India Limited No: CHR: Griev: 2018 dt 20.12.2018.

Please refer to the Letters cited on the subject. Where in, In my complaint dt 25.5.2018 I have obviously elucidated well, about how the power Grid corporation of India's contractor has illegally encroached our cultivated land with out any notice intimation and prior consent, of me and damaged our

Shikhar  
25/1/19

Aut  
2019

land and laid counter poised wire illegally in our arable land. (vide reference 1<sup>st</sup> reference cited). Besides our land care taker already intimated clearly to your office that he has not given his consent to any one for erection of 400kv high voltage power tower and laid counter poised wire in our cultivated land. Besides he is not a land owner only care taker. without prior notice or intimation and prior consent of me (land owner) none has right and power to encroach our land and damaged and laid counter poised wire in our arable land. This is illegal encroachment and can't be concealed by the evasive reply of power grid corporation. According to the Govt of India Ministry electricity acts 2003 part. viii works and of power Notification dt 18 – 04 -2006, prior consent of the land owner is must for carry out the works. In this apropos I enclosed various authenticated valid orders, paper etc. There fore power grid corporation has illegally encroached the small farmer land with out his consent is cleared well. Therefore how our permanent income from our land is going to be compensated by the power grid corporation india for the high voltage power line to be drawn over our land.

According to the power grid corporation of india , even if the electricity act 2003 (CTU) ,the prior consent of the land owner is not required, this act has not empowered to any one to ruin the small farmer land and encroached the cultivated land and laid counter poised wire with out consent of land owner.

Because of above our entire generation is going to incur permanent loss of income from our land and cannot plant cocanut, plantain, teak, casuarinas etc trees, if the high voltage power line is drawn. Already two TNEB line is crossed over our land is noted one. There fore how the power grid corporation of India is going to compensate it? How much amount will be compensated? When it will be compensated etc may be elucidated and justified the above all.

**Your's faithfully**



**Copy**

**To:**

**The Appellate Authority**

**Power Grid Corporation of India**

**Near RTO Driving Test Track**

**Singanayakanahalli,**

**Yelahanka Hobli**

**Bangalore 560 064**

**Copy To**

**Central chief Information Commissioner**

**New delhi - 66**

✓

Before the  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
World Trade Centre, Centre No.1, 13<sup>th</sup> Floor, Cuffe Parade, Mumbai 400005.  
Tel. 022 22163964/65/69 Fax 22163976  
Email: [mercindia@merc.gov.in](mailto:mercindia@merc.gov.in)  
Website: [www.merc.gov.in/www.mercindia.org.in](http://www.merc.gov.in/www.mercindia.org.in)

**CASE NO. 45 of 2015**

In the matter of  
Petition of Shri Arun Shamrao Pardeshi regarding non-compliance of District  
Collector, Jalgaon's Order dated 16.10.2014 and enhancement of compensation for  
Transmission Line works by Maharashtra State Electricity Transmission Co. Ltd.

**Coram**

Shri Azeez M. Khan, Member  
Shri Deepak Lad, Member

Shri Arun Shamrao Pardeshi .....Petitioner

V/s

- 1) Maharashtra State Electricity Transmission Co. Ltd. .... Respondents No.1  
2) District Collector, Jalgaon ..... Respondent No. 2

**Appearance**

For the Petitioner: ..... Adv. Pavan Uttarwar  
For the Respondent No.1: ..... Adv. Monica Haseja  
..... Shri G.K. Sinha  
For the Respondent No. 2: ..... None

**ORDER**

**Date: 17 November, 2016**

Shri Arun Shamrao Pardeshi, of Shidhad, Tal. Pachora, District Jalgaon has filed a Petition on 13 February, 2015 citing Sections 142, 146 and 67(4) (5) of the Electricity Act (EA), 2003 read with Maharashtra Electricity Works of Licensees Rules (MEWLR), 2012 regarding non-compliance of the District Collector, Jalgaon's Order dated 16 October, 2014 by Maharashtra State Electricity Transmission Co. Ltd. (MSETCL), and for enhancement of compensation awarded by the Collector under Rules 3(3) and 13(2) of the MEWLR, 2012.

