Representation submitted on behalf of farmers whose lands are damaged by Power Grid Corporation, to Sri. Y.S. Jagan Mohan Reddy Garu, Honorable Chief Minister, Government of Andhra Pradesh, Velagapudi, Amaravati, Andhra Pradesh, e-mail: cm@ap.gov.in

Respected Chief Minister Garu,

Subjects:-

i) Equating damages to farmers land by transmission lines with telegraph lines farmers are denied of legally entitled compensation. Over 5,00,000 farmers amounting to 5000 Crores are cheated by Power Grid Corporation during 2006 to 2019. Request for enquiry and direct payment of compensation with retrospective effect:-

ii) Direct District Collectors to issue proceedings for fixing land damage compensation under towers / lines, under Act 2003 in accordance with judgments by Supreme Court of India, Right to Property, under Article 300 A, and Human Rights. (References Provided).

iii) Direct Collectors to issue proceedings on the petitions filed as per ORDERS by Andhra Pradesh Electricity Regulatory Commission for land damaged under Lines / Towers in a time bound manner.

iv) Request direction to Law Secretary to update Collectors on Supreme Court Judgments, Appellate Tribunal for Electricity (ATE) and others, so that Collectors will be able to protect rights of common people, specially farmers.

1. Damage to Farmers lands due to Transmission Towers and Lines :-

Since 2003 Passing of Electricity Act 2003, in Andhra Pradesh over 5 lakh farmers are denied of 5,000 crores compensation by Power Grid. A 400 KV TOWERS weighs 15 M.T occupies 1000 S. M, land and One K.M, line damages 15 acres land permanently. Underneath lines

"Food security first - Farmers welfare must"

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electromagnetic cause cancer, tumor and attracts thunder bolts. The damage to landed property is a denial of futuristic development, violation of Right to Property, which is a HUMAN RIGHT. 86% of farmers are small land holders with less than 1 hecter. Transmission lines passing over 2 Hectors will fragment land and totally destroy the value (Map's. Annexure-1 & 2)

2. ILLUSIONERY OWNERSHIP OF LAND :-

Since 2003, Power Grid corporation has been damaging farmers lands by constructing towers and lines. Famers are not paid compensation for diminution of land value under towers and lines. Power Grid claims that it is empowered with telegraph authority Act 1885, Section (10 ) which enables them to enter into any land without seeking prior consent of land owner and construct towers and lines. Power Grid has audacity that they need not pay compensation because the Towers and Lines passing over land are not acquired and the ownership/ title deed remains with the land owner farmer!

3. Reforms in Energy sector :-

Energy sector is reformed under Electricity Act2003, where is private investments are allowed. Section 67, Ministry of Power, G.O.I has made Works of Licensee Rules 2006 (Annexure- 3 ) where in procedure is prescribed to carry out works in private lands and also Railway, roads, canals etc. Under rule 3(1) Power Grid is directed to seek consent of land owner. If owner refuses consent, under Rule 3 (2) the Power Grid is directed to approach District Collector for fixing compensation. Under Rule 3 (3) the Collector is empowered to fix compensation or rent or both. Under 3(5) the land owner can file revision before Electricity Regulation Commission to increase compensation.

4. EXEMPTION OF RULES IN CERTAIN CASE :-

Act 2003 has Section 164 exercises of POWERS OF TELEGRAPH AUTHORITY IN CERTAIN CASES. It confers powers to draw lines without owners consent. Rule 3 (4) exemption can be obtained by transmission companies in case of Emergency or war or natural calamities. G.O.I as well as State Governments can exempt companies from following Rules.

5. CRIMINAL TREEPASS BY POWER GRID :-

Since 2006 using section 164 Power Grid has refused to follow Rules or procedure for getting farmers consent and illegally encroached on farmers land to construct tower/lines. It has also refused to get authorization from District Collector for paying compensation to farmers. The activity by Power Grid is “CRIMINAL TREEPASS ”. Power Grid has not paid compensation for land damage. The Supreme Court of India in, 650 dt.18-05- 2007, has declared that land under Towers and lines diminishes losing its value and depriving owner of benefits Livisha case
(Annexure -4) The S.C Judgment is implemented by Power grid only in Kerala State. But it is not implemented in Andhra Pradesh due to deliberate negligence of senior officials in Department of Energy, Government of A.P. Communication of Rules 2007 Gazette to Collectors was delayed by 10 years (Annexure -5).

6. NEGLIGENCE OF DUTY BY SECRETARY ENERGY LEADING TO LOSSES TO FARMERS:—

Herein Andhra Pradesh Mr. Ajay Jain IAS, Principal Secretary, Department of Power, Govt. of AP issued orders informing Collectors about Rules (Annexure 6 & 7) after delaying for 10 years. Even these belated directions were issued as the Andhra Pradesh Electricity Regulatory Commission reminded the Secretary. The delay is deliberate and neglect on the part of Secretary, Energy, Govt. AP. Collectors in the State are kept in dark about Rules and Court Judgments. Due to the negligence of Department of Energy lakhs of farmers are deprived of compensation as detailed in above paras. We request The Honorable Chief Minister to order enquiry into the misuse and abuse of Rules by Department of Energy and APTRANSCO and other officials. We appeal to you to help all the farmers get compensation.

7. DESCRIPTION OF TELEGRAPH POLES (POSTS):—

Under Telegraph Act 1885 telegraph poles/ lines are drawn beside railways and roads for which consent is not necessary. Telegraph lines are rarely drawn on private lands, even then the damages are bare minimal as poles weighs 200 Kg and needs 12 Feet space. It can be replaced in few hours. More over for over two decades there is no telegraphic activity, since wireless/mobile systems coming force.

8. Illegal proceedings by Collectors under telegraph Act 1885 :—

In few instances Collectors have issued proceedings of compensation for crop losses under Telegraph Act 1885. The Collectors have not followed any procedure or act provisions. While deciding compensation Works of licensee Rules, legal provisions, and Constitutional directives must be followed. It is the duty of district administration to inform the land owner of the purpose and seek his views or get his petition or representation examined while finalizing compensation.

9. Describing difference between Tower and poles (Annexure – 8 ) :—

Collectors are not sensitized about the consequence of damage to farmers land due to towers and lines. The contention by Power Grid that Telegraph Poles and Electricity Towers are same is blindly accepted by Collectors without application of mind. The fact that Power Grid is registered company involved in business activity and has declared profits, pays dividend and taxes seems to have evaded attention. During 2013-14 to 2017-18 Power Grid has declared
31,184 crores as profit (Annexure - 9). In addition it declared divided of 7,851 crores and paid tax 8337 crores. The salary of sweeper in power sector are Rs. 1,47,722.00 per month (Annexure- 10) Power Grid is transmitting power/ energy/ electricity for which wheeling charges are paid at 16%. Somehow for over 14 years none of the District Collectors have time look into the profitability of Power Grid.

10. PROVIDING DETAILS OF LEGAL ASPECTS:

We are providing herein various provision of law and Constitution to enable District Collectors to issues proceedings keeping in mind the helplessness and inability of farmers to articulate their problems before district administrators.

11. LEGAL ISSUES FOR CLARIFICATION :

(i) How is Property Right defined? (ii) What amounts to deprivation of property? (iii) What is substantial deprivation of property? (iv) What are the parameters to fix compensation (v) What is diminution of land value? (vi) What is the distinction between Comprehensive compensation and Restricted compensation (vii) What are the Powers of Central and State Electricity Regulatory Commissions (viii) How are STATUTES interpreted - Difference between provisions of Special Electricity Act 2003 and General Telegraph Act 1885 (ix) Who are the regulators of Power Grid Corporation and APTRANSCO (x)

12. DEFINITION OF RIGHT TO PROPERTY, (HUMAN RIGHT)

(S. C. Civil.21, 11-15 -1984 in 1994) “Word property connotes everything which is subject of ownership, corporal or in corporal, tangible intangible, visible or invisible, real or personal, everything that has an exchangeable value or which goes to MAKE UP WEALTH-ESTATE STATUS. Herein Land damaged by towers/ lines is violation of Right to property.

