

By Regd Post with ACK Due

24-05- 2018

To,
Justice Shri P.K.Pujari
Chairman,
Central Electricity Regulatory Commission
3rd & 4th Floor, Chanderlok Building,
36, Janpath, New Delhi- 110001
Phone: 011-23753911
E-mail: chairman@cercind.gov.in

Respected Sir,

1 Charges:

It is represented to the Honorable Chairmen and Members of Central Electricity Regulatory Commission (C E R C), new Delhi for initiate enquiry and take action for not following Works of Licensee Rules 2006 and Supreme Court directions by Power Grid Corporation of India Limited (PGCIL). Appeal for enquiry in public interest due to PGCIL a licensee by CERC making willful and prolonged defaults in violating rules, procedure and Human right (Constitutional rights.). Petition to take necessary action Under Act 2003 Section 19 (1)(a), 19 (1) (b), 19 (1) (2), 19 (14) and works of Licensee Rules 2006 and also illegal activities of filing false and affidavits before High Courts and District Collectors (judicial authorities) since 2006 Regarding.

2. Charges.

It is representation that under Electricity Act 2003, Section 79 (1)(i) and 79 (k) seeking directions to Transmission companies including Power Grid Corporation of India Ltd, to follow Works of Licensee Rules, 2006 Rule 3(1)(a), 3 (1)(b)(2) and 3 (3) in carrying out works. Without the Licensees PGCIL a INTER STATE TRANSMISSION COMPANY following 2006 Rules, the land owners will be deprived of right for seeking revision of compensation under Rules 3 (3) from the C.E.R.C.

3. Charge.

It is Represented seeking directions by the CERC to all the District Collectors, in all State in the country to follow Works of Licensee Rules 2006 , Rule 3 (2) in awarding compensation to the land owners, whose lands are damaged due to construction of High Tension Towers and lines. The Collectors must issue proceedings only under Act 2003 Works of Licensee Rules 2006 Rule 3 (3) only , so as to enable Land owners to seek revision of quantum of compensation and also settle disputes by the CERC under Rule 13 (1) and 13 (2).

4. Charge.

Further is also appealed to the CERC ,to issue guidelines to the District Magistrates /Collectors to follow Land Acquisition Act Provisions, vide The Gazette of India No.1834 Dated 28th August 2015 “ Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, applicability to fourth schedule item 12. The Electricity Act 2003.

5. Charge.

It is also submitted that the Honorable Commission to enquire whether Power Grid Corporation of India Ltd,(PGCIL) from 2006 is issuing notices as per Works of Licensee Rules 2006, 18th April 2006 ? Or is PGCIL till date (22nd May 2018) deliberately violated/ refused to follow Rules 3 (1)(a)3 (b) and 3 (2) and 3(3)in regard to obtaining consent of the land owner ? Where land owner are refusing consent, is PGCIL getting permission in writing from the District Collector as per Rules 3(2)? Or is it using illegal means to intimidate land owners, mainly farmers and carrying out works with abetment of revenue and police?

6. Charge.

It is submitted that the Commission to enquire whether PGCIL by avoiding to pay compensation for the DAMAGES to Land owners with an intention to show inflated profits their by gaining increased share value and other benefits for the Chairmen and others?

7. Charge.

It is submitted to the Honorable Commission to conduct public enquiry whether PGCIL has from the date of issuing Rules 2006 (18th April 2006)has deprived millions of Land owners of their legally entitled compensation for the DAMAGES CAUSED TO THEIR PROPERTY DUE TO WORKES? If the irregularities and violation of principals of natural justice are violated by PGCIL , we submit to the Honorable Commission to award compensation from the date of Rules 2006 to deprived land owners under Provisions of Electricity Act 2003 Section 19 (1) (A)? Will the CERC to initiate action under Act 2003 Section 19 (4) to discipline the working of licensee PGCIL?

- 1- The representation is submitted to The Honorable Chairmen and Members of Central Electricity Regulatory Commission (C E R C) on behalf of farmers and also land owners by P. Chengal Reddy s/o Late P. Thimma Reddy, aged 75, Resident of Flat No. 208/209, Vijaya Towers, Shanthi Nagar, Hyderabad–500028,Telangana State. e-mail: chengal.p@gmail.com Chief Adviser , Consortium of Indian Farmers Associations (C I F A) a 2006 registered National Farmers Apex Association with office felicities in Hyderabad

and Delhi. I have been a activist for over 32 years working on agriculture policies and welfare to farmers. CIFA participated in Planning Commission conferences, pre-Budget consultation by Union Finance Minister. Participated in many intentional conferences and was member of ICAR and other committees. I worked as Secretary General for many years and since 2015 acting as the Chief Adviser, Consortium of Indian Farmers associations (C.I.F.A).

- 2- The representation is submitted on behalf of affected farmers across the country who are denied of compensation for their loss of property value due DEMUNISION of land value under towers and lines works carried out by **Power Grid Corporation of India since 2006 Rules** . Under 400kv tower Land measuring 600 Sq Meters (average)looses entire value. Each 400 KV Tower is a massive structure weighing 15 M.T with huge foundations of concrete to with stand weight and also wind velocity during cyclones and hail storms. Under 400 KV lines an area of 46 Meters underneath (R.o.W) the land cannot be used for any permanent structure. Garden/ trees are not allowed to be grown due to electro-magnetic Fields. The damage to property value of the land is totally reduced. Permanent structures and even tress have be located from a safe distance of lanes due to electromagnetic affects .
- 3- We submit PGCIL and other transmission companies are constructing many transmission lines of 765 KV and 400 KV, lines in all the state. These lines and towers are mostly located in the villages and passing through farmers lands .Farmers are doing agriculture, horticulture of mango gardens, rubber apple, citrus, plantation of teak, red sanders, sandal wood, bamboo, etc. Farmers have installed tube wells, constricted sheds for poultry, dairy, godown and other infrastructure activity. In the recent years farmers land are utilized for infrastructure , industries , townships , educational institutions and commercial complexes .Large number of farmers lands have huge development potentiality . However due to High Tension Towers and Lines Its futuristic value od farmers lands are permanently deprived to the property owner, amounting to deprivation of RIGHT TO PROPERTY .
- 4- **We submit, The Honorable Supreme Court of Indian has declared RIGHY TO PROPERTY AS HUMAN RIGHT in case , SLP (Civil) 28034/2011, dated 30-09-2011, State of Haryana vs Mukesh Kumar. (Annexure – 10. Synopsis of Judgments.)**
- 5- We submit under towers and lines the Land ownership remains with the land owner. But it cannot be developed for other purposes as desired by the owner of the land. **The ownership is a illusionary title / leaving a mere husk of title, as described by Supreme Court of India in Judgment in case SC 1954, AIR. 92, 1954, SCR, 587 of State of West Bengal vs Subodh Gopal Bose dated 17-12-1953.(Annexure –10.Synopsis of Judgments.)** This is infringement on the Human Right of Indian citizen.

