

**FIRST APPEAL UNDER SECTION 19(1) OF THE R.T.I. ACT, 2005**

1)	To,	Sri. S.Ravi, First Appellate authority/ Executive Director, Power Grid Corporation of India Limited., SRTS-II, Singanayakanahalli, Yelahanka Hobli. Bengaluru 560 064.
2)	Name and Address of the Appellant	Rachana.S D/o Sachidananda R/at "Arunodaya Nilaya" B.L.Gowda Nagar, Hiriyyur, Hiriyyur Taluk, Chitradurga District.
3)	Particulars of the PIO. a) Name b) Address	The Public Information Officer/ Power Grid Corporation of India Limited RTO road, Singanayakanahalli, Yelahanka, Bengaluru-560064
4)	Details of the information sought under Section 6(1)	Attached as Annexure-A.
5)	Particulars of the Applicant fee.	Indian Postal order number: 50F 64 9967, 29/10/2020
6)	Date of submission of application for seeking information.	02-11-2020
7)	Reason for Appeal.	<b>Attached as Memorandum of appeal under Section 19 of RIGHT TO INFORMATION ACT, 2005 by the appellant</b> for not furnishing false information and suppression of material facts. Hence, this appeal.

Therefore, it is respectfully prayed that this Hon'ble Authority may kindly be pleased to:

Direct the respondent to furnish full particulars as sought by the appellant in the Memorandum of appeal and allow this appeal as it is very necessary in the interest of justice.

Place: Hiriyyur  
Date: 30-12-2020

*Rachana. S*  
Signature of the Appellant

1998

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**BEFORE THE EXECUTIVE DIRECTOR (SRTS-II),  
POWER GRID CORPORATION OF INDIA LTD.,  
SINGANAYAKANAHALLI, YELAHANKA HOBBLI,  
BANGALORE-560064 AND FIRST APPELLATE  
AUTHORITY CONSTITUTED UNDER RIGHT TO  
INFORMATION ACT, 2005**

APPELLANT	.vs.	RESPONDENT
S. Rachana D/o S. Sachidananda Advocate, R/at Arunodaya Nilaya, B.L.Gowda Nagar, Hiriyur, Hiriyur Taluk, Chitradurga District <b>rachanaproponent@gmail.com</b> Mobile No.7760287964		Senior General Manager & CPIO M/s Power Grid Corporation of India Limited Southern Region Transmission System II RHQ, Near RTO Driving Test Track, Singanayakanahalli, Yelahanka Hobli, Bengaluru-560064 <b>sr2cpio@powergrid.co.in</b> Tel.No. 080 23093711

**MEMORANDUM OF APPEAL UNDER SECTION 19 OF  
RIGHT TO INFORMATION ACT, 2005 BY THE  
APPELLANT**

The appellant begs to submit as under:

1. The appellant has sought for information from the respondent vide Annexure – A dated 02-11-2020.
2. The respondent has furnished the information as per letter dated 07-12-2020 which is shown as Annexure B is not in accordance with Annexure – A.

3. Annexure - B particulars are incomplete and incorrect with regard to the following items:

i. The appellant has sought for information as to whether the respondent has obtained any permission to erect electric wire and installation of tower in land bearing Sy.No.245/1 from Smt. R Kathyanamma, who is the owner of land bearing Sy.No.245/1 measuring 12.32 acres at Metikurke Village, Hiriya Taluk, Chitradurga District and extent of 2 acres belonging to Smt. G. Saraswathi towards southern side of the land. But in this regard the respondent has not furnished any information. On the contrary the respondent has given information vaguely stating that prior consent or prior permission is not stipulated in the Electricity Act, 2003 or the Indian Telegraph Act, 1885 and the same has been upheld by various Hon'ble High Courts and the Hon'ble Supreme Court of India. But in this regard the appellant has not sought for decision of Hon'ble High Courts and Hon'ble Supreme Court of India. The appellant has sought information as to whether the respondent company has obtained any permission from the owner of the land or not. Instead of furnishing correct and proper information in this regard, the respondent has furnished vague information which is not sustainable in law. Whether the respondent has obtained any legal opinion from the concerned law officer or legal fraternity of respondent