13. DEPRIVATION OF PROPERTY VALUE.

S.C. 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.” Towers and lines cause total damage to property.

14. SUBSTANTIAL DEPRIVATION :-

It is defined by S.C. in SCR (1954).674 “by substantial deprivation is meant the sort of deprivation that substantially robs a man of those attributes of enjoyment which normally accompany rights to or an interest in property. The form is unessential. It is the substance
that one must seek.” —Illusionary Phantom Title —Leaving The Mere Husk Of Title’. Power Grid claims that the land is not acquired, ownership remains with land owner, therefore need not pay compensation.

15. DANGERS DUE TO TOWERS :-

Land under Towers cannot be entered, as 4 legs of towers have iron spikes fencing. Under Lines (Right of Way) permanent structures are prohibited under Electricity Act 1910. Crops of height not exceeding 10 feet are not allowed to be grown. During rains or thunder storm passing under lines will cause shocks. Constant exposure under lines for humans as well as cattle face electromagnetic effects, which can cause cancer and other problems.

16. SC JUDGMENT 2007 ON DIMINUTIOUS OF LAND VALUE UNDER TOWER AND LINES :-

Supreme Court in 650 dated 18-05-2007 Kerala Electricity Board vs Levisha held that Transmission towers / lines damage land and diminishes its value. They directed payment of compensation for diminution of land under towers and lines. But the 2007 judgment is not implemented by companies except in Kerala state.

17. SC JUDGEMENT TELEGRAPH ACT CANNOT OVERRIDE ELECTRICITY:-

SC AIR 1970, Sc 491 (1970) “Merely because some of the powers conferred under the Indian Telegraph Act, it does not follow that all the rights and liabilities of a licensee under the Electricity Act are not governed by the provisions of the Indian Telegraph Act.

18. ATE JUDGEMENT JUDICIAL POWERS OF REGULATORY COMMISSIONS.

Appellate Tribunal for Electricity (ATC) Case No. 2011, Appeal. NO.83 OF 2010, DT.07-09-2011. (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-obstinate 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 those 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.

19. FARMERS ARE DELIBERATELY MISLEAD BY POWER GRID TO AVOID COMPENSATION:

What is confusing to farmers is, if the Collector issues compensation proceedings under Telegraph Act, 1885, how can a land owner farmers file revision under Works of Licensee Rules 2006, Rule 3 (3). Herein Companies issued notices under Telegraph Act 1885. The Collector also issued proceedings only under Telegraph Act. The Works of Licensee Rules 2006
are not referred to, in the notice given to land owner by the companies. The transmission companies’ letters have not informed the Collector about the provisions of Rules 2006. The proceedings by the Collectors do not refer to Rules 2006. Not referring to Rules 2006 in the notice of Collector proceedings will deny the land owner farmers of HIS RIGHT TO FILE REVISION under Rule 3(5).

20. ATE. JUDGMENT-COMPREHENSIVE COMPENSATION VIS -VIS RESTRICTED COMPENSATION :-

Appellate Tribunal for Electricity. No.135 0of 2012 dated 14-11-2013.
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 provides for compensation for DAMAGE, DETRIMENT OR INCONVENIENCE caused by the licensee. Thus the term COMPENSETION in section 67 (3) is much wider than the COMPENSETION 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 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 Act 2003, the Haryana Commission should have decided the issue including the compensation.

21. SC JUDGEMENT INTERPRETATION OF STATUTES: -

“When General statute and a specific statute relating to the same subject matter cannot be reconciled, the special or specific statute ordinary will control”
“when there is an Apparent conflict between two independent provisions of law the special provisions must prevail”. In all aspects of following procedure as per Rules, fixing of compensation and appeal for revision are to based on provisions of Special Electricity Act 2003 over the general Telegraph Act 1885.

22. SC. JUDGMENT :-COMPENSATION TO CALCULATED BASED MARKET VALUE ON THE DAY OF PROCEEDINGS:-

If a person is not paid in time he will be unable to purchase any land other immovable property for the amount of compensation that is likely to be paid by to him at a belated stage”
“After all money is what money buys what the claimants could have brought with the compensation in 1977 cannot do in 1988.Perhaps not even one half of it. It is a common experience that purchasing power of rupee is dwindling. With rising inflation, the delayed payment may lose all charm and utility of compensation. In some cases the delay may be detrimental to the interest of climates. The Indian agriculturist generally have no avocation. They totally depend upon land. If uprooted, they will find themselves nowhere. They are left high and dry. They have no savings to draw. They have nothing to fall back upon. They know
no other work. They may even face starvation and unless rehabilitated. In all such cases, it is of utmost importance that the award should be made without delay. The enhanced compensation must be determined without loss of time.

23. ILLEGALITY OF ACT 1885 PROCEEDINGS?
If the Collector issues compensation proceedings under Telegraph Act 1885, where should farmers file revision petition? Can Collectors proceedings be filed for revision before the District Judge for compensation? If so who will pay for court fees and lawyers fees? How can Power Grid damage farmers land and ask farmers to file suit for damages?

24. ILLEGALITY OF TELEGRAPH ACT, 1885.
Section 16 (1) empowers District Magistrate may, in his discretion, order, that the telegraph authority shall be permitted to exercise them. The Act 1885, section 10 (d) directs “telegraph authority to do as little damage as possible”. The District Magistrate (Collectors) while exercising judicial power has to be based on law or facts or evidence. A reading of Section 16 (1) EXERCISE OF POWERS CONFERRED BY SECTION 10, AND DISPUTES AS TO COMPENSATION, IN CASE OF PROPERTY OTHER THAN THAT OF A LOCAL AUTHORITY ” it is evident that Collector exercise his powers only when there is a dispute? A judicial authority before making a order has to look into causes for dispute and based on law has to exercise the authority.

25. DERELICTION OF DUTIES BY DISTRICT COLLECTORS :-
The District Collectors are empowered under Electricity Act 2003, Works of licensee Rules 3 (2) to fix compensation. The Ministry of Power GOI notification dated 18th April 2006 reads as follows (Annexure - 11) GSR.217 (E) :In exercise of powers conferred by clause (e) of sub-section (2) of section 176 read with subsection (2) of section 67 of the Electricity Act 2003 (36 of 2003), the Central government hereby makes the following rules regarding the works of licensee ----, GOI District Collectors Under Rule 3 (3) are authorized to fix compensation. Since day of issuing GOI authorization 18-04- 2006 none of the District Collectors, in Andhra Pradesh acted as per Rule 3 (3). This is dereliction of duty by District Collectors. The Chief Minister is requested to order an enquiry into the lapses by the Collectors.