- 3.4 The Collector did not consider the fact that the Petitioner is not only entitled to compensation for the area covered by the Transmission Line Tower but also for the area surrounding the Tower as it cannot be cultivated. The Petitioner is entitled to compensation considering the non-agricultural rate of land. It is not acquisition of land, but the land occupied and surrounding the Transmission Line Towers becomes useless. Hence, the Petitioner is also entitled to a separate amount of compensation towards diminution in the value of property.
- 3.5 There has been malafide intention on the part of MSETCL. As soon as the Petitioner filed his representation before the Collector, the officers of MSETCL told him that, since litigation has been raised, a lower compensation will be paid to him as compared to other farmers.
- 3.6 Rather than settling the claim of compensation, MSETCL used police force at the time of erection of the Transmission Line Towers.
- 3.7 Panchnama to decide loss of crop and trees was not done properly by MSETCL and does not reflect the age of and income from the trees.
- 3.8 The Petitioner has not been paid sufficient compensation, and the Collector did not decide the compensation towards the loss of trees, crops, well, diminution of value of property and 'ghai rasta' (way used for works).
- 3.9 According to Rule 13 of the MEWLR, 2012, which were notified under Section 67 of EA, 2003, the District Collector is empowered to grant full compensation for the loss to the land owner. In several matters, the Commission has remanded the claims of Transmission Licensees to the concerned District Collector for deciding the compensation, for instance vide Order dated 27 March, 2012 in Case No. 11 of 2012.
- 3.10 As per Section 67(3) of the EA, 2003 read with Rule 13(1) of the MEWLR 2012, the Licensee shall make full compensation to the land owner. The Appellate Tribunal for Electricity (ATE), in Appeal No. 83/2010, while upholding the Commission's Order, has held that the consent of the land owner is mandatory as per the provisions of the EA, 2003.
- 3.11 The provisions of the ITA, 1885 are not applicable in view of Section 174 of EA, 2003, which has overriding effect if inconsistent with the provisions of any other Act.
- 3.12 As per Section 185 of the EA, 2003, the provisions of Sections 12 to 18 of the Indian Electricity Act, 1910 survived till rules (the MEWLR, 2012) under the EA, 2003 were notified by the State Government (i.e till 11 May, 2012).
- 3.13 The Government of India (GoI) has framed guidelines to decide the quantum of compensation towards lands affected by High Tension Transmission works and diminution of the value of property. These guidelines also confirm the powers of the District Magistrate/Collector.
- 3.14 The use of the Petitioner's land is permanently restricted and he has suffered irreparable loss towards growth of land. Therefore, the Petitioner is entitled to separate compensation towards diminution in the value of property.

- 3.15 As per Section 2 (1)(b) (i) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and notification dated 27 March, 2012, the land owned by the Petitioner can be taken for construction of transmission works by way of acquisition only. Accordingly, the Petitioner may be awarded compensation.
- 3.16 In view of the above, the Order of the District Collector, Jalgaon is illegal, arbitrary and not sustainable in law. The Commission has the power to award compensation as per the provisions of EA, 2003. The Petitioner may be granted full compensation considering the highest market rate, and separate compensation towards diminution of value of property.
4. At the hearing held on 24 November, 2015, both the Petitioner and MSETCL (Respondent No. 1) sought time for filing additional submissions, which was granted by the Commission.
5. In its Replies submitted on 23 November, 2015 and 24 August, 2016, MSETCL has stated that:
- 5.1. MSETCL supports the Order of the District Collector, Jalgaon dated 16 October, 2014 and denies the allegation that lower compensation was paid to the Petitioner as compared to other farmers.
- 5.2. No work was executed by using force upon the Petitioner. The adequacy of the compensation has been determined as per the law. The Petitioner has received the compensation legally payable to him.
- 5.3. The Petitioner claims that farmers, including him, are uneducated and that the Transmission Company is in a dominant position. Ignorance of law cannot be a defence, and all are given equal protection of law. Hence, whatever obligations and duties are cast upon MSETCL by law are fulfilled.
- 5.4. MSETCL has carried out the works as per the prevailing Rules and Regulations. Moreover, the Petitioner has signed the Panchanama carried out in the presence of representatives of the Respondents. The compensation paid is based on the Panchnama, which is accepted and admitted by the Petitioner.
- 5.5. Permission or notice to the land owner is required only if he objects to execution of the work. In present case, the Petitioner has allowed and co-operated with MSETCL to carry out the work. Hence there was no need for notice to him.
- 5.6. Foundation work and erection of the Towers were executed in December, 2009 and March, 2010 respectively. The Government Resolution (GR) for payment of land compensation was issued later on 1 November, 2010. Hence, the Petitioner is not liable for land compensation as the GR has only prospective application.
- 5.7. Erection of Transmission Line Towers is a high-risk task, and public safety and security are considered by the MSETCL. Sufficient clearances are maintained as per the Indian Electricity (IE) Rules. Therefore, there will be no inconvenience to the Petitioner. The land can be cultivated, and he can raise crops on it by maintaining safe clearances.

