

SECRETARY FPI
02 NOV 2015
By No. 69052

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

Dated, 15th October, 2015

To

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

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

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

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

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

- (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/ Guideline 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 in the table at **Annex-2** and shall not be less than the width directly below the conductors.
3. Necessary action may kindly be taken accordingly. These guidelines may not only facilitate an early resolution of RoW issues and also facilitate completion of the vital transmission lines through active support of State/ UT administration.
4. All the States/UTs etc. are requested to take suitable decision regarding adoption of the guidelines considering that acquisition of land is a State subject.

Yours faithfully,



Joint Secretary (Trans.)

Tele: 011-2371 0389

Copy, along with enclosure, forwarded to the following:

1. Secretaries of Government of India (Infrastructure Ministries/Deptt including MoEF - As per attached list)
2. Prime Minister's Office (Kind Attn: Shri Nripendra Mishra, Principal Secretary to PM).
3. Technical Director, NIC, Ministry of Power with the request to host on the website of Ministry of Power.

Copy to PS to Hon'ble MoSP (IC) / Secretary (Power) / AS (BNS) / AS (BPP) / All Joint Secretaries/EA/ All Directors/DSs, Ministry of Power.

Report of the Committee for payment of compensation in regard to Right of Way (RoW) for transmission lines

1.0 Background:

1.1 The Transmission Projects in the country are implemented by the licensee in accordance with the provisions of the Electricity Act, 2003. The compensation towards “damages” during implementation of such projects is governed by Section 67 & 68 of the Electricity Act read with Section 10 & 16 of the Indian Telegraph Act, 1885. The present stipulations provide for compensation towards all damages without acquisition of land which are assessed/ reviewed by the Revenue Authorities. However, there is no clear definition of the term “damages”, nor are there any guidelines in this regard.

1.2 For laying electricity transmission lines, licensee erects towers at intervals of about 400 m. and conductors are strung on these towers maintaining a safe height depending on the voltage and other geographical parameters. Thus, typical transmission lines have following two kinds of impact:

- (i) Tower base area which is more or less completely lost or loses its productivity due to severe restriction an access;
- (ii) Corridor of land underneath strung conductor between two towers may be adversely affected by imposition of restriction on its usage.

1.3 The maximum width of RoW corridor is calculated on the basis of tower design, span, and wind speed, maximum sag of conductor and its swing plus other requirement of electric safety. The requirement of ROW for different voltage types under standard conditions is as follows:

ROW width for different voltage line*

Transmission Voltage	Width of Right of Way (in Meters)
66 kV	18
110 kV	22
132 kV	27
220 kV	35
400 kV S/C	46
400 kV D/C	46
+/-500 kV HVDC	52
765 kV S/C (with delta configuration)	64
765 kV D/C	67
+/-800 kV HVDC	69
1200 kV	89

* Width of Right of Way is as per the MoEF guidelines dated 5.5.2014 (Annex-A).

1.4 The Telegraph Act provides for compensation towards damages (without acquisition) while placing the tower and stringing the conductor. The local authorities/ District Magistrates have been provided Power under Section 16 (1) of the

line on their land. The present provisions of the Act/ Rules do not provide for any set procedure for calculation of such compensation. In the absence of clarity and notified procedures, the provisions of existing Acts are being differently interpreted by concerned DC/ Revenue Authorities that are also at variance with each other even among neighboring districts which is resulting in the resistance by the farmers causing unwarranted delay in the project implementation. Presently many lines in the States of Maharashtra, Western U.P., Karnataka, Kerala, Andhra, Jharkhand etc. are held up due to resistance by land owners demanding enhanced compensation.

2.0 Constitution of the Committee:

2.1 The matter was deliberated during the Power Ministers' Conference on 9-10 April 2015 at Guwahati and a Committee under the chairmanship of Special Secretary, Ministry of Power was constituted vide order No. 3/7/2015-Trans dated 15th April 2015 to analyse the issues relating to Right of Way for laying transmission lines in the country and to suggest a uniform methodology for payment of compensation on this account. The composition of the Committee is given below:

- i. Shri R. N. Choubey, Special Secretary, Ministry of Power – Chairman
- ii. Chairperson, Central Electricity Authority
- iii. Principal Secretary/Secretary (Energy), Madhya Pradesh
- iv. Principal Secretary/Secretary (Energy), U.P.
- v. Principal Secretary/Secretary (Energy), Maharashtra,
- vi. Principal Secretary/Secretary (Energy), Karnataka,
- vii. Principal Secretary/Secretary (Energy), Kerala,
- viii. Jt. Secretary (Trans.), Ministry of Power
- ix. CMD/Dir(Projects), POWERGRID
- x. Shri K. K. Arya, CE (SP&PA), CEA – Convener & Member Secretary.