26. COLLECTORS INABILITY TO APPLY JUDICIAL POWERS IN JUDICIA’S MANNER.
It is of commonsense that the damage to property due to Electric tower and lines is extensive, leading to violation of Right to property. Moreover the onus of dispute lies with Power Grid for causing huge damage and criminal encroachment. The Collector ought have directed Power Grid to pay compensation for EXTENSIVE DAMAGE instead of “as little damage as possible “ as per Section 10 (d). What needs to be enquired is how all the Collectors are hood winked and made look naive by Power Grid staff for 13 years.
27. ENQUIRY ON SENIOR OFFICERS IN ENERGY DEPARTMENT AND OTHERS :-

Failure, irresponsibility and criminal negligence of few officials in Department of Energy Govt. of A.P. was exposed after a communication from A.P. Electricity Regulatory Commission Mr. Ajay Jain, Principal Secretary, Energy department ,Govt. A.P. issued Gazette No. 534, dated 24-09-2017, G.495, authorizing District Collectors to exercise the POWERS AND PERFORM FUNCTIONS UNDER THE WORKES OF LICENSEE RULES 2006. It is a shame and disgrace on the part of A.P. State Administration failure to issue a simple authorization to District Collectors to discharge duties after delay of 9 years 5 months and 6 days. The Chief Minister is requested to enquire into these lapses and personal responsible, which caused immense damage to thousands of farmers property and denial of land value compensation.

28. ENERGY SECTOR CEO’S ILLEGAL ACTIVITIES - NEED FOR ENQUIRY :-

It is seen that the District Collectors are referring compensation issues to Mr. Ajay Jain, Secretary Energy seeking department for consent. The Memo. No. ENEO 01 /APPT/15/PR. II (A1)/2008 dated 05/03/2019 is issued by Mr. Ajay Jain, Secretary Energy, giving approval to Collector, Krishna district for enhanced compensation. (Annexure - 12) This memo is illegal and against provisions of Rules 2006, Rule 3 (2) When making an order under Sub-Rule (1) the district magistrate –shall fix, after considering the representation of the concerned persons, if any, the amount of compensation or of annual rent or both, which should IN HIS OPINION be paid by the licensee to the owner or occupier. Under Rules 2006 it is the District Collector alone is authorized to fix compensation. The State Government after duly authorizing the Collector cannot interfere in fixing or revising compensation. The revision power for enhanced compensation are with Regulatory Commission under Rule. 13 (2) “ Where any difference and/or dispute arises as to the amount of compensation determined under sub rule 1, the matter shall be determined by the APPROPRIATE COMMISSION. The interference in compensation issues by Mr. Ajay Jain are illegal and unauthorized. The Chief Minister is requested to order an enquiry as how Mr. Ajay Jain, Secretary, interfered in Compensation fixing issues. It is wrong on the part of District Collectors to seek permission from Mr. Ajay Jain.

29. FARMERS REQUEST TO CHIEF MINISTER TO RESOLVE THE FOLLOWING LEGAL ISSUES :-

(i) If Land is considered as property under Constitution how can Power Grid damage private property without due process of law and compensation?
(ii) How can Power Grid damage equated with Telegraphs poles and Transmission Towers as one and same?
(iii) How can Power Grid claim that a Colonial Telegraph Act 1885 over ride Special Electricity Act 2003?
(iv) Are farmers entitled for PRIOR INTIMATION before a Power Grid entering into their lands and causing damage to property?
(v) Are farmers entitled for compensation?
(vi) If so, under which Act it has to be fixed?
(vii) Is it Act 1885 or Act 2003?
(viii) What guidelines are to be followed in fixing compensation?
(ix) What are the provisions for revision under telegraph Act 1885?
(x) Should the compensation be fixed before commencing works or after completion of works?
(xi) Should the compensation be calculated based on location specific land value?
(xii) Under Act 2003 do Governments have power to fix compensation and direct companies to pay uniformly?
(xiii) What is the purpose of Act 2003 and the role envisaged for Regulatory Commissions and Rules if all transmission companies are exempted under Act 1885 Section 10 provisions. “Not taking consent of land owner”.
(xiv) Are provisions of Act 1885, Section 10, relevant in the context of 21st Century Independent India guided by the Constitution?
(xv) What measures are to be taken to rectify the past misuse of Act 2003 Section 164 by Transmission companies?

30. APPEAL TO CHIEF MINISTER TO HELP GET COMPENSATION TO FARMERS:
Power Grid Corporation is a company declaring 31,000 Crores profit during 2013-2018. But it has refused to pay even one rupee compensation to farmers in Andhra Pradesh. Since 2006 over 5 Lakhs farmers, mostly small, marginal and DKT patta owners are deprived of livelihood and social stature due to destruction of their landed property by transmission companies. We request you to kindly appoint a Judicial commission to find out names of farmers, extent of damage, and compensation entitled so as to direct companies to pay compensation.

Yours Sincerely,

P. Chengal Reddy
Advocate & Chief Adviser – CIFA (Consortium of Indian Farmers Associations)
Ph: 9849512600.
E-mail: chengal.p@gmail.com
Website: http://www.indianfarmers.org/
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Vacent Plot 100 2400 (M) 2240 (M) 5200 (M) 3800 (M) 1 Hectare 10000 (M) - Length 100 x Width 100 (M)
Minimum Right of Way = 48m approx. (All objects cleared in this zone)

= 157.48 ft
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)  They shall come into force on the date of their publication in the Official Gazette.

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;
      (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:

Provided that in case where the owner or occupier of the building or land raises objections in respect of works to be
carried out under this rule, the licensee shall obtain permission in writing from the District Magistrate or the Commissioner of Police or any other officer authorised by the State Government in this behalf, for carrying out the works:

Provided further that if at any time, the owner or occupier or any building or land on which any works have been carried out or any support of an overhead line, stay or strut has been fixed shows sufficient cause, the District Magistrate or the Commissioner of Police, or the officer authorised may by order in writing direct for any such works, support, stay or strut to be removed or altered.

(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 Commission.

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

4. Works affecting streets, railway, tramway, canal or waterway:

(1) Where the exercise of any of the powers of a licensee in relation to the execution of any works involves the placing of any works in, under, over, along or across any street, part of a street, railway, tramway, canal or waterway, the licensee shall serve upon the person responsible for the repair of the street or part of a street (hereinafter referred to as "the repairing authority") or upon the person for the time being entitled to work the railway, tramway, canal or waterway (hereinafter referred to as "works authority"), as the case may be, a notice in writing, not less than (15) days before commencing the execution of the works describing the proposed works, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally and intimating the manner in which, and the time at which, it is proposed to interfere with or alter any existing works, and
shall, upon being required to do so by the repairing authority or works authority, as the case may be, from time to time give such further information in relation thereto as may be desired.

(2) If the repairing authority intimates to the licensee that it disapproves of such works, section or plan giving reasons for disapproval, or approves thereof subject to amendment, the licensee may, unless settled by an agreement, appeal to the Appropriate Commission within one week of receiving such intimation, whose decision, after considering the reasons given by the repairing authority for its action, shall be final.

(3) If the repairing authority fails to give notice in writing of its approval or disapproval to the licensee within (15) days of the receipt of the notice, it shall be deemed to have approved of the works, section and plan, and the licensee, after giving not less than forty-eight hours' notice in writing to the repairing authority, may proceed to carry out the works in accordance with the notice and the section and plan served under sub-rule (1).

(4) If the works authority disapproves of such works, section or plan giving reasons for disapproval, or approves thereof subject to amendment, he may, within (15) days after the service of the notice under sub-rule (1) of rule 5, serve a requisition upon the licensee demanding that any question in relation to the works or to compensation, or to the obligations of the works authority to others in respect thereof, shall be determined, unless settled by agreement, by the Appropriate Commission.

(5) Where no requisition has been served by the works authority upon the licensee within the time period provided under sub-rule (4), the works authority shall be deemed to have approved of the works, section and plan, and in that case, or, where after the matter has been determined by the Appropriate Commission, the works may, upon payment or securing of compensation, be executed according to the notice and the section and plan, subject to such modifications as may have been determined by the Appropriate Commission or agreed upon between the parties:

Explanation.—In sub-rules (1) to (5), the word “works” includes a service line in, under, over, along or across a railway
even if such line is immediately attached or intended to be immediately attached to a distributing main, but does not include any other service line so attached or intended to be so attached to a distributing main, or works which consist of the repair, renewal or amendment of existing works of which the character or position is not to be altered.