Commission's Analysis and Ruling

6. The Petitioner had applied to the District Collector, Jalgaon to determine the compensation payable on various counts in respect of the transmission works undertaken on his land by MSETCL. The application had cited Section 67 of the EA, 2003 and the MEWLR, 2012 and also referred to the Commission's Order in Case No. 83 of 2011 in a similar case. However, vide his Order dated 16 October, 2014, the Collector, in his capacity as District Magistrate, rejected the application as not maintainable and outside his jurisdiction under the provisions of Section 16(3) of the ITA, 1885.
7. Section 67 of the EA, 2003 provides for the opening up of streets, railways etc. (read with "works" as defined in S. 2(77)) and for compensation to the affected persons by Licensees, which would include Transmission Licensees such as MSETCL. The provisions of particular relevance read as follows:

*"(2) The Appropriate Government may, by rules made by it in this behalf, specify –*

*...(b) the authority which may grant permission in the circumstances where the owner or occupier objects to the carrying out of works;...*

*(e) the determination and payment of compensation or rent to the persons affected by works under this section;...*

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

*(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 or inconvenience as may be, and shall make full compensation for any damage, detriment or inconvenience caused 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 the Appropriate Commission."*

8. The Government of Maharashtra, which is the 'Appropriate Government' in this case, has notified the MEWLR, 2012 under S. 180(2) (b) read with S. 67(2) of the EA, 2003. The relevant provisions read as follows :

*"3. (1) A licensee may –*

*(a) carry out works, lay down or place any electric supply Line or other works in, though, or against, any building, or on, over or under any land where on, where over or where under any electric supply-Line or works has not already been lawfully laid down or placed by such licensee, with the prior consent of the owner or occupier of any building or land;*

PART VIII

WORKS

*Works of licensees*

Section 67. (Provisions as to opening up of streets, railways, etc): --- (1) A licensee may, from time to time but subject always to the terms and conditions of his licence, within his area of supply or transmission or when permitted by the terms of his licence to lay down or place electric supply lines without the area of supply, without that area carry out works such as -

- (a) to open and break up the soil and pavement of any street, railway or tramway;
- (b) to open and break up any sewer, drain or tunnel in or under any street, railway or tramway;
- (c) to alter the position of any line or works or pipes, other than a main sewer pipe;
- (d) to lay down and place electric lines, electrical plant and other works;
- (e) to repair, alter or remove the same;
- (f) to do all other acts necessary for transmission or supply of electricity.

(2) The Appropriate Government may, by rules made by it in this behalf, specify, -

- (a) the cases and circumstances in which the consent in writing of the Appropriate Government, local authority, owner or occupier, as the case may be, shall be required for carrying out works;
- (b) the authority which may grant permission in the circumstances where the owner or occupier objects to the carrying out of works;
- (c) the nature and period of notice to be given by the licensee before carrying out works;

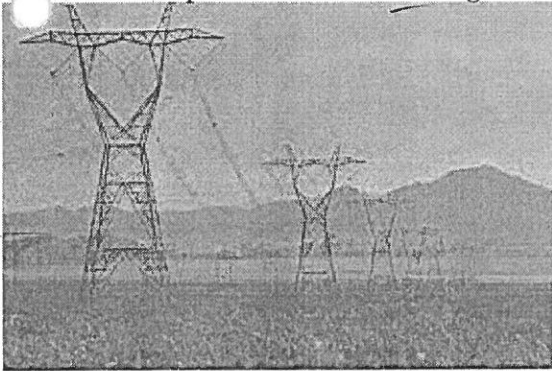


# COUNTERVIEW.ORG

A voluntary platform for peace, equality and social justice

## Need to examine farmers' plight in setting up electricity transmission towers and installing overhead high tension lines