The notification of the Committee is at **Annex-I**.

3. Proceedings of the Committee:

3.1 The first meeting of the Committee was held on 20.04.2015. During the meeting Powergrid and States mentioned that the difficulties were being faced in construction of transmission lines in more or less all the states due to severe resistance being posed by the land owners/ farmers with the demand of higher compensation including demand for compensation for the diminution value of the land below towers and under

line. Chairperson, CEA informed that possibility of reduction in RoW width is minimal as it has already been fixed based on the required Electricity Safety norms.

3.5 The Committee opined that payment of full value of land cost, tower base seems justified due to severe restriction put in by placing of tower which heavily impact the productivity/use of land area falling below tower base. Principal Secretary (Power), U.P however expressed his reservation on 100% cost without acquisition may be a difficult proposition due to ongoing complication regarding compensation under new Land Acquisition Act. Principal Secretary (Power), U.P and Principal Secretary (Power), M.P expressed their apprehension about the proposal of RoW Corridor payment as in their view such payment may also hamper the implementation of distribution lines and may also put additional financial burden on distribution company. Moreover, they were also of the opinion that we may not be able to resolve compensation issue by paying 10% as in all probabilities the farmers/land owners will demand more as has already been stipulated in the different State policies and DCs orders.

3.6 Due to sensitivity of the proposal and its implementation by the different State Governments, it was decided that this issue may also be discussed during the forthcoming Power Secretaries meetings for wider consultation and acceptance. Minutes of the meeting are at **Annex-IV**.

3.7 The Committee further consulted many States to obtain their views on the issue during the Review, Planning and Monitoring (RPM) meeting held on 11.5.2015 at Delhi, which was attended by Principle Secretaries/ Secretaries (Energy) of various States. The issues related to compensation and deliberations held during last 2 meetings were informed to the participants and they were asked to give their opinion on whether Committee should recommend a minimum uniform standard compensation norm for transmission line RoW for whole country or not. The different States present in the meeting suggested following:

- i. **West Bengal:** The state was not very keen on providing compensation for ROW corridor however they suggested for tower base 50 % of the land cost due to restriction and 20 % for corridor. However it should be left to state for final decision.

- xiv. **Punjab:** The State was in agreement for compensation towards tower base and line corridor and wanted that certain standard uniform norms be made for such compensation.
- xv. **Nagaland:** It informed that they will come back later on after consulting all concerned.
- xvi. **Maharashtra:** It also favors that it should be left to the discretion of the state and such compensation be made part of project cost.
- xvii. **Telangana:** It stated that they are in favor of 85% land value for tower base but no compensation for corridor.

3.8 The views of various states have been classified in four categories and are indicated below:

Category	Name of States
Category-I: States agreeing for payment of compensation for tower base and part compensation for RoW corridor	Odisha(#), Maharashtra(#), Uttarakhand, Punjab West Bengal, Bihar, Karnataka, Kerala, Jharkhand,
Category-II: States agreeing for payment of compensation for tower base and no compensation for RoW corridor	Telangana, Andhra Pradesh
Category-III: States suggesting that decision should be left with State Govt to decide	Madhya Pradesh, Gujarat, Uttar Pradesh.
Category-IV: States to inform later	Meghalaya, Nagaland

(#) States agreed in-principle but want final decision to be left on them.

3.9 The third meeting of the Committee was held on 1st June 2015 and the issue & opinions of various states were deliberated in detail. Based on detailed deliberations, AG's Opinion and views of the states on the issue of RoW compensation and its modalities the committee finalized its recommendations.

4.0 Recommendations:

The Gol may issue following guidelines for determining the compensation payable towards "damages" as stipulated in Indian Telegraph Act which will be in addition to the compensation towards normal crop and tree damages. This amount will be payable only

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

Dated, 15th April, 2015

To,

As per distribution list.

Sir,

Subject:- Constitution of the Committee for finalization of compensation in regard to Right of Way for transmission lines.