- 6- We submit on **26-05-2003, THE ELECTRICITY ACT 2003** is passed for the purpose of consolidating different Laws of electricity generation, transmission and distribution. It is aimed at taking measures to develop overall efficiency of electricity sector. It has made provisions for rationalization of tariffs, environmentally benign policies, promote efficiency and constituted Central Electricity Authority, Regulatory Commissions and Appellate Tribunal to speedy resolve of issues.
- 7- We submit on **24-10-2003, THE GAZETTE OF INDIA** was issued by **MINISTRY OF POWER ,GOI** “ where in the power Grid is given to act under Telegraph Act 1885 –subject to (Last para) **“COMPLIANCE BY THE POWERGRID TO THE REQUIREMENT OF The ELECTRICITY ACT 2003 AND THE RULES MADE THERE UNDER” (Annexure 1)**
- 8- We submit on **18-04-2006. WORKES OF LICENSEE RULES, 2006** are issued by **Ministry Of Power, Government of India**, has issued Rules 2006. **(ANNEXURE – 2.)** They have prescribed procedure to be adopted by licensees in regard to works .Under Rule 3(1)(a) licensee has to obtain consent from the land owner. Under Rule 3 (1) (b) if the owner raises objection the licensee shall obtain permission in writing from the District Magistrate. Under Rule 3(2) the District Magistrate is authorized to fix compensation or rent or both after considering the representation of the concerned person. Under Rule 3(3) land owner can seek revision from C.E.R. and can seek further approach Appellate Electricity Tribunal. These Rules 2006 are not implemented by PGCIL even after Rules 2006 are made by the Ministry of Power GOI.
- 9- We submit as the Transmission towers and lines **DAMAGEING PROPERTY INCLUDING FARMERS LANDS. HOWEVER THEY WERE NOT COMPENSETED BY THE TRANSMISSION COMPANIES UNDER THE FALSE PRETAXT THAT LAND IS NOT ACQUIRED AND THAT OWNERSHIP REMAINS WITH OWNER . This is disputed by the farmers . based on the issue THE SUPRIME COURT OF INDIA IN THEIR JUDGMENT, CASE NO.(CIVIL) 289 OF 2006 DATED 07-05-2007, IN KERALA ELECTRICITY BOARD VS LEVISHA DIRECTED FOR PAYMENT OF DEMUNISION OF LAND VALUR UNDER TOWERS AND LINES as detailed (Annexure – 10. Synopsis of Judgments.)**
- 10- We submit on **15⁻¹⁰⁻²⁰¹⁵ Ministry of Power, GOI issued Guidelines (ANNEXURE.3)** for payment of compensation towards damages for RIGHT OF WAY for transmission lines. These guidelines are issued after a committee is constituted by Ministry of power .The guidelines are issued by committee in which the Power Grid Corporation of India representative is signatory **(Annexure .4). However even after the GOI guide lines are issued the PGCIL is not paying compensation for loss of land value under towers and lines.**

11- We submit herein **PGCIL IS NOT FOLLOWING PROCEDURE UNDER RULES 2006, or SUPRIME COURT OF INDIA DIRECTIONS OF 2007, OR GUIDELINES OF 2015** in regard to **payment of compensation to land owners.**

12- We submit **even after issue of Rules 2006 PGCIL is not issuing notices as per Rules 2006 , Rule 3 (1)(a) for seeking consent or other rules as prescribed. Instead PGCIL is continuing issuing notices under Telegraph Act 1885.** We are enclosing copies of Notices issued by PGCIL to land owner farmers during 2013.

13- **We submit details of model notice given in the year 2013 in Tamilnadu dated 22-11-2013. (Annexure 5.)** The notice issued by Power Grid Corporation of India No. 4/23, 4th East Main road, 11th East cross Road Gandhinager , Vellore .Dated 22-11-2013 to Shri R. Viswanadha Reddy s/o Subramanyam Reddy , Chinnavepancherrr, G.D.Nellore for c construction of TIRUVALAM-Chittoor. **TEXT IS AS FOLLOWS:-**

Dear Sir/Madam,

The power Grid Corporation fo India has been entrusted with construction of 400 kv Tiruvalm-Chittoor Double Circuit line by Government of India vide letter No.11/4/2007 PG dated 20th October 2009

The notice informs the land owner as follows--- IN THE EXERCISE OF POWERS UNDER INDIAN TELEGRAPH ACT 1885, Part 11 Section 10 to 19 conferred under section 164 of the Indian electricity act 2006 through Gazette of India extraordinary dated 24th December 2003 notice is given that line will pass through your property, as described below which may cause damage to the standing crops and the trees with in right of way are required . The crops damaged / trees cut may be taken over by you or your authorized representative. Reasonable compensation for crops damaged / trees cut will be paid as per the assessment of Revenue /Agriculture/ Horticulture / Forest departments of Tamilnadu/ Government of Andhra Pradesh."**This notice given in the year 2013 (After 7 years of Rules 2006)do not contain details of seeking consent or offer of payment or damage to the property or any other provisions of Rules 2006 including revision before CERC."**

14- We submit even in the year 2017 the **PGCIL continues to adopt same notice even after Guidelines given by Ministry of Power GOI in 2015** . A model notice (**Annexure 6**) issued by PGCIL dated 19-08-2017, Chinnakamma Palli, Kadapa to Sri. Govidu Yedula – Kondaraidu,rasool palli, in Kadapa –Madhugiri 400 kv . The notices do not contain details of compensation for ROW as per 2015 Guidelines or reference to Rules 2006 or seeking consent or SC directions .

15- We submit the GOI The Gazette of India Extraordinary. Part ii—Section 3 Sub- Section (ii) No.1148 dated Wednesday, December 24th 2003 , as detailed in **Annexure .1.** The

Gazette 1148 has given the following directions. (Last para)“the above authorization is subject to compliance by the power grid to the requirement of the provisions of electricity act 2003 and the rules made under. What is relevant herein is at the time of GAZETTE 2003 Rules are not framed . Where as in 2007 Ministry of Power Government of India issued NOTIFICATION dated 18th April 2006 “. Even then PGCIL did not specify the Rules 2006

- 16- We submit the effect of Gazette dated 24th December 2003 will become null and void after issue of Rules 2006, date 18th April 2006 by Ministry of Power, GOI. The **RULES ARE ISSUED AS GUIDELINES TO THE LICENSEE TO CARRY OUT WORKS BOTH IN PRIVATE LANDS AND also GOVERNMENT PROPERTIES**. The rules includes Rules 3 (1)(a) and 3(b) 3(2) and 3 (3)(for carrying outworks in land or buildings of PRIVATE CITIZENS . The rules 4(1) have provided guideline for works to be carried in STREETS –RAILWAYS – TRAMWAYS-WATER WAYS .Rules 5 ,6, are made for repair and works during emergency and also works near sewers. Pipes electric lines etc. **However, the licensee herein, PGCIL is not following Rules 2006 Rule 3 only in regard to private citizens.**
- 17- We submit under Electricity Act 2003 ,the GOI has issued Rules 2006, by conferring **JUDICIAL POWERS** on the following institutions . Under Rules 2006 , Rule 3(2). **Collector & District Magistrate** is empowered to fix compensation or rent or both. Under Rules 2006,3(3) **Revision powers are conferred on Regulatory Commissions (C E R C. and State Commissions)** to fix compensation and settle disputes under 13 (1) and 13(2).
- 18- We submit Electricity Act, 2003, has made provisions under **Section .110 A“APPELATE TRIBUNAL FOR ELECTRICITY” (A. T. E)**. The Tribunal is vested with vast powers,including **REVISION of ORDERS OF APPROPRIATE COMMISSIONS**, including C E R C as well as State Commissions. Herein it is pertinent to note while the Rules 2006 makes Licensee obligated to follow Rules 2006 to enable CERC to act as revision authority. Whereas the Act 2003 under Section 111, directly empowers The Tribunal (A T C) with powers to act as Appellate Tribunal on the orders passed by APPROPRIATE COMMISSION which includes CERC.
- 19- We submit ever since Rules 2006 are issued PGCIL a Licensee under CERC is not Following Rules 3 (1) (a) and 3(1) (b). Due to PGCIL not issuing notices under Rule 3(1)(a), the Collector is unable to issue proceedings Rules 2006, under 3(2). **Failure of Collectors not issuing proceedings under 3 (2), the powers vested with CERC under Rules 13 (1)and 13 (2) and also powers vested with ATE under Electricity Act 2003 Section 111 , cannot be exercised by a land owner /citizen.**
- 20- WE submit If the contention of PGCIL that it is Telegraph Authority under 1885 Act is to be accepted the very purpose of CERC and ATE will be ineffective ! As the notices issued are illegal and violation of Rules 2006, the Honorable Central Electricity