Posted on September 30, 2014 August 30, 2017



(<https://counterview1.files.wordpress.com/2014/09/wires.jpg>) By P Chengal Reddy\*

Increasing electricity availability is a National priority. However, for lakhs of farmers on whose land gigantic towers are installed and high tension lines pass, it has meant livelihood deprivation. Each tower occupies an area ranging from 350 sq meters to 750 sq meters depending on the line capacity of 330 kva, 400 kva, 765 kva. Radiation in the surrounding areas leads to total reduction of the value of the land, as it cannot be used for the construction of houses, buildings, godowns, factories, or even raising plantation/horticulture crops and digging a bore well.

Realizing the huge demand for electricity, the Government of India enacted the Electricity Act of 2003 and came up with licensee rules in 2006 for the licensee companies for generation, transmission and distribution of power. Transmission companies follow the licensee rules of 2006 for obtaining consent of the landowner as per the rule 3(a) by direct negotiation and paying compensation. If it is not agreed upon, the company has to approach the district magistrate with a request to fix compensation under rule 3(b) of 2006 licensee rules.

The magistrate/police commissioner, on receiving the representation from the landowner and making necessary enquiries, fixes the compensation with directions to the company to pay the compensation to the landowner. On receiving the magisterial order the landowner can take the compensation and allow the company to construct towers draw the line. Further, the landowner, if not satisfied with the magisterial order, can take the compensation reserving his right to make appeal to the appropriate authorities for increasing the compensation under rule 3 (4) of the Act.

### *Violation of the rules by transmission companies*

During 2003-2014 thousands of towers were constructed in every state by transmission companies. Thousands of hectares of lands under towers and transmission lines have become value less. Transmission companies systematically bypass the procedure/ rules of giving notice and getting consent from the landowners. They do not inform the landowner of the towers and lines and do not meet the farmer for negotiating the compensation. Companies do not approach the magistrate/police commissioner for arbitration to fix the compensation amount. Land owned by scheduled tribes (STs), scheduled castes (SCs), and backward classes (BCs) under land reforms are totally bypassed in the process, even though they are eligible for compensation. In the coastal areas, the saltpan owners are also denied compensation.

### *Depriving farmers of future land development*

Acquiring farmers' land without consent to benefit the society is the right of the government. Losing right on land is painful to the owner, more so to a farmer who has sentimental attachment to the land. This is a universal phenomenon. Displacement or losing a value of the land, as seen in construction of transmission towers, drawing high tension lines, laying underground pipes for gas and water are all activities which require to be dealt in a careful manner by the authorities.

The trauma of a small farmer deprived of her or his land with scope for asset creation and future development has large economic and social implications because it is connected with her or his family future security for augmenting income, providing education to children, taking care of health issues, marriage of children and old age security. It is for this reason that even though the Constitution of India has removed right to property as a fundamental right, there is provision for adequate compensation under Article 300A. The authorities vested with the acquisition powers must strictly follow the procedure of giving notice, evaluating the market value and payment keeping in view the illiteracy and helplessness of the small farmers.

### *Arrogance and irresponsibility by the transmission companies*

An example of callousness is the conduct of the Power Grid Corporation of India (PGCI), a public sector navaratna company with 69 per cent Government of India shares and 31 per cent public shares, paid an Income Tax of Rs 2,696 crore for the year 2010-11 and Rs 3,294 crore for 2011-12. In addition they have declared dividend for share holders and also paid bonus to the employees. However, this company has deliberately and systematically duped and misguided lakhs of farmers of their rightful and legal compensation. Why they have done it is the big question which needs to be enquired by the Ministry of Energy, Government of India. The PGCI has not followed rules and failed to pay compensation by representing wrongly that it is a public service activity under the Telegraph Act, 1885.