company in this regard. Without furnishing any information by the respondent, which is opposed to Fourth Schedule under Sec.105 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Electricity Act, 2003 is included in Fourth Schedule under Sec.105 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. If prior permission is not required, kindly direct the respondent to furnish which of the provision of law either in Electricity Act, 2003 or under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. If there is any decision of Various Hon'ble High Courts and Hon'ble Supreme Court of India about prior consent or prior permission is not stipulated in the Electricity Act, 2003 or the Indian Telegraph Act, 1885. The respondent would have furnished the same to the appellant. But the respondent has not furnished any decisions in this regard. Therefore, the respondent has committed grave error in furnishing false information in this regard.

ii. With regard to Sl.Nos.2 and 3 of Annexure – A is concerned, the respondent has furnished information that notice issued to Smt. Kathyanamma with Notice No.1924 and copy enclosed as Annexure – A. But in this notice the respondent has not furnished information as per schedule

shown in the notice, area of land is not shown and other particulars are not furnished as per schedule shown in the notice and he has not shown any legal notice issued to Smt. G. Saraswathi. Copy of this notice is not certified by the respondent. Therefore, kindly direct the respondent to furnish proper information in this regard.

iii. With regard to Sl.Nos.4 and 5 of Annexure - A is concerned, the respondent has not furnished any information. The owners of the land have obtained injunction order from Civil Judge, Hiriya in O.S.No.101/2018, 102/2018 and 104/2018 as to erection of electric wire in land bearing Sy.No.245/1, 248/7 and 185 of Metikurke Village, Hiriya Taluk, Chitradurga District. But in this regard the respondent has not furnished any information. On the contrary the respondent has furnished false information that Sl.Nos. 4 and 5 and reply to question 1 above which is not relevant. Hence, direct the respondent to furnish proper information in this regard.

iv. With regard to Sl.No.6 of Annexure - A is concerned, the respondent has furnished information that Smt. M. Vasanthi, Sr.DGM, Power Grid Corporation of India Ltd., Hiriya sub-station is responsible officer incharge of Power Grid Corporation of India. Whether Smt. M. Vasanthi working as Sr.DGM of Power Grid

Corporation of India at the time of erection of this electric wire or not has not been disclosed by the respondent.

v. With regard to Sl.Nos.7 and 8 of of Annexure – A is concerned, the respondent has furnished information that crop damages awarded Rs.6,08,378/- and Rs.3,24,468/- for pomegranate compensation for 210 trees and 112 trees respectively. But the appellant has sought information about number of pomegranate trees, number of coconut trees, number of chiku trees, number of perale trees, Neem trees, Tamarind Trees, number of nagalinga pushpa trees, number of jail trees and others. But the respondent has furnished information only as to pomegranate trees. The respondent has not furnished any information in respect of other trees as per Sl.No.8 of Annexure – A.

vi. With regard to Sl.No.9 of Annexure – A is concerned, the appellant has sought for information as to whether the respondent company has passed any award for destruction of bund and unauthorised formation of road in the land bearing Sy.No.245/1 and destruction of barbed wire fence and thrown fence erected in Sy.No.245/1, but the respondent has furnished false information that no bunds are destructed and no road was formed. Without destruction of bund, how the respondent entered the land bearing Sy.No.245/1, without formation of road, how the respondent entered in land bearing Sy.No.245/1 and how the respondent entered this land

without destruction of barbed wire fence in land bearing Sy.No.245/1 has not been explained. The respondent has given vague information in this regard.