Regulatory Commission has to direct cancellation of all notices issued by PGCIL from date of issuing Rules 2006 ,dated 18th April till date 2018 as null and void.

- 21- We submit 2006 rules has all the enabling provisions for a licensee to carry out works by following procedure, rules, and legally maintainable .Rule 3 (3) has enabling provision for the land owner for appeal for revision before the Honorable Central Electricity REGULATORY COMMISSION (CERC). The provisions of Rule .13(1) "DETERMINATION OF AND PAYMENT OF COMPENSETION TO AFFECTED PERSONS". Rule 13 (2) WHARE ANY DIFFARENCE AND / OR DISPUTE ARISES THE AMOUNT OF COMPEMSETION DETERMINED UNDER SUB-RULE (1), THE MATTER SHALL BE DETERMINED BY THE COMMISSION. **If the Collector does not issue proceedings / pass orders under Rule 3 (2) on what basis, will the land owner to FILE REVISION BEFOR THE CERC?** Here in since 2006 the land owners are no able to approach CERC as the Collectors proceedings/ orders are not given under Rules 2006 .
- 22- We submit what is being followed by PGCIL (A licensee under CERC with Rules 2006) is they are publishing the details of every scheme route in one English and one regional news papers, 2/3 years before commencing works , by giving time of 2 months for filing objections from the affected persons. (a) Here in A LICENSEE claims authorization given by Government under 1885 Act. (b) Licensee publishes the route details in news papers (c) At the time of works LICENSEE gives notice. It informs the land owner the LICENSEE will carry out the works in the land and they will remove crops and trees. Further the crops and tress be handed over to the owner and compensation for crop losses will be paid. The notice do not give details of losses / damage to property, nor it informs the land owner of the provisions of Rules 2006 are not included in the notice . The present notices given by PGCIL are insufficient , incomplete and are deliberately misleading and with criminal intension to cheat and deprive the land owner of their legally entitled compensation.
- 23- We submit the **Electricity Act 2003 is made to keep away Government interference from the Electricity sector.** However the Licensee PGCIL claiming to be Government Company has systematically ignoring and deliberately refusing to follow rule 2006. They have been adopting a highly dubious means by claiming to publish in a Gazette! **The fact the Rules 2006 are made as guidelines , how can Government Gazette fill the role of Rule 2006 rule 3(1)(a) and 3(b) and 3 (2) and 3(3) ?** . Gazette is administrative order by Government related to official notification, **where as works by a licensee under Rules 2006 are for construction of towers and lines , which is business activity of a licensee.** The CERC fixes wheeling charges for transmission companies ! So also the Advertisement about the scheme by PGCIL, a licensee company is providing information to public. **Where as under Rules 2006 are the notice given to an individual and Government departments. Under Rule 3 the notice has to be for specific purpose as the WORKES BY LICENSEE WILL BE CAUSING LOSSESS and DAMAGE TO THE PROPERTY OF THE LAND OWNER.**

24- We submit it is illegal and wrong on the part of PGCIL to issue NOTICE ONLY UNDER Act 1885. The notice given to each land owner must contain and PURPOSE OF THE SCHEME, LIKELY DAMAGE TO THE LAND OWNER. The licensee claims to be empowered under Act 1885 for construction of towers and lines. However the consequences of his work such as loss to property and damages have to be evaluated, fixed and paid. **Under present NOTICE by PGCIL ,IF THE AMOUNT OF COMPENSETION IS DISPUTED, WHOM SHOULD THE LAND OWNER FILE FOR REVISION ? IS IT THE DISTRICT JUDGE? HOWEVER UNDER ACT 1885 THERE IS NO PROVISION FOR REVISION FOR COMPENSETION?** Where as under Rules 2006 provisions are made for **LICENSEE, LAND OWNER, COLLECTOR, COMMISSION and also APPEALATE COMMISSION covering all aspects.** THE NOTICES PROCEDURE BY PGCIL IS ILLEGAL AND VIOLATION OF RULES 2006 and unconstitutional . We request CERC as of May 2018 to issue directions to PGCIL to follow Rules 2006 by providing details of all provisions of Rules 3.

25- We humbly submit that following the procedure of giving a detailed notice will not stop or hamper work by the licensee PGCIL. As of now a Notice is served on land owner . What is required is that the notice should contain details of damage , offer of compensation , duration to reply and details of person to be contacted . If the land owner FAILS TO REPLY IN A GIVEN TIME, under Rule 3(2) licensee can seek written permission from the District Collector . All districts have administration facilities to fix compensation within given time . The Observing procedure by licensee will enable aggrieved land owners to utilize provisions under rules 3 (3) for revision.

26- We submit If a difference or dispute arises on compensation fixed by the Collector, Rule 3 (4) has **EMPOWERED the CERC** under sub-rule "(1) shall be subject to REVISION BY THE COMMISSION. Under Rule 13 (1) "Where the Licensee makes DEFAULT IN COMPLYING WITH ANY OF THE PROVISIONS OF THESE RULES, HE SHALL **MAKE FULL COMPENSETION** FOR ANY "**LOSS**" OR "**DAMAGE**" incurred by the REASON THEREOF to the **PERSON AFFECTED**, as may be determined by the District Magistrate----- if not AGREED MUTUALLY BETWEEN THE PARTIES. 13 (2) "Where any "**DIFFERENCE**" and /or "**DISPUTE** " arises as to amount of "**COMPENSETION**" determined under sub rule (1), the **MATTER SHALL BE DETERMINED By THE "COMMISSION.** A reading of these provisions of , 3 (1)(a), 3(1) (b)3 (2) 3(3) and 13 (1) and 13 (2) are to enable "OCCUPIER OF ANY BUILDING OR LAND" to get "FULL COMPENSETION FOR ANY LOSS OR DAMAGE AND SETTLE DISPUTE.