The PCGI has been directed by many high courts to follow procedures and pay compensation since 2007 (Ref: Case No AIR 2011 Patna 83). The conduct and violation of rules by the PCGI chairman, directors, senior officers and auditors is a blatant violation of licensee rules of 2006 and also high court and Supreme Court directions. Whether these officers can be prosecuted by courts or chargesheeted by registered companies for showing false income tax statements, misleading and cheating landowners/ farmers is a matter to be looked into by the Union Ministry, Parliament members, the company law board and also courts. Their conduct is unethical, immoral and inhuman, for which there is no punishment.

### *Failure of Centre to force transmission companies to implement rules*



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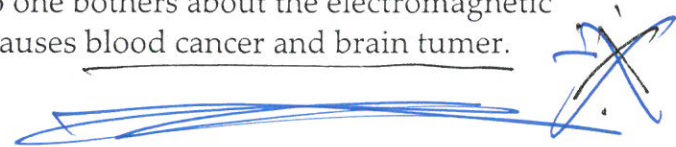
i

Rate This

Reply

7. *Appalo Eleven* says: July 22, 2015 at 10:39 pm

I am a veterinarian turned full time farmer. The power grid is actually making an on slought on the farmers of our area to lay high tension tower line. No one bothers about the electromagnetic radiation of these towers on people living nearby. It causes blood cancer and brain tumer.



2

0

i

Rate This

Reply

8. *K.S.TYAGI*, says: June 20, 2015 at 2:14 pm

Lot of thanks sir , this is very good information to us ,we are also in truble ,electric company also forsing to put the high tantion line in my land with out any componsation .

2

0

i

Rate This

Reply

1. *Roshan* says: August 11, 2015 at 3:47 pm

I have land of 8 katta, and High Tension Tower Line is going to Build on my land, what is Rule and what is price, and Private Job of it.

0

1

i

Rate This

Reply

9. *punia* says: March 1, 2015 at 10:42 am

Madras High Court

T.Thirumalai vs The District Collector on 15 March, 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2016

CORAM

THE HONOURABLE Mr.JUSTICE S.MANIKUMAR

and

THE HONOURABLE Mr.JUSTICE C.T.SELVAM

Writ Appeal(MD)Nos.385 of 2016 to 393 of 2016

and

CMP(MD)Nos.2544 to 2552 of 2016

W.A.(MD)No.385 of 2016:

T.Thirumalai

... Appellant/

Writ Petitioner in

WA No.385/2016

Vs.

1.The District Collector,  
O/o.District Collector,  
Dindigul District.

2.The Superintending Engineer,  
General Construction Circle (TANGEDCO),  
Madurai Electricity Distribution Circle,  
K.Pudur, Madurai District-625 007.

3.The Superintendent of Police,  
O/o.Superintendent of Police Office,  
Dindigul (Rural), Dindigul District.

... Respondents/

Respondents

W.A.(MD)No.385 of 2016:

Writ Appeal under Clause 15 of the Letters Patent, against the order made in W.P.(MD)No.12681 of 2015, dated 18.11.2015.

!For Appellants : Mr.M.Ponniah  
in all the WAs.

^For Respondents : Mr.S.M.S.Johnny Basha  
in all the WAs

:JUDGMENT

These two things establish without any pale of doubt, that Parliament did not wish to retain sub-section (2) of Section 12, which made it mandatory for the licensees to obtain the consent of the owners.

25. A valiant attempt was made by Mr.B.Saravanan, learned counsel for the appellants that the absence of a non obstante clause in Section 164 of the new Act, which corresponds to Section 51 of the Old Act, would show that 2003 Act did not seek to keep the requirement of Section 12(2) of the 1910 Act out of its purview. But we do not think that the absence of non obstante clause in Section 164 was due to the intention of the Parliament to retain the requirement under Section 12(2) of the 1910 Act.

26. On the contrary, the Parliament which chose to adapt Section 12(1) of the 1910 Act into Section 67(1) of the 2003 Act deliberately chose not to adapt sub-section (2) of Section 12 into the 2003 Act. This is why there was no necessity for the Parliament to retain the non obstante clause while adapting Section 51 into Section 164.