vii. With regard to Sl.No.10 of Annexure - A is concerned, the respondent has furnished information that "USER RIGHT" and "No acquisition of land" is involved in the process of construction of transmission line/tower which comes under The Electricity Act, 2003 and Indian Telegraph Act, 1885 This information is apparently illegal and false for the reason that Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is came into effect from 1-1-2014. The transmission line was constructed under prior approval by the Ministry of Power, Government of India vide Reference No. 52/11 (PGCIL)/2015-PSPA-II/142-143 dated 23-02-2016 under Section 68(1) of Electricity Act, 2003. In view of Fourth Schedule under Section 105 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the Electricity Act, 2003 is included. The respondent has given false information stating that USER RIGHT and No acquisition is involved. Whether this information furnished by the respondent is issued only after consultation with legal cell of Power Grid Corporation of India. If it is so, who has given this legal opinion to the respondent has not been disclosed by the respondent.



Without knowing relevant Act and Rules, the respondent has furnished false information by suppressing the fact and also relevant provision of law. Hence, information furnished by the respondent is opposed to law and facts.

viii. With regard to Sl.No.11 of Annexure - A is concerned, the respondent has furnished information that 3 acres 9.25 guntas, but the respondent has not furnished the information as to whether this 3 acres 9.25 guntas has come under the ownership of Smt. Kathyamma to the extent of 12.32 acres of land bearing Sy.No.245/1 or which includes the ownership of Smt. G. Saraswathi.

ix. With regard to Sl.no.12 of Annexure - A is concerned, the respondent has not furnished the name and address of contractor, supervisor, workers, who have erected electric wire in the corridor area at the instance of respondent company in Sy.no.245/1 of Metikurke Village, Hiriyur Taluk, Chitradurga District. But the respondent has furnished only the name of company as M/S KRRTPL engaged as contractor for erection of electric wire. The same is incomplete.

x. With regard to Sl.no.13 of Annexure - A is concerned, the respondent has not furnished certified copy of survey sketch and date of survey and the name of officers, who have conducted the survey are not furnished.

xi. With regard to Sl.No.14 of Annexure - A is concerned, the respondent has not furnished the mahazar

drawn by the Power Grid Corporation of India/Revenue Authority / Department of Horticulture/Department of Forest. Though the respondent has not furnished mahazar which is shown that mahazar /survey sketch are enclosed as Annexure B which is false and incorrect.

xii. With regard to Sl.No.15 of Annexure - A is concerned, the appellant has sought for information as to whether the respondent has obtained permission from court to erect electric wire in Sy.no.245/1. In this regard the respondent has not furnished any information. The owners of land bearing Sy.No.245/1, 248/7 and 185 of Metikurke Village, Hiriyr Taluk, Chitradurga District have filed suit for injunction against the respondent and others and also obtained temporary injunction. Therefore, information was sought by the respondent. The owners of land bearing Sy.Nos.245/1, 248/7 and 185 have filed O.S.No.101/2018, 102/2018 and 104/2018 in which temporary injunction was granted. But in this regard the respondent has not furnished any information.

For the aforesaid reasons, the respondent has failed to comply the mandatory provisions of Right to Information Act, 2005. The respondent has suppressed the material facts which is against to law. The respondent has furnished false information in some of Serial Numbers which are shown above. Without following relevant Act