27- We submit copy of proceedings issued in 2013 Collector, Nellore, in Andhra Pradesh dated 24-08-2013 based on letter by PGCIL dated 29-08-2013, to District Collector, Nellore **(Annexure.7)**

:In this context, a meeting has been conducted with concerned, and after discussions, all officers agreed to recommended the diminution value of the land where erection of towers and transmission lines are drawn in Sri Potti Sriramulu Nellore District, is arrived as detailed below :-

1. Market value of Land adjacent to High Ways, is about Rs.50 lakh per Acre and in remote areas it is Rs.5/10 Lakh per Acre in Sri Potti Sriramulu Nellore District.
2. At the time of Land Acquisition for Krishnapatnam Broad Gauge Railway Line, an amount of Rs.20/25 lakh per acre was claimed by the Farmers.
3. One tower of 400 KV/765 KV Transmission Line occupies area of Acre 0.12.
4. Though the tower occupies Ac. 0.12, the entire field where the tower is erected loses sale value as there would be no buyers for the field.
5. Market Value of land occupied by one tower.

Area of Location of Tower	Market value per acre	Market value of Ac 0.12
Near Highways	50,00,000	6,00,000
In remote areas	10,00,000	1,20,000
In far Remote areas	5,00,000	60,000
Total		7,80,000

Average Market value. 2,60,000

CROP LOSS ASSESSMENT

S.No	Name of the Mandal	Name of the crop	yield per acre in quintals	Assessed value of yield per acre(Rs.)	Cost of cultivation per acre (Rs)	Net profit per season(Rs)	Assessed amount for three seasons
1	Muthukur	Paddy	38.00	48630	15000	33630	100890
2	Venkata-chalam	Paddy	38.00	48630	15000	33630	100890
3	Manubolu	Paddy	38.00	48630	14500	34130	102390

6. **Average crop loss in the area of Tower is arrived at Rs.90000 per Tower.**

7. Compensation payable to the Farmer/land owner per Tower of 400/765 KV Transmission line is (Average Market Value per Tower Location Rs.2,60,000/- + Crop Loss per tower location Rs.90,000/-) Rs.3,50,000.

Therefore, an amount of Rs.3,50,000/- (Rupees Three lakh and fifty thousand only) is hereby fixed per tower location towards payment of compensation to the farmers/land owners for all "ONGOING AND FORTHCOMING PROJECTS OF 400/765 KV TRANSMISSION LINES in Nellore District.

(Sd). Collector.

To,

1. **The Chief Manager,
Power Grid Corporation Ltd.**
2. The Executive Engineer
400KV Krishnapatnam,
3. The Executive Engineer
226 KV Krishnapatnam
4. M/s Simhapuri energy Pvt. Ltd.
5. **M/s.Meenakshi energy Pvt. Ltd.**

28- We submit the following Irregularities in Collector Nellore District Proceedings. The orders are based on PGCIL not providing information about Rules 2006. Perusal of Collector proceedings shows they are in response Chief General Manager, Power Grid Corporation Ltd, E.E 400KV Krishnapatnam, EE 226 KV Krishnapatnam, Simhadrienergy, Meenakhi Energy, Secretary General Consortium of Indian Farmers Associations New Delhi and Federation of Farmers Association Nellore. The proceedings are made applicable for ONGOING AND FORTH COMING PROJECTS of 400 /765 kv transmission lines in the district. The Collector must issue separate proceedings for each land owner separately. The Collector did not fix compensation for ROW (Right of Way) dimensions of lands value under lines. The directions given by the Supreme Court case of Kerala Electricity Board vs Levisha in 2007 (3 KLT 1 SC) and Kerala High Court case C.R.P.No. 34 of 2008 are submitted to the Collector by Secretary General, Consortium of Indian Farmers Association. The Collector referred S.C and Kerala cases in the proceedings .However The Collector did not record as to why Supreme Court of India and Kerala High Court directions are not considered in fixing compensation. The Collector, Nellore proceedings of 24.08.2013 are violation of Rules 2006, procedural impropriety and violation of Right to Property. The proceedings by the Collector are issued based on the insufficient and misleading submissions made by the PGCIL.

29- COLLECTOR CHITTOOR, 2017, PROCEEDINGS, NOT FOLLOWING RULES 2006

We submit the proceedings of 2017 by the Collector, Chittoor in 2017 (**Annexure.8**) has not followed Rules 2006, as seen in the Collector, Proceedings R o C. No. G3/49063/2017 dated 18-11-2017. He issued proceedings fixing COMMON COMPENSETION FOR 132 KV and also 800 kv ,compensation @ Rs. 1,70,000/-per tower **and** for Right of Way (ROW) fixed 10% of the Stamp Act Value and gave additional 10% to lands abutting National High way. The Collector, Chittoor issues common proceedings to Power Grid Corporation of India and APRANSCO. The Collector refers to the proceedings issued by G.O. 83. Dt. 20-06-2017 in fixing compensation which gives guidelines. But Collector has not followed Rules 2006 , Rule 3 (2) of seeking representation of the land owners. Not passing order under Rules 3(2) the Collector is depriving the land owners of his right for revision under 2006 , Rule 3 (3). The consequence of illegal order by Collector is prevailing/ denying the CERC of its powers under 2006 Rule 13 (1) and 13(2). Here in the PGCIL and the Collector are jointly defaulted in following Rules 2006. Hence need to cancel the above proceedings Date

18-11-2017 by the Honorable Commission and direct the Collector to issue proceedings as per Rules 2206 to all the land owners individually.

30- We submit about payment of COMMON COMPANSATION FOR LOSS OF TREES, CROPS, TUBE WELLS, SHEDS. Violation of rules and principals of Natural justice.

While fixing compensation for crop and trees the all the Collectors have failed to make individual assessment of value of trees and crops. Each garden and fruit bearing trees of different fruits, plantation crops , specialized crops of Sandal wood, Red sanders value has to be assessed based on the longtivity of trees , water felicity , soil condition etc. The Collectors have issued proceedings based on State Government order of 2006. The state Government cannot direct or instruct Collectors to evaluating crop losses and fixing compensation. 2006 Works of Licensee Rules 3 (2) has authorized the Collector to use discretion "THE AMOUNT OF COMPENSETION OR OF ANNUAL RENT, OR BOTH, WHICH SHOULD IN HIS OPENION BE PAID BY THE LICENCEE TO THE OWNER OR OCCUPIER". The Rule is made so as to protect the interest of land owner by an District Collector. The compensation issues cannot be decide by people sitting in National or State capitals. The Collectors in his capacity as a District Collector & Magistrate is bestowed "JUDIACIAL POWERS" so they will be FAIR and LEGAL.

31- UN AUTHORISED AND ILLIGAL – PROCEDINGS BY THE COLLECTORS.

The proceedings of the Collectors, detailed above are issued without following WORKS OF LICENCEE RULES 2006 and provisions of land acquisitions act 2015 and also Supreme Court directions.. The Collectors proceedings have no legal sanctity. They are unauthorized and are not speaking orders. As the proceedings are not in conformity with Rules 2006, violation of constitutional rights and are illegal the Honorable Commission has to cancel them and direct Collectors for reconsideration .Most of the Collectors proceedings are common for Power Grid Corporation of India and also to the State Transmission companies, as seen the Nellore District and Chittoor District Collectors proceedings as detailed above . The orders are also common for all land owners. It is to be noted compensation is fixed commonly for 400 kv and 765 k.v, 800 kv and also 220 kv, 132 kv, 133 kv which is illegal and unconstitutional. Compensation has to be individual and location specific and also logistical advantages and development opportunities for each land as, envisaged by Supreme Court of India.