(6) Where the works to be executed consist of the laying of any underground service line immediately attached, or intended to be immediately attached, to a distributing main, the licensee shall give to the repairing authority or the works authority, as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works;

(7) Where the works to be executed consist of the repair, renewal or amendment of existing works of which the character or position is not to be altered, the licensee shall, except in cases of emergency, give to the repairing authority, or to the works authority, as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works, and, on the expiry of such notice, such works shall be commenced forthwith and shall be carried on with all reasonable despatch, and, if possible, both by day and by night until completed.

5. Repairs and works during emergency:

The licensee may, in case of emergency due to the breakdown of an underground electric supply-line, after informing the repairing authority or the works authority, as the case may be, of his intention to do so, place an overhead line without complying with the provisions of rule 4.

Provided that such overhead line shall be used only until the defect in the underground electric supply-line can be made good, and in no case (unless with the written consent of the repairing authority, works authority or occupier as the case may be) for a period exceeding six weeks, and shall be removed as soon as may be after such defect is removed.

6. Procedure for carrying out other works near sewers, pipes or other electric lines or works:

(1) The licensee or any duly authorised person, as the case may be (hereinafter in this rule referred to as "the operator"), shall—

(a) where the licensee requires to dig or sink any trench for laying down any new electric supply-lines or other...)
works, near to which any sewer, drain, water-course or work under the control of the State Government or of any local authority, or any pipe, syphon, electric supply-line or other work belonging to any duly authorised person, has been lawfully placed; or

(b) where any duly authorised person is required to dig or sink any trench for laying down or constructing any new pipes or other works, near to which any electric supply-lines or works of a licensee have been lawfully placed;

unless it is otherwise agreed upon between the parties interested or in case of sudden emergency, give to the State Government or local authority, or to such duly authorised person or to the licensee, as the case may be (hereinafter in this Rule referred to as "the owner"), not less than forty-eight hours' notice in writing before commencing to dig or sink the trench and the owner shall have the right to be present during the execution of the work, which shall be executed to the reasonable satisfaction of the owner.

(2) Where the operator finds it necessary to undermine, but not to alter, the position of any pipe, electric supply-line or work, he shall support it in position during the execution of the work, and before completion shall provide a suitable and proper foundation for it where so undermined.

(3) Where the operator (being the licensee) lays any electric supply-line across, or so as to be liable to touch, any pipes, lines or service-pipes or service-lines belonging to any duly authorised person or to any person supplying, transmitting or using energy under the Act, he shall not, except with the written consent of such person and in accordance with the regulations on safety as specified under section 53 of the Act, lay his electric supply-lines so as to come into contact with any such pipes, lines or service-pipes or service-lines.

(4) Where the operator makes default in complying with any of the provisions of this rule, he shall make full compensation for any loss or damage incurred by reason thereof.

(5) Where any difference and/or dispute arises under this rule, the matter shall be determined by the Appropriate Commission.

(6) Where the licensee is a local authority, the references in this rule to the local authority and to sewers, drains, watercourses or works under its control shall not apply.
7. Alteration of the position of pipes, electric line, etc:-

(1) Any licensee may alter the position of any pipe (not forming part of a local authority's main sewer), or of any wire under or over any place which he is authorised to open or break up, if such pipe or wire is likely to interfere with the exercise of his powers under the Act; and any person may alter the position of any electric supply-lines or works of a licensee under or over any such place as aforesaid, if such electric supply-lines or works are likely to interfere with the lawful exercise of any powers vested in him.

(2) The licensee or other person desiring to make the alteration, unless otherwise agreed, shall, not less than one month before commencing any alteration, serve upon the person for the time being entitled to the pipe, wire, electric supply-lines or works, as the case may be (hereinafter in this rule referred to as "the owner"), a notice in writing, describing the proposed alteration, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally, and intimating the time when it is to be commenced, and shall subsequently give such further information in relation thereto as the owner may desire;

(3) The owner may, within fourteen days after the service of the notice, section and plan, serve upon the operator a requisition to the effect that any question arising upon the notice, section or plan, shall, unless settled by agreement, be determined by the Appropriate Commission, and thereupon the matter shall be determined by the Appropriate Commission.

(4) The Appropriate Commission to whom a reference is made under sub-rule (3), shall have regard to any duties and obligations which the owner is under, and may require the operator to execute any temporary or other works so as to avoid, as far as possible, interference therewith.

(5) Where no requisition is served upon the operator under sub-rule (3) within the time limit, or where such a requisition has been served and the matter has been settled by agreement or determined by the Appropriate Commission, the alteration may, upon payment or securing of any compensation accepted or determined by the Appropriate Commission, be executed in accordance with the notice, section and plan and
subject to such modifications agreed upon between the parties or as may have been determined by the Appropriate Commission.

(6) Where the operator desiring to make the alteration makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by the Appropriate Commission.

(7) Where the owner or occupier desires to carry out certain works himself,—

(i) he may, at least ten days before the operator desiring to make the alteration of pipes or wires is entitled to commence the alteration, serve upon the operator a statement in writing to the effect that he desires to execute the alteration himself and requires the operator to give such security for the repayment of any expenses as may be agreed upon or, in default of agreement, determined by the Appropriate Commission;

(ii) where a statement is served upon the operator under clause (i), he shall, not less than forty-eight hours before the execution of the alteration is required to be commenced, furnish such security and serve upon the owner a notice in writing intimating the time when the alteration is required to be commenced, and the manner in which it is required to be made; and thereupon the owner may proceed to execute the alteration as required by the operator;

(iii) where the owner declines to comply, or does not, within the time and in the manner prescribed by a notice served upon him under clause (ii), comply with the notice, the operator may himself execute the alteration;

(iv) all expenses incurred by the owner in complying with a notice served upon him by the operator under clause (ii) may be recovered by him from the operator.

8. Works not repairable by the Appropriate Government, licensee or local authority:—

The licensee shall open or break up any street not repairable by the Central Government or the State Government or a local authority only with the written consent of the person by whom the street is repairable or with the written consent of the Appropriate Government:
Provided that the Appropriate Government shall not give any such consent as aforesaid, until the licensee has given notice by advertisement or otherwise as that Government may direct, and within such period as that Government may fix in this behalf, to the person above referred to, and until all representations or objections received in accordance with the notice have been considered by that Government.

9. Procedure for fencing, guarding, lighting and other safety measures relating to works and immediate reinstatement of streets, railways, sewers, drains or tunnels:

(1) Where any person, in exercise of any of the powers conferred by or under these rules opens or breaks up the soil or pavement of any street, railway or tramway, or any sewer, drain or tunnel, he shall-

(a) immediately cause the part opened or broken up to be fenced and guarded and fix caution boards to alert traffic;

(b) cause a light or lights, sufficient for the warning of passengers before sunset, to be set up and maintained until sunrise against or near the part opened or broken up;

(c) make suitable arrangements for smooth flow of traffic;

(d) fill in the ground and reinstate and make good the soil or pavement, or the sewer, drain or tunnel, opened or broken up with all reasonable speed, and carry away the rubbish occasioned by such opening or breaking up; and

(e) after reinstating and making good the soil or pavement, or the sewer, drain or tunnel broken or opened up, keep the same in good repair for three months and for any further period, not exceeding nine months, during which subsidence continues.

(2) Where any person fails to comply with any of the provisions of sub-rule (1), the person having the control or management of the street, railway, tramway, sewer, drain or tunnel in respect of which the default has occurred, may cause to be executed the work which the defaulter has delayed or omitted to execute, and may recover from him the expenses incurred in such execution.
(3) Where any difference and / or dispute arises as to the amount of the expenses incurred under sub-rule (2), the matter shall be determined by the Appropriate Commission.