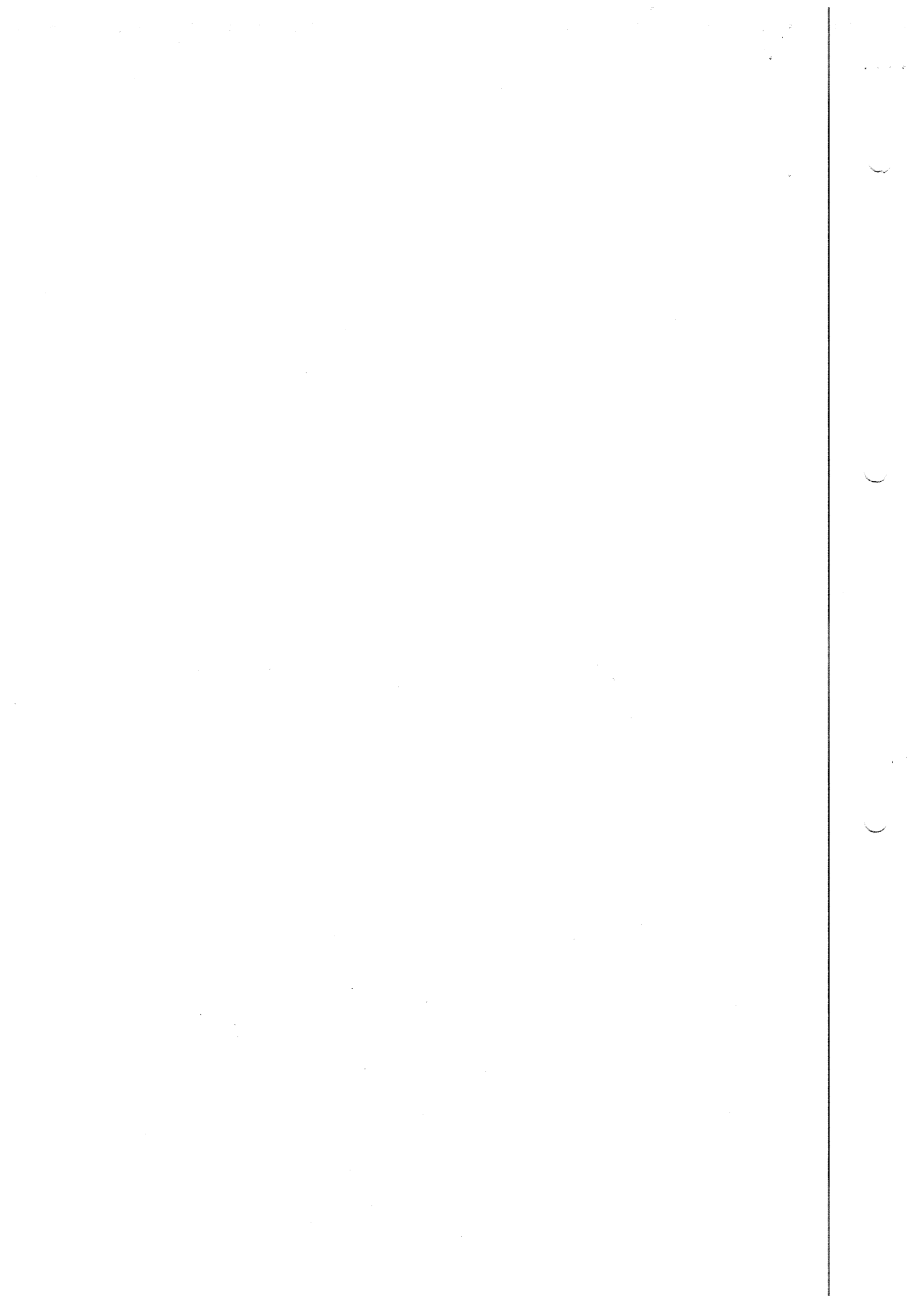
and Rules, the respondent has furnished false information which amounts professional misconduct.

Therefore, it is respectfully prayed that this Hon'ble Court may kindly be pleased to direct the respondent to furnish the correct, proper and legal information to the appellant as per relevant Act and Rules. Further it is prayed that this Hon'ble Court may kindly be pleased to take suitable legal action against the respondent for furnishing false information in serial numbers of Annexure - A above and also for suppression of material facts and allow this appeal as it is very necessary in the interest of justice, equity and good conscious.