32- APPLICABILITY OF 2013 LAND ACQUESION Act to ELECTRICITY ACT 2003

The land Acquesion Act 2015 modified vide Gazette No.1834, Dt.28-08-2015 issued by (Ministry of Rural Development, (ANNEXURE - 9) included The Electricity Act 2003 eligible under RIGHT TO FAIR COMPENSETION AND TRANSPERENCY IN LAND ACQUISION, REHABILIATIN AND RESETTLEMENT ACT 2013 (30 OF 2013).The amendment to Act 2013 is applicable to land owners under Towers and lines, as they will be losing entire value amounting to LAND ACQUESION. The Commission is prayed to direct District Collectors and Magistrates to take into consideration the amended L.A. Act 2015 while fixing the compensation

- 33- We submit the Electricity Act 2003 is a special Act to improve efficiency, accountability and transparency of the sectors GENERATION-TRANSMISSION-DISTRIBUTION. Here in the existing Electricity Boards are reconstituted so also Power Grid Corporation of India is converted as Company to raise money from international banks and also shares from private individuals. After passing of Electricity Act 2003, Power Grid as company did works on the Inter-state transmission lines. The Central and state governments gave priority in facilitating its works by extending support. In 2003 GOI passed GAZETTE giving powers under Telegraph Act 1885 so that Power Grid can construct works by following Telegraph Act 1885 where in a TELEGRAPH POLE AND HIGH TENSION TRANSMISSION TOWERS HAVE MADE THE SAME RULES APPLICABLE. Herein the Power Grid declared profits, paid dividends and also income tax.
- 34- We submit for unknown reasons Power Grid deliberately avoided to pay compensation to Land owners on whose lands the lines are drawn and Towers are constructed. Power Grid avoided to pay compensation for DEMUNITION OF LAND UNDER TOWERS AND LINES, even though the Supreme Court gave orders. Power Grid paid DIMUNISION OF LAND VAUE IN KERALA, but not in other state! **(Annexure –10. Synopsis of Judgments.)**
- 35- We submit the argument put forth by the Power Grid is that POWER GRID is that it is only utilizing the surface of Land, land acquisition is not done and therefore need not pay compensation. Power Grid further contended that they are not acquiring lands and that the land remains in the name of the land owner farmers.
- 36- We submit what is conveniently avoided by Power Grid is the fact that the **LAND UNDER TOWERS AND LINES WILL BECOME TOTALLY UNFIT FOR ANY FUTURE DEVELOPMENT.** To the misfortune of 95% land owner farmers, equating TELEGRAPH POLES WITH HIGH TENSION 400 & 765 KV LINES are accepted by the District Collectors and also High and Supreme Court Judges. **“THE HARD REALITY IS DAMAGE CASUED DUE 400 KV and 765 KV TOWERS TO LAND/PROPERTY IS COLLASAL. UNFORTUNETLY EQUATING WITH 19th CENTURY TELEGRAPH POLES AND 21st ELECTRICTY HIGH TENSION LINES AND TOWES WAS MISSED THE ALL PEREDING WISDOM OF THE CUSTODIENS OF CONTITUTIONAL INATITITIONS”**
- 37- We submit the land owners are not paid compensation for the loss of land value under towers and Right of Way. The number of land owner farmers and the extent land damage runs into millions. After passing of Rules 2006 where in the application fees was Rs.3.00.000(Three lakhs) till few months back, it is beyond the economic capacity of any land owning farmers in this country to approach CERC. It is for this reason that since Rules 2006 are made not even one land owner/ farmer filed revision before HONARABLE CENTERL ELECTRICITY REGULARORY COMMISSION, the custodian of Electricity Act 2003 and with the LICECNSEE UNDER ITS JURISDICTION.

38- We Humbly place before the following Supreme Court judgments/directions on issues regarding Right to property , deprivation of property right due to damage and other issues that are arising in dealing with awarding damages to the Land owner farmers . Honorable Commission that apart from STATUES and provision of 1885 Telegraph Act or Electricity Act. 2003,the Supreme Court of India the Custodian of Fundamental Citizens Rights has given Judgments on issue that have arisen because of violation of Rules 2006 by the Power Grid Corporation of India who have arrogated themselves as Government Company and with immunity went about depriving Millions of Land owner farmers, of their legally and constitutionally entitled compensation for damage to their property due to tower and lines by Power Grid . The judgments includes decisions by the Appellate Tribunal for Electricity on the Powers of Regulatory Commissions and other SC directions on METHODOLOGY OF TO FIX COMPESETION . (Annexure –10. Synopsis of Judgments.)

PRAYER FOR DIRECTIONS.

39-The representation/complaint is filed before The Honorable Central Electricity Regulatory Commission(C E R C) seeking ENQUIRY against Power Grid Corporation Of India Ltd (P .G.C. .I. L) a licensee under CERC for violation of various provisions prescribed under Works of Licensee Rules 2006 issued by Ministry of Power GOI. Dated 18th April 2006. We seek the enquiry Under Electricity Act 2003, Section 19 (1), 19 (1)(a) 19 (1)(b)and 19 (4).Various irregularities by the licensee PGCIL are detailed in the representation/ complaint .

40-We humbly submitted to the Commission to conduct public enquiry by holding public enquiry at few state to seek views from land owners. . The Honorable Commission should publicize the issues in news papers and seek views / representations from land owners.

41- We submit that the Honorable Commission to give directions to all the District Collectors in all states while fixing compensation to follow Electricity Act2003 ,Rules 2006 and decisions given by Supreme Court of India , High Courts and also by CERC and APPELATE TRIBUNAL FOR ELECTRICITY, THE SUPRIME ARBITRATION BODY UNDER Act 2003.

42- We submit the Commission to direct to all licensees including PGCIL and other Transmission company's licensees under CERC to follow Rules 2006 in carrying out works. The notice has to contain the details of Rules 3(1) (a) seeking consent of the land owner. The notice should also contain details of Electricity Rules 2006 3 (1)(b) 3(2) and 3(3).

43- We submit every notice by the license ,PGCIL to land owners must be by registered post ,containing details of works and likely damage, likely losses to the property. The notice must contains an offer detailing compensation amount and duration of offer and the officer with full address to be contacted, to enable land owner to give.

44- We submit the Commission to make the applicability of Rules 2006 with retrospective effect from the date of Works of Licensee Rules,2006 ,Dated 18th April 2006 for payment of compensation to all the land owners on whose lands PGCIL and other INTER - STATE TRANSMISSION COMPANIES HAVE COSTRUCTED LINES AND TOWERS as they are deprived of legally entitled compensation for their property keeping in view various judgments by Honorable Courts

45- The provisions of Land Acquisitions Act (Act 2013) modified in 2015 be made applicable to the land owners. ok

46- We submit the Honorable Commission to issue directions orders as it deem fit and proper.

Yours Sincerely,

P. Chengal Reddy,
Chief Adviser Consortium of Indian Farmers Associations (CIFA)

Copy to : 1. Shri. A.K. Singhal, Member- CERC
2. Dr. M.K. Iyer, Member – CERC
3. Shri. A.S. Bakshi - Member – CERC.