10. Avoidance of public nuisance, environmental damage and unnecessary damage to the public and private property by such works:–

The licensee shall, while carrying out works, ensure that such works do not cause public nuisance, environmental damage and unnecessary damage to the public or private property.

11. Manner of deposit of amount for restoration of railways, tramways, waterways etc:–

The licensee shall deposit the amount for restoration of railways, tramways, waterways etc. under these rules by means of demand draft in favour of the officer-in-charge of the maintenance of the works concerned.

12. Manner of restoration of property affected by such works and maintenance thereof:–

The licensee shall carry out the restoration of property affected by works and undertake necessary maintenance thereof for one month.

13. Determination and payment of compensation to affected persons:–

(1) Where the licensee makes default in complying with any of the provisions of these rules, he shall make full compensation for any loss or damage incurred by reason thereof to the person affected, as may be determined by the District Magistrate or by any other officer authorised by the State Government in this behalf, if not agreed mutually between the parties concerned.

(2) Where any difference and/or dispute arises as to the amount of compensation determined under sub-rule (1), the matter shall be determined by the Appropriate Commission.

14. Procedure for deposit of compensation payable by the licensee and furnishing of security:–

(1) The amount of compensation payable by the licensee under these rules shall be deposited by means of demand draft.

(2) The security required to be furnished under these rules shall be in the form of Bank Guarantee from a Scheduled Bank or in
any other form as may be notified by the Appropriate Government from time to time.

15. Determination of dispute and/or difference by the Appropriate Commission:

When a matter is brought to the Appropriate Commission for determination under these rules, the matter shall be determined by the Appropriate Commission within a period of thirty days and after hearing the parties concerned.

16. Service of notice etc:—
Whenever a notice or intimation is required to be served upon a person under these rules, the procedure provided under section 171 of the Act and rules made thereunder shall be followed.

[F. No.23/8/2004 R & R]

Sd/-
U.N. Panjiar
Additional Secretary to Government of India

Note:
Works of Licensees Rules, 2006 were issued by Ministry of Power, Government of India and published in Part-II, Section 3, sub-section (i) of the Gazette of India, Extraordinary, dated 18.4.2006
11. Accordingly, we set aside the impugned order of the High Court and remit the matter for fresh consideration.

12. The High Court while deciding the matter shall keep in view the principles indicated above. Since the matter is pending since long, the High Court shall dispose of the matter within six months from the date of receipt of this order to avoid unnecessary delay. We direct the parties to appear before the High Court on 23-7-2007. We request the Chief Justice of the High Court to list the matter before the appropriate Bench.

13. The appeal is disposed of accordingly.

(2007) 6 Supreme Court Cases 792
(Before S.B. Sinha and Markandey Katju, J.J.)

KERALA STATE ELECTRICITY BOARD . . . Appellant;

Versus

LIVISHA AND OTHERS . . . Respondents.


Land Acquisition and Requisition — Telegraph Act, 1885 — S. 10 — Setting up of telegraph and electrical lines in exercise of power under — Compensation payable — Compensation payable for (fruit bearing) trees cut down and diminution in value of land over which such line drawn — Principles for determination of, laid down — Electricity — Electrical lines

The question that arose before the Supreme Court was as to the amount of compensation that would be payable for trees cut and removed by the Kerala SEB, a body corporate, constituted and incorporated under the Electricity (Supply) Act, 1948.

Remanding the matter for decision afresh, the Supreme Court

Held:

The amount of compensation for trees cut and removed by a SEB is to be determined in terms of the provisions of Section 10, Part III of the Telegraph Act, 1885.

Both, telegraph lines and electrical lines are required to be drawn over 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. The situs of the land, the distance between the high voltage electricity line laid thereover, the extent of the line thereon as also the fact as to whether the high voltage line

† From the Final Judgment and Order dated 28-3-2005 of the High Court of Kerala at Ernakulam in CRP No. 1279 of 2003
‡ Arising out of SLP (C) No. 2658 of 2005
‡‡ Arising out of SLP (C) No. 26214 of 2005
‡‡ Arising out of SLP (C) No. 1020 of 2006
‡‡‡ Arising out of SLP (C) No. 6451 of 2006
passes over a small tract of land or through the middle of the land and other
similar relevant factors 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. (Paras 9 and 10)

The amount of compensation is required to be determined keeping in view the
purpose and object of the statute. There cannot be any fixed formula therefor.
Although undoubtedly one formula laid down may assist the Board and/or the
Reference Court to apply the same, but there cannot be a hard-and-fast rule in
this behalf. A fixed formula for determining the amount of compensation
although may make the task of the Land Acquisition Officer or the Reference
Court easier but each case is required to be taken on its own merit. The purpose
and object of the Act and the methodology laid down therein for the purpose
thereof should be the guiding factor. (Para 7)

Kamba Annu v. Kerala SEB, (2000) 1 KLT 542 (FB); Kerala SEB v. Varghese Thomas,
1961 KLT 238; Kerala SEB v. Marthoma Rubber Co., Ltd., 1981 KLT 646 (FB);

So far as the compensation in relation to fruit bearing trees is concerned the
same would also depend upon the facts and circumstances of each case. In such
cases claim on yield basis has been held to be relevant for determining the
amount of compensation payable under the Land Acquisition Act. (Para 11)

SCW 1145; Kapur Singh Mistri v. Financial Commr. & Revenue Secy. to Govt. of Punjab,
1995 Supp (2) SCC 635; State of Haryana v. Gurcharan Singh, 1995 Supp (2) SCC 637;
Airports Authority of India v. Satyagopal Roy, (2002) 3 SCC 527, relied on

Advocates who appeared in this case:
M.T. George, Advocate, for the Appellant;
Baby Augustine, Eby Augustine and M.K. Michael, Advocates, for the Respondents.

Chronological list of cases cited on page(s)
   Kamadana Ramakrishna Rao 791d
3. (2000) 1 KLT 542 (FB), Kamba Annu v. Kerala SEB 794b-c, 794f, 795d
4. 1995 Supp (2) SCC 635, State of Haryana v. Gurcharan Singh 797e, 797ef
5. 1995 Supp (2) SCC 635, Kapur Singh Mistri v. Financial Commr. &
   Revenue Secy. to Govt. of Punjab 797e
7. 1981 KLT 646 (FB), Kerala SEB v. Marthoma Rubber Co., Ltd. 794f, 795d, 795e
8. 1961 KLT 238, Kerala SEB v. Varghese Thomas 794c-d, 795d

The Judgment of the Court was delivered by

S.B. SINHA, J.— Leave granted in SLPs.

2. These appeals involving common questions of law and fact were taken
up for hearing together and are being disposed of by this common judgment.
What would be the amount of compensation for the trees cut and removed by
the Kerala State Electricity Board, a body corporate, constituted and
incorporated under the Electricity (Supply) Act, 1948 is the question involved
in these appeals. Indisputably, amount of compensation for the said purpose is determined in terms of the provisions of Section 10, Part III of the Telegraph Act, 1885.

3. Before we embark upon the said question, we may notice the amount of compensation that has been determined by the appellant Board as also by the Reference Court being the District Judge.

4. Trees have been cut and removed for drawing of 110 kV electric line. The Board/Land Acquisition Officer determined the amount of compensation whereupon reference was made. The learned District Judge while determining the amount of compensation followed a judgment of a 5-Judge Bench of the Kerala High Court in Kamba Amma v. Kerala SEB\(^1\) holding that annuity thereof shall be calculated on the basis of 5% return. Revision applications having been filed thereagainst, the High Court in some cases, as noticed hereinbefore, enhanced the amount of compensation, fixing the rate of diminution at 50% instead of 40%.