Place: *Hiriyur*

Date: *30/12/2020*

*Radhana. S*  
Appellant



RTI Application Form  
FORM 'A'  
See Rule 3(1)

I. D. No.....  
(For Office Use Only)

To  
The Public Information Officer/  
Power Grid Corporation of India Limited  
RTO Road, Singanayakanahalli  
Yelahanka, Bengaluru - 560064

1.Full Name of The Applicant : S. Rachana  
2.Father Name/Spouse Name : D/o S. Sachidananda  
3.Permanent Address : Advocate  
R/at "Arunodaya Nilaya"  
B.L.Gowda Nagar, Hiriyur,  
Hiriyur Taluk, Chitradurga District.  
[rachanaoproponent@gmail.com](mailto:rachanaoproponent@gmail.com)  
Mobile No.7760287964  
4.Correspondence Address : As above  
5.Particulars of the Information Solicited  
a) Subject Matter of Information :

1. Whether your Corporation has obtained any permission to erect electric wire in land bearing Sy.No.245/1 till this day from Smt. G. Saraswathi, who is the owner of land bearing Sy.No.245/1 measuring 2 acres at Metikurki Village, Hiriyur Taluk, Chitradurga District ?
2. Whether your Corporation Authority or any other Competent Authority has awarded any compensation to Smt. G. Saraswathi, owner of land bearing Sy.No.245/1 measuring 2 acres situated at Metikurki Village, Hiriyur Taluk, Chitradurga District? If so, furnish all particulars in this regard.
3. How your Corporation has erected electric wire in land bearing Sy.No.245/1 measuring 2 acres though the owner Smt. G. Saraswathi has obtained temporary injunction order against your company and others in O.S.No.102/2018 on the file of Civil Judge, Hiriyur?
4. Furnish information as to whether your Authority / Corporation has given any intimation to Smt. G. Saraswathi as to erection of electric wire in her land bearing Sy.No.245/1 measuring 2 acres situated at Metikurki Village, Hiriyur Taluk, Chitradurga District, till this day.
5. Whether your company/Corporation has issued any notice to Smt. G. Saraswathi as to erection of wire and installation of electric Tower in Sy.No.245/1 of Metikurki Village, Hiriyur Taluk, Chitradurga District? If it is so, furnish certified copies of notice issued to Smt. G. Saraswathi.
6. Furnish the name and address of the contractors, workers, engineers and supervisors, who have erected the electric wire in Sy.No.245/1 measuring 2 acres of Metikurki Village, Hiriyur Taluk, Chitradurga District, at your instance by violating the order of injunction obtained by Smt. G. Saraswathi against your company and others in O.S.No.102/2018.
7. Furnish the name and address of First Appellate Authority constituted under Right to Information Act, 2005.

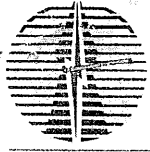
8. Furnish the name and address of the Responsible Officer-in-charge of Power Grid Corporation of India Limited, who is supervising the Electric Wire and Tower situated in Beeranahalli comes under Village Panchayath, Metikurki Village, Hiriyur Taluk, Chitradurga District.
  9. Furnish the following details of Sy.No.245/1 – furnish the details of number of pomegranate trees, number of coconut trees, number of Chiku trees, number of perale trees, Neem trees, Tamarind trees, number of Nagalinga Pushpa trees, number of Jali trees, awarded any compensation to crop. If it is so, furnish the details regarding name of crops, age of crops etc.
  10. Whether your Corporation has awarded any amount for destruction of bund and unauthorized formation of road in Sy.No.245/1 and trees grown on bund in Sy.No.245/1 and destruction of barbed wire fence and thrown fence erected in Sy.No.245/1?
  11. Whether your Corporation has issued any notice to the owner of the land at any point of time till this day as to the acquisition of land for installation of electric Tower and for corridor area for installation of electric wire?
  12. Furnish the particulars of exact corridor area in land bearing Sy.No.245/1 belonging to the owner Smt. G. Saraswathi to the extent of 2 acres.
  13. Furnish the name and address of the contractor, supervisor, workers, who have erected electric wire in the corridor area and installation of Tower at the instance of your company in Sy.No.245/1 of Metikurki Village, Hiriyur Taluk, Chitradurga District
  14. Furnish the certified copy of Survey Sketch prepared by your Company prior and after acquisition of land.
  15. Furnish the certified copy of mahazar if any drawn by your Company/Revenue Authority/Department of Horticulture/Department of Department. Furnish details in this regard. If you have not conducted any mahazar, survey sketch, furnish necessary endorsement in this regard.
  16. Whether you have obtained any permission from Court to erect electric wire in Sy.No.245/1. If it is so, furnish details in this regard.
- b) The period to which information relates : Mentioned above  
c) Specific Details of Information required : Mentioned above  
d) Whether information is required by Post : Information is required by post or in person (the actual postal fees shall be included in additional fee in providing the information)  
e) In case by Post (ordinary/registered or speed post) : Registered Post with Acknowledgement