27. The question as to whether the Appropriate Government ought to have framed rules, under Section 67(2), to erase the requirement of consent under Section 12(2) of 1910 Act, was answered in R.Santhana Raj in paragraph 40 as follows:

40. A combined reading of Section 67 (2) (a) to (d) of the 2003 Act together with (I) Rule 3 (1) and 3 (4) of the Works of Licensees Rules 2006 (II) Section 164 of the 2003 Act and (III) Sections 10 and 16 of the Telegraph Act, 1885, would lead us to the following conclusions:-

(i) In normal circumstances, the licensee would require the prior consent of the owner or occupier of any land, by virtue of Rule 3(1)(a) of the Works of Licensees Rules 2006, read with Section 67 (2)(a) to (d) of the Electricity Act 2003.

(ii) But if the appropriate Government has, in terms of Section 164 of the 2003 Act, by order in writing, conferred upon any Public Officer or licensee, the powers of a telegraph Authority under the Indian Telegraph Act, 1885, for placing of electric lines or electric plant, then the requirement of prior consent under Rule 3(1)(a) need not be complied with. This is in view of Rule 3(4) of the Works of Licensees Rules 2006.

(iii) In other words, if the appropriate Government had passed an order empowering the licensee to exercise any of the powers conferred by the Telegraph Act, 1885, then the licensee can invoke Sections 10 and 11 of the Telegraph Act, 1885 and simply enter upon any private land and carry out necessary works, without the prior consent of the owner. But if the appropriate Government had not passed any order in terms of Section 164 of the Electricity Act, 2003 conferring such a power upon the licensee, to exercise any power under the Telegraph Act, then the licensee has to obtain prior consent of the owner or occupier, as per Rule 3(1)(a) of the Works of Licensees Rules 2006 to carry out the works?.

28. It appears from the Board proceedings of the Tamil Nadu Electricity Board in Permanent B.P.(CH)No.368, Technical Branch, dated 25.08.2010, that the Appropriate Government had already conferred powers upon the Electricity Board to exercise the powers of the Telegraph Authority under the Telegraph Act, 1885. Since this conferment was made under Section 51 of the 1910 Act even before the 2003 Act was enacted, this conferment survived by virtue of Section 185 (2) (a) of the 2003 Act.

29. Therefore, neither the absence of the non abstante clause in Section 164 of the 2003 Act that corresponds to Section 51 of the 1910 Act nor the failure of the State Government to issue rules under Section 67(2) of the 2003 Act would improve the case of the appellants.

30. Identical arguments were repelled by one of us (VRSJ) in R.Santhana Raj and the conclusions that emerged out of the detailed discussion, were summed up in Paragraph 58 of R.Santhana Raj as follows:

?58. Therefore, in the light of the foregoing discussion, the following conclusions emerge:-

(i) The provision of Section 12(2) of the Electricity Act, 1910, requiring the licensee to obtain consent of the owner or occupier of the land on which it is proposed to carry out certain works, stands repealed, in terms of Section 185 (1) and 185 (2) (b) of the Electricity Act, 2003, with the issue of the Works of Licensees Rules, 2006, in exercise of the power conferred by Section 67 (2) of the 2003 Act.

(ii) Primarily, Rule 3(1)(a) the Works of Licensees Rules, 2006 requires the licensee to obtain the prior consent of the owner or occupier of any building or land on which it is proposed to carry out certain works.

(iii) If the owner or occupier refuses to give consent and raises objections, the licensee may obtain permission in writing from the District Magistrate or the Commissioner of Police, in terms of the first proviso under Rule 3(1).

(iv) But in cases where powers are conferred upon the licensee under Section 164 of the Electricity Act, 2003, the provisions of Rule 3(1) to (3) of the Works of Licensees Rules, 2006 will not apply. In other words, where the appropriate Government had conferred upon the licensee, the powers of a Telegraph Authority under the Telegraph Act, 1885, the licensee need not take recourse to the procedure prescribed by Rules 3(1) to (3) of the Works of Licensees Rules, 2006. But the licensee shall take recourse to the provisions of the Telegraph Act, 1885.

(v) Since Section 164 of the 2003 Act, corresponds to Section 51 of the 1910 Act, the power conferred by the Government upon a licensee, in terms of Section 51 of the 1910 Act, is saved by Section 185(2)(a) of the 2003 Act. Therefore, the power conferred upon the Tamil Nadu Electricity Board by the Government of Tamil Nadu under Section 51 of the 1910 Act, could continue to be exercised by the Board, as though those powers were conferred under Section 164 of the 2003 Act.