5. It is not in dispute that the High Court of Kerala at different points of time took different views in the matter. To begin with, in Kerala SEB v. Varghese Thomas\(^2\) it was held that the principle which should be resorted to for the said purpose is annuity method. Fair return of 5% interest per annum was held to be reasonable for calculating the amount of compensation. Allegedly, the Board was following the principle laid down in the said judgment in determining the amount of compensation.

6. The question again came up for consideration before the High Court in Kerala SEB v. Marthoma Rubber Co. Ltd.\(^3\) wherein a Full Bench of the said Court opined that it would be safe to adopt the means of return on a fixed deposit for the usual period of 5 years or 63 months whichever is held reasonable and anticipated return for long-term basis. The usual bank rate of interest at the relevant point of time was 10% for long-term deposits i.e. over 5 years. The said rate of interest was adopted by the Board to be a fair return and the amount of annuity was being calculated on the said basis. However, in Kamba Amma\(^4\) a 5-Judge Bench of the High Court opined that inflation was a relevant factor which should be taken into consideration while computing the amount of compensation for destruction of trees.

7. We may, however, notice that in one of the impugned judgments, a learned Single Judge of the High Court held:

"The court below has fixed the land value at Rs 20,000 per cent and the rate of diminution at 40%. Taking Exhibits A-1 and A-2 produced, the lower court is correct in fixing the land value at Rs 20,000 per cent, (sic which) cannot be the reasonable land value in this case. Hence I fix the land value in this case at Rs 30,000 per cent. So also the rate of diminution in land value is fixed at 50% instead of 40% fixed by the

1 (2000) 1 KLT 542 (FB)
2 1961 KLT 238
3 1981 KLT 646 (FB)
transmission system and the State Government in the case of intra-State transmission system, as the case may be, may, by order in writing, for placing of electric supply lines, ‘appliances and apparatus for the transmission of energy or for the purpose of telephonic or telegraphic communication necessary for the proper coordination of works, confer upon any public officer, Central Transmission Utility, State Transmission Utility, licensee, transmission licensee or any other person engaged in the business of transmission, or supplying energy to the public under this Act, subject to such conditions and restrictions (if any) as the Central Government or the State Government, as the case may be, may think fit to impose, and to the provisions of the Indian Telegraph Act, 1885 (13 of 1885), any of the powers which the telegraph authority possesses under the Act, with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained."

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. The Telegraph Act, 1885 provides for the manner in which the amount of compensation is to be computed therefor. Section 10 of the Act empowers the authority to place and maintain a telegraph line under, over, along or across, or posts in or upon any immovable property. Section 11 empowers the officers to enter on property in order to repair or remove telegraph lines or posts. Section 12 empowers the authority to grant permission for laying down such lines to a local authority in terms of Clauses (c) and (d) of the proviso to Section 10 of the Act subject to reasonable conditions as it may think fit. Section 16 of the said Act reads as under:

"16. Exercise of powers conferred by Section 10, and disputes as to compensation, in case of property other than that of a local authority.—(1) If the exercise of the powers mentioned in Section 10 in respect of property referred to in clause (d) of that section is resisted or obstructed, the District Magistrate may, in his discretion, order that the telegraph authority shall be permitted to exercise them.

(2) If, after the making of an order under sub-section (1), any person resists the exercise of those powers, or, having control over the property, does not give all facilities for their being exercised, he shall be deemed to have committed an offence under Section 188 of the Indian Penal Code (45 of 1860).

(3) If any dispute arises concerning the sufficiency of the compensation to be paid under Section 10 clause (d), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situate, be determined by him.

(4) If any dispute arises as to the persons entitled to receive compensation, or as to the proportions in which the persons interested are entitled to share in it, the telegraph authority may pay into the Court of the District Judge such amount as he deems sufficient or, where all the disputing parties have in writing admitted the amount tendered to be sufficient or the
amount has been determined under sub-section (3), that amount; and the
District Judge, after giving notice to the parties and hearing such of them as
desire to be heard, shall determine the persons entitled to receive the
compensation or, as the case may be, the proportions in which the persons
interested are entitled to share in it.

(5) Every determination of a dispute by a District Judge under
sub-section (3) or sub-section (4) shall be final:

Provided that nothing in this sub-section shall affect the right of any
person to recover by suit the whole or any part of any compensation paid by
the telegraph authority, from the person who has received the same.”

The situs of the land, the distance between the high voltage electricity
line laid thereover, 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 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.

11. 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. We may, incidentally, refer to a recent decision of this Court in
Land Acquisition Officer v. Kamadana Ramakrisha Rao5 wherein claim on
yield basis has been held to be relevant for determining the amount of
compensation payable under the Land Acquisition Act; same principle has
been reiterated in Kapur Singh Mistri v. Financial Commr. & Revenue Secy.
to Govt. of Punjab6, State of Haryana v. Gurcharan Singh7, para 4 and
Airports Authority of India v. Satyagopal Roy8. In Airports Authority8 it was
held: (SCC p. 533, para 14)

“14. Hence, in our view, there was no reason for the High Court not
to follow the decision rendered by this Court in Gurcharan Singh case7
and determine the compensation payable to the respondents on the basis
of the yield from the trees by applying 8 years’ multiplier. In this view of
the matter, in our view, the High Court committed error apparent in
awarding compensation adopting the multiplier of 18.”

12. We are, therefore, of the opinion that the High Court should consider
the matter afresh on the merit of each matter having regard to the fact
situation obtaining therein. The impugned judgments, therefore, cannot be
sustained. These are set aside accordingly. The matters are remitted to the
High Court for consideration thereon afresh. The appeals are allowed. In the
facts and circumstances of the case, there shall be no order as to costs.

6 1995 Supp(2) SCC 635
7 1995 Supp(2) SCC 637
8 (2002) 3 SCC 527
THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

PART I EXTRAORDINARY

No.534
AMARAVATI, THURSDAY, AUGUST 24, 2017
G.495

NOTIFICATIONS BY GOVERNMENT

ENERGY, INFRASTRUCTURE & INVESTMENT DEPARTMENT
(Power-III)

THE WORKS OF LICENSEES RULES, 2006 (ISSUED BY GOVERNMENT
OF INDIA) - NOTIFICATION OF DISTRICT COLLECTOR AS AUTHORIZED
OFFICER BY THE STATE GOVERNMENT.


Read the following:

1. G.S.R.2017 (E) of the Ministry of Power published in the Gazette of India,
   New Delhi, Dated: 18/04/2006.

2. From the Secretary (I/c), A.P.Electricity Regulatory Commission, Letter No.

***

In the notification 1st read above, the Government of India have already issued
the Works of Licensees Rules, 2006 where under the District Magistrate or the Commissioner
of Police or any other officer authorized by the State Government in this behalf has to
exercise the powers and perform the functions and duties as specified in the different
Rules i.e., under clause (e) of sub-section (2) of Section 176 read with sub-section (2)
of Section 67 of the Electricity Act, 2003 (Act No.36 of 2003) and the same was published
in the Gazette of India, Extraordinary - PART II-Section 3-Sub-section (i) of the Ministry
of Power, New Delhi, Dated:18/04/2016.
In the reference 2nd read above, the Secretary (l/c), Andhra Pradesh Electricity Regulatory Commission has stated that the State Government so far did not appear to have authorized any officer in this behalf under the Rules and, it is necessary to authorize an officer in this regard by an Order of the State Government and stated that Works of Licensees have to be taken up in strict compliance of the said Rules.