I am herewith enclosed Rs.10/- postal order towards the charges of above said copies.

Place: Hiriyur  
Date: 02/11/2020

Rachana S.  
Signature of Applicant

~~0050~~ IPO No - 50F 649967  
Date - 29/10/2020



**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-1159:2020/ 2848

Date: 7<sup>th</sup> December, 2020

Smt. S.Rachana, Advocate  
"Arunodaya Nilaya", B.L.Gowda Nagar,  
Hiriyur Taluk, CHITRADURGA – 577599.

Madam,

**Sub: Information sought under RTI Act, 2005 – reg.**

This has reference to your application dated 02/11/2020 under RTI Act, 2005 received at this office on 09/11/2020. The query wise information sought in the application is furnished below:

Prior consent or prior permission is not stipulated in the Electricity Act, 2003 or The Indian Telegraph Act, 1885 and the same has been upheld by various Hon'ble High Courts and the Hon'ble Supreme Court of India.

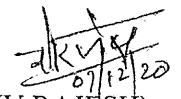
- 1) Notice issued to Smt.Kathyayanamma/Smt. G.Saraswathi vide Notice No.1924 (Annex-A)
- 2) No. Compensation i.r.o. Sy.No.245/1 was awarded to Smt.Kathyayanamma.
- 3) No temporary injunction order passed against erection of line.
- 4) & 5) Refer reply to Q.No.1 above.
- 6) M/s KRRTPL engaged as contractor.
- 7) Furnished below.
- 8) Smt. M Vasanthi, Sr.DGM, Power Grid corporation of India Ltd, Hiriyur sub-station.
- 9) Crop damages awarded Rs.608378/- and Rs.324468/- for pomegranate compensation for 210 trees and 112 trees respectively.
- 10) No bunds are destructed & no road was formed.
- 11) POWERGRID has only "USER RIGHT" and 'No acquisition of land' is involved in the process of construction of transmission line/tower which comes under The Electricity Act, 2003 and Indian Telegraph Act, 1885.
- 12) 3 acre 9.25 guntas.
- 13) M/s KRRTPL engaged as contractor for erection of electric line.
- 14) & 15) Mahazar/Survey sketch enclosed as Annex-B
- 16) The Transmission Line was constructed under prior approval by the Ministry of Power, Government of India vide Ref.52/11(PGCIL)/2015-PSPA-II/142-143 dated 23/02/2016 under section 68(1) of Electricity Act, 2003.

As per section 19 of the Right to Information Act 2005, if required, you may file an appeal to the First Appellate Authority of the organisation within 30 days of the issue of this order. The address of the First Appellate Authority is given below:

Shri S.Ravi, Executive Director (SRTS-II)  
Power Grid Corporation of India Ltd., Singanayakanahalli, Yelahanka Hobli, Bengaluru 560 064.  
e-mail : [sr2edo@powergrid.co.in](mailto:sr2edo@powergrid.co.in) Tel.No.: 080-23093701

Thanking you,

Yours faithfully,

  
(V. RAJESH)

Sr.General Manager & CPIO

e-mail id: [sr2cpio@powergrid.co.in](mailto:sr2cpio@powergrid.co.in) Tel.No.: 080-23093711