No.3/7/2015-Trans  
Government of India  
Ministry of Power  
Shram Shakti Bhawan  
Rafi Marg, New Delhi – 110001

Dated, 15<sup>th</sup> October, 2015

To

1. Chief Secretaries/Administrators of all the States/UTs  
(As per list attached)
2. Chairperson, CEA, New Delhi with the request to disseminate the above guidelines to all the stakeholders.
3. CMD, PGCIL, Gurgaon.
4. CEO, POSOCO, New Delhi.
5. Secretary, CERC, New Delhi.
6. CMD of State Power Utilities/SEBs

Subject: Guidelines for payment of compensation towards damages in regard to Right of Way for transmission lines.

During the Power Ministers Conference held on April 9-10, 2015 at Guwahati with States/UTs, it has, *inter alia*, been decided to constitute a Committee under the chairmanship of Special Secretary, Ministry of Power to analyse the issues related to Right of Way for laying of transmission lines in the country and to suggest a uniform methodology for payment of compensation on this count. Subsequently, this Ministry had constituted a Committee with representatives from various State Governments and others. The Committee held several meetings to obtain the views of State Governments on the issue and submitted its Report along with the recommendations (copy of the Report is at Annex-1).

2. The Recommendations made by the Committee are hereby formulated in the form of following guidelines for determining the compensation towards "damages" as stipulated in section 67 and 68 of the Electricity Act, 2003 read with Section 10 and 16 of Indian Telegraph Act, 1885 which will be in addition to the compensation towards normal crop and tree damages. This amount will be payable only for transmission lines supported by a tower base of 66 KV and above, and not for sub-transmission and distribution lines below 66 KV:-

- (i) Compensation @ 85% of land value as determined by District Magistrate or any other authority based on Circle rate/ Guideline value/ Stamp Act rates for tower base area (between four legs) impacted severely due to installation of tower/pylon structure;

(b) fix any support of overhead line or any stay or strut required for the purpose of securing in position any support of an overhead line on any building or land or having been so fixed, may alter such support:

(2) When making an order under sub-rule (1), the District Magistrate or the Commissioner of Police or the officer so authorised, as the case may be, shall fix, after considering the representations of the concerned persons, if any, the amount of compensation or of annual rent, or of both, which should in his opinion be paid by the licensee to the owner or occupier.

(3) Every order made by a District Magistrate or a Commissioner of Police or an authorised officer under sub-rule (1) shall be subject to revision by the Appropriate Commission

(4) Nothing contained in this rule shall effect the powers conferred upon any licensee under section 164 of the Act.



#### PROVISIONS OF TELGRAPH ACT FOR COMPENSATION:

The Indian Telegraph Act, 1885, Part-III, Section 10:

*Quote:*

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:  
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 [Central Government], or to be so established or maintained;

(b) the [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 authority; and



**Section 68 (5 & 6):**

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

Unquote.



GOVERNMENT OF INDIA  
MINISTRY OF POWER

New Delhi, the 18th April 2006.

NOTIFICATION

G.S.R 217(E). - In exercise of the powers conferred by clause (e) of sub-section (2) of section 176 read with sub-section (2) of section 67 of the Electricity Act, 2003 (36 of 2003), the Central Government hereby makes the following rules regarding the works of licensees, namely :-

1. Short title and commencement- (1) These rules may be called the Works of Licensees Rules, 2006.

2. Definitions- (1) In these rules unless the context otherwise requires-

- (a) "The Act" means the Electricity Act, 2003;
- (b) "occupier" of any building or land means a person in lawful occupation of that building or land.

(2) All other words and expression used herein and not defined in these rules, shall have the meanings respectively assigned to them in the Act.

3. Licensee to carry out works.- (1) A licensee may -

- (a) carry out works, lay down or place any electric supply line or other works in, through, or against, any building, or on, over or under any land whereon, wherever or whereunder any electric supply-line or works has not already been lawfully laid down or placed by such licensee, with the prior consent of the owner or occupier of any building or land;