ENCLOSURES:- Annexure s—1 to 9
10. Synopsis of Judgments -

**(Annexure -10) SYNOPSIS OF JUDGMENTS -
Judgments by the Honorable of Supreme Court of India,
High Court and Appellate Tribunal for Electricity (ATE).**

S.No	Date of Judgment, Name of court and case number, Synopsis /operational part of Judgment.
A.	<p>Powers of the Regulatory Commission – ATE – 2011. 07-09-2011, Appellate Tribunal for Electricity. Appeal No.83 of 2010. Para 93 and 94 Powers of State Commission Para 93 :At this stage we would like to clarify one more thing. Prior to enactment of 2003 Act, 1910 Act was in force, Section 51 of this Act had cover of non-obstante clause and had overriding effect on section 12 of that Act. Both section 12 of 1910 Act and section 16 of 1885 Act empowered the District Magistrate to resolve disputes in regard to consent of land owner and compensation payable to him. There was no inconsistency between these two provisions. Thus it did not matter that whether dispute is resolved under 1910 Act or 1885 Act. However, after enactment of 2003 Act, Indian Power Sector is governed by this Act. Para 94: Section 67(4) confers power upon the Appropriate Commission to resolve disputes between land owner and the licensee. This power is untrammelled and is not impaired by the rules framed under Section 67(2). Rule framed under section 67(2) would govern the working of licensee and not the Commission. For example “Works of Licensee rules, 2006” framed by the Central Government under Section 67(2) of the 2003 Act outlines the functioning of licensee in certain matters. These rules in no way restrict or restrain the powers of the Commission to resolve any difference or dispute arising out of Section 67. Sub-rule (4) of rule 3 of the 2006 rules restricts the operation of sub-rules (1) to (3) of this rule 3. By virtue of this sub-rule (4) prior consent of the land owner would not be required by the person who had been conferred with powers of the telegraph authority under 1885 Act. Even in this case, any dispute arising in regard to compensation would have to be resolved by the State Commission.</p>
B.	<p>Powers of Commission to award Compensation – ATE -2013. 14-11-2013: Appellate Tribunal For Electricity Appeal No.135 of 2012. Para 43-(e) Compensation : Para 43(e) It is to be noted that whereas Section 12(2) of 1910 Act provides for compensation only, Section 67(3) of the 2003 Act provide the compensation for damage, detriment or inconvenience caused by the licensee. Thus the term compensation in Section 67(3) is much wider than the ‘compensation in Section 12(2) of the 1910 Act. The Section 67(4) of 2003 Act provides that where any difference or dispute including amount of compensation under sub-section (3) of section 67 arises under section</p>

	<p>67, the matter shall be determined by the Appropriate Commission. Once having observed that it had powers to adjudicate under Section 67(4) of the 2003 Act, the Haryana Commission should have decided the issue including the compensation.</p>
C.	<p>Quasi – Judicial functions of the Commissions – A.P. High Court – 2000. 28-04-2000, P. High Court .WPn.5658 and 6230.</p> <p>It is a quasi Judicial body entrusted with powers to resolve even inter –se – disputes between various powers para32</p> <p>Para 32: The Commission is clothed with vast powers of far-reaching consequences in relation to restructuring of the electricity industry, rationalization of generation, transmission, distribution and supply of electricity avenues for participation of private sector in the electricity industry. One of its functions relates to regulating the purchase, distribution, supply and utilization of electricity, the quality of service the tariff and charges payable keeping in view of both the interest of the consumer as well as the industry. Another of its function relates to promote competitiveness and progressively involve the participation of private sector, while ensuring fair deal to the consumers. It is invested with the power to issue licensees in accordance with the provisions of the Act and determine the conditions to be included in the licensees. In the process of discharge of its functions it may have to resolve competing interests. It is a quasi-judicial body entrusted with the power to resolve even inter se disputes between various persons. It is clothed with the jurisdiction and power to pass orders and enforce its decisions. The Commission is entitled to impose fines and charges as may be prescribed for non-compliance or violation on the part of generating companies, licensees or other persons of the provision or the requirements of the Act or the Rules and Regulations.</p>
D.	<p>Diminution of land value - Directions by Supreme Court 2007. 18.05.2007, Supreme Court. Appeal (Civil)289of 2006 Kerala State Electricity Board vs Levisha (Para.10)The situations of the land, the distance between the high voltage electricity line laid there over, the extent of the line there on as also the fact as to whether THE HIGH VOLTAGE LINE PASSES OVER A SMALL TRACK OF LAND OR THROUGH THE MIDDLE OF THE LAND AND OTHER similar relevant factors IN OUR OPINION would be the DETERMINATIVE . The value of the would also be a RELEVANT FACTOR. The owner of the land further more, in a given situation may loose his SUBSTANTIVE RIGHT TO USE the PROPERTY FOR THE purpose for which the same was meant to be used.</p>
E.	<p>Payment of 100% Diminution of land value – Kerala High Court, 2014. 26 05-2014 Kerala High Court . KSEB vs Subhadra kumara. No.432of 2010. Small plot . 100% compensation. Para6. ENTIRE EXTENT OF THE PROPERTY IS SEEN EFFECTED BY DRAWING</p>

	LINE.THEREFORE I FIND THAT, BEING A SMALL PLOT, THE COURT BELOW CAN BY JUSTIFIED IN TAKING THE ENTIRE PRIPERTY AS AFFECTED AREA.
F.	<p>Payment of diminution of land value without evidence Kerala HC 2014. 16.06.2014: Kerala High Court CRP no.541 of 2011-A Kerala State Electricity Board vs Baghavan. (Para 5, and 7.) Coming to the market value, it is true that no documentary evidence had been produced by the respondent to show the current market value. But injurious affection by drawing of electric lines is a reality which is approved by the Apex Court in K.S.E.B. VS.Livisha 2007(3) KLTl(SC) In the above decision, the Apex Court held as follows: “The sites of the land, the distance between the high voltage electricity line laid there over, the extent of the line thereon as also the fact as to whether the high voltage line passes over a small track of land or through the middle of the land and other similar relevant factors in our opinion would be determinative. The value of the land would also be a relevant factor. The owner of the land furthermore, in a given situation may lose his substantive right to use the property for the purpose for which the same was meant to be used. So far as the compensation in relation to fruit bearing trees are concerned the same would also depend upon the facts and circumstances of each case.”</p>
G.	<p>Collectors to determine Compensation as per SC Judgment 2007. 10.04.2015: Madras High Court – Full Bench W.A.No.1681 of 2014 And M.P.No.1 of 2014 Kurubumanai Vs. Tamil Nadu Transmission Corporation and Power Grid Corporation. (Para 20.) In respect of compensation, to which the appellants are entitled to, the Supreme Court in Kerala State Electricity Board V. Livisha and others’ held as under: “9. Both telegraph lines and electrical lines are required to be drawn over the agricultural lands and/or other properties belonging to third parties. In drawing such lines, the entire land cannot be acquired but the effect thereof would be diminution of value of the property over which such line is drawn. – 10. The sites of the land , the distance between the High voltage electricity line laid there over, the extent of the line thereon as also the fact as to whether the high voltage line passes over a small tract of land or through the middle of the land and other similar, relevant factors in our opinion would be determinative. The owner of the land furthermore, in a given situation may lose his substantive right to use the property for the purpose for which the same was meant to be used.” Thus the authorities are directed to keep in mind the above authoritative pronouncement of the Supreme Court while determining the compensation.</p>