Encl.: As above

Copy to: Appellate Authority, POWERGRID, SRTS-II, Bangalore - for kind information

दक्षिणी क्षेत्र पारेषण प्रणाली - II क्षेत्रीय मुख्यालय, आर.टी.ओ. ड्राइविंग टेस्ट ट्रैक के पास सिंहनायकनहल्ली, येलहंका होब्ली, बेंगलूरु - 560 064. दूरभाष : 080-23093700

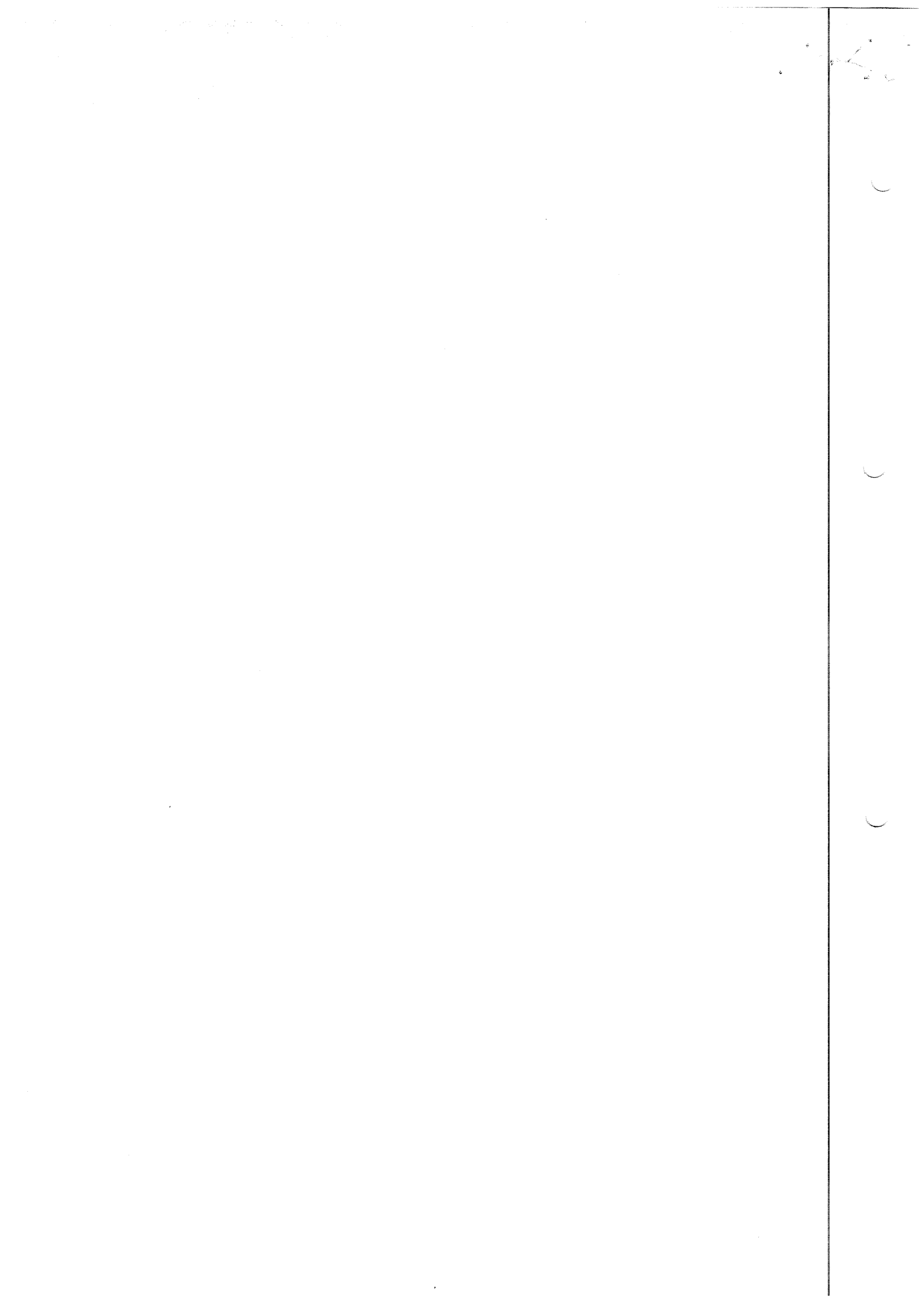
Southern Region Transmission System - II RHQ., Near RTO Driving Test Track, Singanayakanahalli, Yelahanka Hobli, Bengaluru - 560 064. Phone : 080-23093700