After careful examination of the matter, Government hereby appoint the District Collector to exercise the powers and perform the functions and duties under the Works of Licensees Rules, 2006 notified under G.S.R.2017 (E), Dated, 18/04/2016 of the Ministry of Power published in the Gazette of India, New Delhi, and works of licensees in the State of Andhra Pradesh shall have to be taken-up and executed in strict compliance of the said statutory Rules.

AJAY JAIN,
Principal Secretary to Government.

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GOVERNMENT OF ANDHRA PRADESH

ABSTRACT


ENERGY, INFRASTRUCTURE & INVESTMENT (POWER-III) DEPARTMENT

G.O.MS.No. 6

Dated: 06-03-2017

Read the following:-


*****

ORDER:-

In the G.O.1st read above, the Government have already issued the Andhra Pradesh Works of Licensees Rules, 2007 where under the District Magistrate or the Commissioner of Police or any other Officer authorized by the State Government in this behalf has to exercise the powers and perform the functions and duties as specified in the different rules i.e., under clause (b) of sub-section of section 180 read with sub-section (2) of section 67 of the Electricity Act, 2003 (Act No.36 of 2003) and the same was published in the Andhra Pradesh Gazette, Rules supplement to Part-I Extra-Ordinary dated 04/04/2007.

2. In the reference 2nd read above, the Secretary (I/c), Andhra Pradesh Electricity Regulatory Commission has stated that the State Government so far did not appear to have authorized any Officer in this behalf under the rules and, it is necessary to authorize an Officer in this regard by an Order of the State Government and stated that Works of Licensees have to be taken up in strict compliance of the said Rules.

3. After careful examination of the matter, Government hereby appoint the District Collector to exercise the powers and perform the functions and duties under the Andhra Pradesh Works of Licensees Rules, 2007 made under G.O.Ms.No.24, Energy (PR.II) Dept, dated 27/02/2007, and any works of licensees in the State of Andhra Pradesh shall have to be taken-up and executed in strict compliance of the said statutory rules.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJAY JAIN
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing and Stationery Department
(With a request to publish the Notification in Extra-ordinary issue of Andhra Pradesh Gazette and supply 500 copies in the Government)

Copy communicated to:-
All District Collectors of State of Andhra Pradesh
The Secretary (In-charge), Andhra Pradesh Electricity Regulatory Commission,
#11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004
The Chairman & Managing Director, APTRANSCO, Vidyut Soudha, Hyderabad
The Chairman & Managing Director, APSPDCL, Tirupati
The Chairman & Managing Director, APEPDCL, Visakhapatnam

(P.T.O.)

:: 2 ::
The Adviser to Principal Secretary to Government, Energy, I&I Dept.
APGENCO, Vidyut Soudha, Hyderabad, for information
The Legal Adviser, Energy, I&I Dept, APTRANSCO, Vidyut Soudha, Hyderabad,
for information
SF/SCs (C.No.1769/Power-III/2016)

// FORWARDED:: BY ORDER //

SECTION OFFICER
GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Energy, I & I Department – Guidelines for payment of compensation towards damages in regard to Right of Way for transmission lines - Orders issued.

ENERGY, INFRASTRUCTURE & INVESTMENT (Pr.II.A2) DEPARTMENT

G.O.R.T. No. 83

Dated: 20-06-2017

The Ministry of Power, GoI, guidelines, vide Ref No.3/7/2015-Trans, dated: 15.10.2015.

-00-

ORDER:

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.

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 @ 100% of land value as determined by District Magistrate or any other authority based on circle rate/Guidelines value/Stamp Act rates for tower base area (between four legs) impacted severely due to installation of tower/ pylon structure.

(ii) Compensation towards diminution of land value in the width of Right of Way (RoW) Corridor due to laying of transmission line and imposing certain restriction would be decided by the States as per categorization/type of land in different places of States, subject to a maximum of 15% of land value as determined based on Circle rate/Guidelines value/ Stamp Act rates;

(iii) In areas where land owner/owners have been offered/ accepted alternate mode of compensation by concerned corporation/ Municipality under Transfer Development Rights (TDR) policy of State, the licensee/utility shall deposit compensation amount as per (i) & (ii) above with the concerned Corporation/ Municipality/ Local Body or the State Government.

(iv) For this purpose, the width of RoW corridor shall not be more than that prescribed here under and shall not be less than the width directly below the conductors.

<table>
<thead>
<tr>
<th>Transmission Voltage</th>
<th>Width of Right of way (in Meters)</th>
</tr>
</thead>
<tbody>
<tr>
<td>132 KV</td>
<td>27</td>
</tr>
<tr>
<td>220 KV</td>
<td>35</td>
</tr>
<tr>
<td>400 KV S/c</td>
<td>46</td>
</tr>
<tr>
<td>400 KV D/c</td>
<td>46</td>
</tr>
<tr>
<td>+/- 300 KV HVDC</td>
<td>52</td>
</tr>
<tr>
<td>765 KV S/c with delta configuration</td>
<td>64</td>
</tr>
<tr>
<td>765 KV D/c</td>
<td>67</td>
</tr>
<tr>
<td>+/- 800 KV HVDC</td>
<td>69</td>
</tr>
<tr>
<td>1200 KV</td>
<td>89</td>
</tr>
</tbody>
</table>
:: 2 ::

These orders will be effected from the date of issuance of this G.O.

The Officials mentioned in the address entry shall take further necessary action accordingly.

(BY ORDER IN AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJAY JAIN
PRINCIPAL SECRETARY TO GOVERNMENT

to:
All District Collectors of State of Andhra Pradesh.
The Executive Director, Power Grid Corporation of India Ltd., Secunderabad,
The Chairman & Managing Director, APTRANSCO, Vijayawada.
The Managing Director, APEXCO, Hyderabad.
The Chairman & Managing Director, APSIDC, Tirupati.
The Chairman & Managing Director, APEPDCL, Visakhapatnam.
The Secretary, Andhra Pradesh Electricity Regulatory Commission (APERC), Hyderabad.

Copy to:
The P.S., to P.I.G., Secy., to C.M.
The P.S., to Minister (Energy)Department.
The P.S., to Principal Secretary, Energy, I&I Department.
SF/SC (C.No.644/Pr.I.LA2/2017)

// FORWARDED BY :: ORDER //

SECTION OFFICER
<table>
<thead>
<tr>
<th><strong>TRANSMISSION LINES - TOWERS - LAND USED - COMPENSATION</strong></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>No.</strong></th>
<th><strong>Description</strong></th>
<th><strong>Details</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total land damaged (in Hectars)</td>
<td>9</td>
</tr>
<tr>
<td>2</td>
<td>Total land damaged (in Acres)</td>
<td>10</td>
</tr>
<tr>
<td>3</td>
<td>No. of towers constructed 48.390 x 2.5 (Average)</td>
<td>8</td>
</tr>
<tr>
<td>4</td>
<td>Length of Transmission lines / Towers CkM 2013-14 to 2017-18</td>
<td>7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>DIVIDEND</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ST. No.</strong></td>
</tr>
<tr>
<td><strong>Rs. In Crores</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Details of Profit - Dividend - Tax</strong></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>ST. No.</strong></th>
<th><strong>Particulars</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Power Grid Total turnover 2013-14 to 2017-18</td>
</tr>
<tr>
<td>2</td>
<td>Paid total expenses 2013-14 to 2017-18</td>
</tr>
<tr>
<td>3</td>
<td>Profit after Tax 2013-14 to 2017-18</td>
</tr>
<tr>
<td>4</td>
<td>Dividend 2013-14 to 2017-18</td>
</tr>
<tr>
<td>5</td>
<td>Provision for Tax (MAT) 2013-14 to 2017-18</td>
</tr>
<tr>
<td>6</td>
<td>Dividend Tax 2013-14 to 2017-18</td>
</tr>
</tbody>
</table>