H.	<p>IMPORTENCE OF FOLLOWING PROCEDURE IN DEMOCRACY :</p> <ol style="list-style-type: none"> 1. SC. AIR.1987. SC 2386. Ranjit Thakur vs Union of India 2. United States Supreme Court 1942 (318) United State 332. <p>The observations made therein are to the effect that the due observance of the prescribed procedure is a guarantee against arbitrary exercise of power. The procedural safe guards should be commensurate with the sweep of the powers. The wider the power the greater the need for restraint in its exercise and correspondingly, more liberal the construction of the procedural safeguards envisaged by the statute.</p> <p>“The History of liberty” said Frank Further J. the learned judge “has largely been the history of observance of procedural safeguards” (1942) 318 United States 332.</p> <p>b)Ref :CWJC Number 6993 of 2010 Judgment on 9th February 2011 Patna High Court. Justice Navaneethi Prasad Singh- Between Power Grid Corporation of India Vs. Ram Naresh Singh.</p> <p>Para 13: - We are mindful of the vital public interest involved in the present matter perhaps with all India ramifications. In view of the doctrine of imminent domain read with rule 3 of the rules the applicant has the power to install transmission towers on the lands of respondent numbers 1 & 2 in public interest, after following the procedure prescribed and payment. We are in this connection reminded of judgement of the Supreme Court in the case of Ranjit Thakur Vs Union of India, AIR 1987 23876 wherein the importance of following prescribed procedure has been emphasized. The observance made their in are to the effect that due observance of the prescribed procedure is guarantee against obituary exercise and correspondently more liberal the construction of the procedural safeguard envisaged by the statue”. This curiously evolved ruled administrative law is now firmly established and if I may add, rightly so he that take the procedural slot. The history of liberty judge has largely being the history of observance of procedural safeguards (1992) 318 US 332. We are afraid the non-compliance of the mandate of S-130 is an infirmity which goes to the root of the jurisdiction.</p>
I.	<p>RIGHT TO PROPERTY IS A HUMAN RIGHT – SC Judgment – 2011 :-</p> <p>SC.SLP.(Civil) 28034/2011 State of Haryans vs Mukesh Kumar,</p> <p>“The right to property is now considered to be not only constitutional or statutory right but also a human right. Human rights have already been considered in realm of individual rights such as right to health, right to livelihood, right to shelter and employment etc. But now human rights are gaining a multi-faceted dimension. Right to Property is also considered very much a part of the new dimension. Therefore, even claim of adverse possession has to be read in that context.</p>

J.	<p>DEMOCRACY AND RIGHT TO PROPERTY: 09-12-1975, Memorial Lecture by Justice Mathew, “Democracy is not mere mechanism of choosing and running the Government. The egalitarian principle of democracy requires not only one man one vote but also equal effective right of each man LIVE FULL HUMAN LIFE. Democracy must, therefore seen as whole complex of relation between individuals. An individual to live his secular life, as he may wish, would owe duties towards society and fellow citizens. Each must have an opportunity to PROVE, EXERT, DEVELOP, and ENJOY HIS HUMAN FACULTIES. Therefore, each must allow others to have equal effective access to opportunity to develop and lead full HUMAN LIFE. Lack of opportunity to exercise his capacities as means of producing utilities is an impediment, as it described as lack of access to mans liberty. IF WE TAKE LABOUR IN ITS BRODER SENSE OF HUMAN ENERGY, IT IS PROPERTY “This theory of property assumes importance in a DEMOCRATIC SOCIETY.</p>
K.	<p>DEFINISION AND DISCRPTION OF PROPERTY- SC Judgment 1994:- 20-07-1994, SC.(Civil.)Appeal (Civil) 2211-15 of 1984 Jilu Bhai Nan Bhai vs State of Gujarat, Property in legal sense means an aggregate of rights which are guaranteed and protected by law, it extends to every species of valuable right and interest, more particularly, ownership and exclusive right to a thing, the right to dispose of the thing in every legal way, to possess it, to use it and to exclude everyone else from interfering with it. The domination or indefinite right of the use or disposition which one may lawfully exercise over things or subjects is called property. The exclusive right of possessing, enjoying and disposing of a thing is property in legal parameters. Therefore, the word “Property” Connotes everything which is subject to ownership, corporeal or incorporeal, value or which goes to make up wealth or estate or status. Property, therefore, within relation to physical thing, as right to possess, use and dispose of it in accordance with law.</p>
L.	<p>DEPRIVESION OF PROPERTY RIGHT :-DEFINED – SC Judgment 1953:- State of West Bengal vs Subodh Gopal Bose.17-12-1953- SC.1954.AIR.92.,1954,SCR.587 “ No cut and dried test can be formulated as to whether in a given case the owner is deprived of his property. Each case must be decided as it arises on its own facts”. “Broadly speaking it may be said an abridgement would be so substantial, as to amount to deprivation within the meaning of article, 31, in effect it with from the possession and enjoyment of the ownership or seriously Impaired use and enjoyment by him, or materially reduced its value.”. Here in the case of petitioner the deprivation of property is huge which has totally reduced the value.</p>

M.	<p>PROPERTY IN LEGAL SENSE-GUARENTEED AND PROTECTED SC 1994:- Jilu Bhai Nan Bhai vs State of Gujarat, 20-07-1994-S.C.Civil.2111-15-1984 “Property in legal sense means an “AGGREGATE OF RIGHTS WHICH ARE GUARENTEED and PROTECTED BY LAW” it extends to every species of valuable right and interest, more particularly, ownership and exclusive right to a thing, the right to dispose of the thing in every legal way, to possess it, to use it and to exclude every one else from interfering with it. The dominion or in definite right of use of or disposition which one way lawfully exercise over particular things or subjects is called property. The exclusive right of possessing, enjoying, and disposing of a thing is property in legal parameters. “THEREFORE THE WORD PROPERTY CANNOTES EVERY THING WHICH IS SUBJECT OF OWNERSHIP, CORPORAL OR INCORPPOORAL , TANGBLE OR INTANGBLE ,VISABLE OR INVISIBLE , REAL OR PERSONAL , EVERY THING THAT HAS AN EXCHANGABLE VALUE OR WHICH GOES TO MAKE UP –WEALTH –ESTATE – STATUS “.</p>
N.	<p>SUBSTANTIAL AND SUBSTETIAVE RIGHT OF PROPERTY SC 1954- SCR. (1954)674.Dwarakadas vs Shoplapur Spinning Mills, “NOT ILLSIONAREY TITLE “</p> <p>It was argued as against this that this rule can only apply when there is a total deprivation of property and article 19(1)(f) – These articles deal with SUSBSTANTIAL AND SUBSTETIATIVE RIGHTS AND NOT ILLUSEONEERY PHANTOM OF TITLE . When every form of enjoyment which normally accompanies an interest in this kind of property is taken away ‘LEAVING THE MERE HUSK OF TITLE “, article 19 is not attracted. “By substantial deprivation is meant the ‘SORT OF DEPRIVATION THAT SUSTENTIALLY ROBS A MAN OF THOSE ATTRIBUTES OF ENJOYMENT WHICH NORMALLY ACCOMPANY RIGHTS TO OR AN INTREST IN PROPERTY. THE FORM IS UNESSENTIAL. IT IS SUBSTENCE THAT ONE MUST SEEK “.</p>
O.	<p>METHODOLOGY TO FIX COMPENSETION BASED ON POTENTIALITY SC 2007:- ReF:- Supreme Court of India in Case No.SC Ref. No. 3148-3157 / 2000 dated 07.1.2007 Atma Singh Vs. State of Haryana.</p> <p>Para No.5: For ascertaining the market value of the land, the potentiality of the acquired land should also be taken into consideration. Potentiality means capacity or possibility for changing or developing into a state of actuality. The question whether a land has potential value or not is primarily one of the fact depending upon its condition user to which its put or reasonably capable of being put and proximity to residential, commercial or industrial areas on institutions. The existing amenities like, water, electricity, possibility of their further extension, whether near about town is developing or prospects of development has to be taken into consideration. Collector Raigarh vs. Hari Singh Thakur AIR 1979 472, Raghuvansh Narayan vs. State of UP AIR 1969, SC 465 and Administrator General West Bengal vs. Collector Varanasi AIR 1988 Sc. 943. It has been held in Kaushalya Devi Vs. LAO Aurangabad, AIR 1984 SC 892 Suresh Kumar Vs. B I Trust AIR 1980 SC 1222 That failing to consider potential value of the acquired land is a violation of principal natural justice.</p>