केन्द्रीय कार्यालय : "सौदामिनी", प्लॉट नं.: 2, सेक्टर-29, गुरुग्राम-122001, (हरियाणा), दूरभाष 0124-2571700-719

Corporate Office : "Saudamini", Plot No. 2, Sector-29, Gurugram-122001, (Haryana) Tel. : 0124-2571700-719

पंजीकृत कार्यालय : बी -9, कुतुब इंस्टीट्यूशनल एरिया, कटवारिया सराय, नई दिल्ली - 110 016 दूरभाष : 011-26560112, 26560121, 26564812, 26564892, सीआईएन : L40101DL1989GOI038121

Registered Office : B-9, Qutab Institutional Area, Katwaria Sarai, New Delhi-110 016. Tel : 011-26560112, 26560121, 26564812, 26564892, CIN : L40101DL1989GOI038121

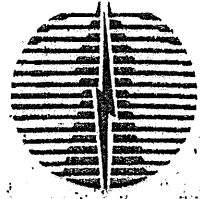




**POWERGRID CORPORATION OF INDIA LIMITED**

(A Government of India Enterprises)

House no : 05, Tirumal Nilaya, Near Swamy Vivekananda College, Vijayanagara Layout,  
Pavagada - 561 202, Tumkur Dist.,



**NOTICE UNDER INDIAN TELEGRAPH ACT 1885**

No : Comp /

No : 1924

P. Kalyanamma / K. Saraswathi  
Methur Village, Hiriyur Taluk  
Chitradurga Dist

Date : 12/16/2016

Sir / Madam,

Power Grid Corporation Of India Ltd, has been entrusted with the construction of Pavagada - Hiriyur 400 KV D/c Transmission Line by Government of India Vide its letter No : 52/11 (PGCIL) / 2015-PA-11/142-143 dated 23.02.2016.

In exercise of the powers under the Indian telegraph act 1885, Part - III section 10 to 19 conferred section 164 of the Indian Electricity act 2003 through the Gazette of India, extraordinary dated December 2003, notice is hereby given that the 400 KV Pavagada-Hiriyur D/C Transmission Line will pass through your property as described below which may cause damage to the standing crops and the trees within the Right of way are required to be cut. The crops damaged / trees cut may be taken over by you or your authorized representative. Reasonable compensation for the crops damaged / trees cut will be made as per the assessment of the Revenue / Horticulture / Forest Departments (Governments of Karnataka/Andhra Pradesh).

Name of the Owner

P. Kalyanamma / K. Saraswathi

Survey no

12/16/2016

Name of the Village

Methur

Name of the Mandal / Tashil

Hiriyur

Name of the District

Chitradurga

List of Trees to be cut

Section	Tree No.	Name of Tree / Crop	Approx Age	Girth & Height of the tree / Area of the Crop	Tree cut / Crop Damaged During (FD/NERC/ ST. RG)
50/0-50/1 -50/2	-	Corridor compensation should be paid for total extent of approx. 15000 sq ft as per DC order dtd. 20.12.2016. Received under protest.			

Received the Notice :

*[Handwritten signature]*

Signature / Authorized representative.

For : POWERGRID CORPORATION OF INDIA LIMITED

*[Handwritten signature]*  
CHARL RARU VARANA

SENIOR ENGINEER  
Signature