Ref: Annual Report 2017-18 - Page Nos. 30, 32
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Transmission Line</td>
<td>13488.7</td>
<td>13639.7</td>
<td>13373.7</td>
<td>13573.7</td>
<td>13473.7</td>
</tr>
<tr>
<td>Dividend Tax</td>
<td>610.64</td>
<td>610.64</td>
<td>610.64</td>
<td>610.64</td>
<td>610.64</td>
</tr>
<tr>
<td>Provision for Tax (MAT)</td>
<td>2218.93</td>
<td>2218.93</td>
<td>2218.93</td>
<td>2218.93</td>
<td>2218.93</td>
</tr>
<tr>
<td>Dividend</td>
<td>430.33</td>
<td>430.33</td>
<td>430.33</td>
<td>430.33</td>
<td>430.33</td>
</tr>
<tr>
<td>Profit After Tax</td>
<td>8238.96</td>
<td>8238.96</td>
<td>8238.96</td>
<td>8238.96</td>
<td>8238.96</td>
</tr>
<tr>
<td>Total expenses</td>
<td>20496.70</td>
<td>20496.70</td>
<td>20496.70</td>
<td>20496.70</td>
<td>20496.70</td>
</tr>
<tr>
<td>B. Paid and Provided for –</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Earning</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Earned From Transmission</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenue and Others Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Particulars</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Operative Results**

FIVE YEAR SUMMARY

(Ref: Power Grid Annual Report 2017-18 - Page Nos. 30.32

POWER GRID CORPORATION OF INDIA - 2013-14 TO 2017-18)
5 YEARS TOTAL COMPENSATION ELIGIBLE RS. 24,679.90

<table>
<thead>
<tr>
<th>Crores</th>
<th>Crores</th>
<th>Crores</th>
<th>Crores</th>
<th>Crores</th>
<th>Crores</th>
<th>Crores</th>
<th>Crores</th>
<th>Crores</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS. 3592.95</td>
<td>RS. 4505.83</td>
<td>RS. 6995.67</td>
<td>RS. 4958.73</td>
<td>RS. 4626.72</td>
<td>RS. 4347.03</td>
<td>RS. 4720.8</td>
<td>RS. 5007.34</td>
<td>RS. 4548.95</td>
</tr>
<tr>
<td>52</td>
<td>55</td>
<td>7</td>
<td>1</td>
<td>7</td>
<td>4</td>
<td>9</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Acres=89.6</td>
<td>Acres=5.95</td>
<td>Acres=2.373</td>
<td>Acres=1.354</td>
<td>Acres=7.237</td>
<td>Acres=1.354</td>
<td>Acres=7.237</td>
<td>Acres=1.354</td>
<td>Acres=7.237</td>
</tr>
<tr>
<td>HC. 4548.95</td>
<td>HC. 7064.25</td>
<td>HC. 5007.34</td>
<td>HC. 4720.8</td>
<td>HC. 5007.34</td>
<td>HC. 4720.8</td>
<td>HC. 5007.34</td>
<td>HC. 4720.8</td>
<td>HC. 5007.34</td>
</tr>
</tbody>
</table>

The Year
Land Damaged (Use) During

COMPENSATION CALCULATIONS:

- 2013-14 Compensation
- 2014-15 Compensation
- 2015-16 Compensation
- 2016-17 Compensation
- 2017-18 Compensation
- 2018-19 Compensation
- 2019-20 Compensation
- 2020-21 Compensation
- 2021-22 Compensation
- 2022-23 Compensation

5.5 TO 10 LAKHS

Rs. 10.00 LAKHS

Rs. 5.00 LAKHS

5.5 X 1000 = 55 Hectares

1000 Meters = 5.5 Meters

46 + 5.5 = 51.5 Meters
<table>
<thead>
<tr>
<th>Earnings</th>
<th>Deduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>124,410.00</td>
<td>200.60</td>
</tr>
<tr>
<td>15,000.00</td>
<td>15,000.00</td>
</tr>
<tr>
<td>2,656.00</td>
<td>15.00</td>
</tr>
<tr>
<td>500.00</td>
<td>2,557.00</td>
</tr>
<tr>
<td>1,250.00</td>
<td>5,231.00</td>
</tr>
<tr>
<td>1,250.00</td>
<td>7,500.00</td>
</tr>
<tr>
<td>2,656.00</td>
<td>43,200.00</td>
</tr>
<tr>
<td>100.00</td>
<td></td>
</tr>
<tr>
<td>Total Earnings</td>
<td>147,722.00</td>
</tr>
<tr>
<td>Total Deduction</td>
<td>73,783.33</td>
</tr>
</tbody>
</table>

Total: 73,939.00

Please pay your Electricity bill through Digital modes.
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) They shall come into force on the date of their publication in the Official Gazette.

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;

       (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;

Provided that in case where the owner or occupier of the building or land raises objections in respect of works to be
GOVERNMENT OF TELANGANA

ABSTRACT

Revenue (Disaster Management) Department - Notification of Thunder Bolt under the provisions of Special Disasters, within the local context of the State, as State Specific Disaster - Orders - Issued.

REVENUE [DISASTER MANAGEMENT.I] DEPARTMENT

G.O.MS.No:2

Dated: 19.07.2018

Read the following:

1. Letter No. 32-7/2014-NDM-I, dt.08.04.2015 from Deputy Secretary to Government of India, Ministry of Home Affairs (Disaster Management Division), Government of India.

ORDER:

In the reference 1st read above, the Items and Norms of Assistance from the State Disaster Response Fund (SDRF) / National Disaster Response Fund (NDRF) for the period 2015 - 2020 were revised by Ministry of Home Affairs, Government of India, w.e.f. 01.04.2015 and communicated to the Government of Telangana.

2. In the reference 2nd read above, the State Government have adopted the revised norms of assistance from State Disaster Response Fund (SDRF) / National Disaster Response Fund (NDRF) w.e.f. 01.04.2015 issued by the Government of India, Ministry of Home Affairs, in the reference 1st read above. Thunder bolt deaths were not notified under SDRF/NDRF revised norms.

3. In the State, there are human deaths occurred due to thunder bolt is being reported every year. Earlier the State Government included Thunder bolt caused deaths in the list of eligible deaths for assistance under Apathbandhu Scheme. As per the Apathbandhu scheme, the families of the victims are being paid relief of Rs.50,000/- only.

4. Government after careful examination of the matter, hereby decided to notify Thunder Bolt under the provisions of Special Disasters, within the local context of the State, as State Specific Disaster and Government also decided to fix the ex-gratia for an amount of Rs.6,00,000/- (Rupees Six lakhs only) to the families of the deceased person due to thunderbolt, duly deleting the same from Apathbandhu scheme as notified in the reference 3rd read above.

5. The Collectors and District Magistrate shall verify and scrutinize the proposals in respect of Thunder bolt death cases, based on the primary report (Any such incident occurred), instantly reported to the District Head Quarters by the RDO/MRO received by the District Head quarters and with reference to the Three Men Committee report and send the same to Government.

6. This order issues with the concurrence of Finance Department vide their U.O.No.4989/221/EBS.VII/Rev/2018 Dated: 18.07.2018

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

RAJESHWAR TIWARI
SPECIAL CHIEF SECRETARY TO GOVERNMENT &
PRINCIPAL COMMISSIONER FOR DISASTER MANAGEMENT &
F.O., PRINCIPAL SECRETARY TO GOVERNMENT(FAC)

To
All the Collectors & District Magistrate in the State,
All the District Treasury Offices in the State,