P.	<p>RIGHT TO RESIST OR OBSTRUCT PRIOR INTIMATION IS ESSENTIAL.</p> <p>Case :-Gujarat High Court Case No: Civil/SCA/1834/2011. Dated:29.08.2013</p> <p>While exercising the power as that of the Telegraph Authority under the Telegraph Act, on account of the notification under Section 164 of the Act consent of the owner or occupier may not be required, but some reasonable prior intimation should be given to the owner or occupier, enabling him to exercise his right to resist or obstruct, may be on the ground that the principles of least damage is not followed or may be on the ground that appropriate compensation is not paid or otherwise. The moment there is resistance or obstruction by the owner or occupier, the licensee has to stop his work, if any, or to withdraw from the property of the owner or the occupier. Thereafter, the licensee may approach before the District Magistrate for permission to lay down the line and the District Magistrate in exercise of the power may grant permission, but while granting permission, he may be required to examine the observance of the principles of little damage as possible and thereafter the permission may be granted.</p>
Q.	<p>DISTINCSION-- BETWEEN 19th CETURTY TELEGRAPH ACT 1885 and 21st CENTURY ELECTRICITY ACT 2003.</p> <p>Gujrat High Court Civil./SCA/18334/2011, 29-08-2013, Dilip Singh Chohan vs Gujrat Ujra Niga,</p> <p>The aforesaid aspect would lead us to examine the difference and distinction in the mode of exercise of the power under Section 67 of the Act read with the Rules of 2006 and the exercise of power under the Telegraph Act when it is so conferred by the Notification under Section 164 of the Act by the appropriate Government. The distinction can be carved out as under: If the power is to be exercised under Section 67 of the Act read with the Rules of 2006 at the first instance consent of the owner or the occupier is the requirement for exercise of power, whereas if the Telegraph Authority has to exercise the power the consent of the owner or occupier is not required for exercise of power, but “WITH THE CLARIFICATION THAT THE OWNER OR OCCUPIER OF THE PROPERTY HAS RIGHT TO RESIST OR OBSTRUCT WHEN THE WORK IS UNDERTAKEN BY THE LICENCE “</p> <p>There is a thin line of distinction between getting consent of the owner or occupier and enabling power of the owner or occupier to resist or obstruct any work. Consent would presuppose an action after meeting of two minds and arriving at an unanimous decision, whereas in a case where the owner or the occupier has right to resist or obstruct would mean that one (licensee) may proceed to undertake the work by intimation to the owner or occupier and if there is no resistance or obstruction, the work may be started or proceeded with until the same is resisted or obstructed. ‘THE MOMENT THEIR IS RESISTENCE OR OBSTRUCTION BT THE OWNER OR OCCUPIER, THE AUTHORITY OF LICENCE TO UNDERTAKE THE WORK WOULD END.</p>

(B). ELECTRICITY AND TELEGRAPH- DEVELOPMENT OF SOCIETY AND SCIENCE IN 19TH CENTURY & 21ST CENTURY

Case Ref: Gujarat High Court No:XCIVIL/sca/18334/2011 Dated 29-08-2013
As per section 10(d) there are two mandatory requirements. (1) Telegraph Authority shall do as little damage as possible; and (2) to pay full compensation to all persons interested for the damage sustained by them by the reasons of the exercise of those powers. The next aspect is what will be the scope of as little damage as possible and what will be the scope of full compensation. Before we address on the said aspect, it will not be out of place to mention that Indian Telegraph Act came to be enacted in the year 1885, much prior to not only independence of our country, but could rather be said as the law enacted in 19th century. There are far more development not only in the rights of the citizens, but also in the obligation and the way of discharge of duty by the authority and more particularly, after the Constitution has come into force in the Country. Further, there are far more development of science, the method and way of enjoyment of the properties by the citizens and so is for various scientific method developed for laying down the lines. Telegraph lines are by now outdated on the date when we are to pronounce the judgment and they are to be substituted for the electricity lines. Therefore, we need to particularly Section 164 of the Act are the laws of 21st Century. At the first brush we may say that by the laws of 21st Century i.e. Electricity Act, the power so conferred by the Act of 19th Century are continued. If the Act read with the Rules 2006 are considered, it does require the consent of the owner and also in absence of the consent, if the Police Commissioner or Magistrate is to grant permission simultaneous assessment of the compensation and the payment thereof subject to revision power by appropriate Commission, whereas the mechanism so provided under the Telegraph ACT is different, but while interpreting the provisions of the Telegraph Act for laying down of the lines of electricity we need to keep in mind the rights and obligations so prevailing in 21st Century and it cannot be as that of 19th Century when the position of the Country, including the development in the society and the science was far behind.

R.	<p>MERE CONFARING OF 1885 ACT POWERS ON A LICENCEE OF ELECTRICTY 2003 CANNOT MAKE HIM A TELEGRAPH AUTHORITY – SC 1970: 11-09-1966- SC.AIR.1970 SC 491 (1970)3 SCC 851, the State Government conferred upon the Petitioner powers for placing electric supply lines appliances and apparatus for the transmission and distribution of the energy by it within the area of its supply which the telegraph authority possesses under Section 10 to 18 and 19A of the Indian Telegraph Act with respect to placing of telegraph lines and posts Section 51 merely empowers the State Government to confer on the licensee certain powers which can be exercised by a telegraph authority under the Indian Telegraph Act. It does not by reference incorporate in to the Indian Electricity Act all the provisions of the Indian Telegraph Act. Merely because some of the powers conferred under the Indian Telegraph Act on the telegraph authority could be conferred on a licensee under the Indian Telegraph Act, it does not follow that all the rights and liabilities of a licensee under the Indian Electricity Act are governed by the provisions of the Indian Telegraph Act</p>
S.	<p>Delayed in Compensation to be awarded at Current market Value- SC 2016. Tukaram kana Jhoshy Vs Maharashtra Industrial Development Market. 13.07.2016 Delay in compensation to be awarded at current market value Compensation delayed is livelihood deprived. – Compensation award at current market value .</p>