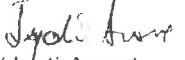
I am directed to inform that during the Power Ministers' Conference held on 9th and 10th April, 2015 at Guwahati with States/UTs, it has *inter alia* been decided to constitute a Committee under the chairmanship of Shri R.N.Choubey, Special Secretary, Ministry of Power to analyse the issues relating to Right of Way for laying of transmission lines in the country and to suggest a uniform methodology for payment of compensation on this account.

2. Accordingly, a Committee is hereby constituted with the following composition:-

1. Shri R.N. Choubey, Special Secretary, Ministry of Power – Chairman
2. Chairperson, Central Electricity Authority.
3. Principal Secretary/ Secretary (Energy), Madhya Pradesh.
4. Secretary/ Principal Secretary (Energy), U.P.
5. Secretary/Principal Secretary (Energy), Maharashtra
6. Secretary/Principal Secretary (Energy), Karnataka
7. Secretary/Principal Secretary (Energy), Kerala
8. Joint Secretary (Trans), Ministry of Power
9. CMD/Director (Projects), PGCIL.
10. Shri K.K.Arya, Chief Engineer (SP&PA), CEA – Convener & Member Secretary

3. Representative from EPTA (Electric Power Transmission Association) may also be called as a special invitee as and when required.

4. The Committee shall meet once in a week and submit the report within a month. The first meeting of the Committee shall be held at 3.00 pm on 20.4.2015. You are, therefore, requested to attend the meeting in NPMC Room 2nd Floor, Shram Shakti Bhavan, New Delhi.


(Jyoti Arora)
Joint Secretary (Trans)
Tele: 011-2371 0389

To

1. Chairperson, Central Electricity Authority, New Delhi
2. Principal Secretary/ Secretary (Energy), Madhya Pradesh.
3. Principal Secretary/ Secretary (Energy), U.P.
4. Principal Secretary/ Secretary (Energy), Maharashtra
5. Principal Secretary/ Secretary (Energy), Karnataka
6. Principal Secretary/ Secretary (Energy), Kerala
7. CMD/Director (Projects), PGCIL.
8. Shri K.K.Arya, Chief Engineer, Chief Engineer (SP&PA), CEA, New Delhi.

Copy to Sr PPS to SS (RNC)/ JS(Trans) / Director (Trans)/ US (Trans).

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

Dated, 30th April, 2015

Office Memorandum

Sub : Minutes of the meeting held on 20.04.2015 under the chairmanship of Shri R.N. Choubey, Special Secretary, Ministry of Power regarding finalization of compensation in regard to Right of Way for transmission lines.

Ref : Ministry of Power letter of even number dated 15.4.2015 from Joint Secretary(Trans), Ministry of Power, New Delhi.

The undersigned is directed to forward herewith a copy of the minutes of meeting taken by Shri R.N. Choubey, Special Secretary, Ministry of Power on 20.4.2015 on the above mentioned subject, for information and necessary action, if any.

SL

(S. Venkateshwarlu)
Under Secretary (Trans)
E-mail: transdesk-nop@nic.in
Telefax: 011-2332 5242

To

1. Chairperson, Central Electricity Authority, New Delhi
2. Principal Secretary/ Secretary (Energy), Madhya Pradesh.
3. Principal Secretary/ Secretary (Energy), U.P.
4. Principal Secretary/ Secretary (Energy), Maharashtra
5. Principal Secretary/ Secretary (Energy), Karnataka
6. Principal Secretary/ Secretary (Energy), Kerala
7. CMD/Director (Projects), PGCIL.
8. Shri K.K.Arya, Chief Engineer, Chief Engineer (SP&PA), CEA, New Delhi.

Copy to Sr PPS to SS (RNC)/ JS(Trans) / Director (Trans)/ US (Trans).

restricted. In such case, compensation ought to be as near as the present value of the land. The compensation of land under the corridor is entirely different. Such land is conveniently usable for agriculture. However, there would be of course diminution of land value due to placing of line over it with certain restriction on land use as brought out in para 9 (In case of Agricultural land, it may have restriction for placing tall trees, pump house and future prospects in corridor area. In case of Residential and Commercial plot, there will be severe restriction to meet the safety guidelines) and also any future prospects for usage other than agriculture. The usage of such land/cost may vary depending upon its location in urban or rural area. The compensation for such diminution in land value for the line corridor is also payable to land owners, quantum of which should commensurate to the damage depending upon the type/location of land and its intended/recorded land use.

- In case of Residential / Industrial area, there is severe restriction on usage for safety of human life & electrical clearance hence compensation need to be commensurate with the damages.
- I am also of the considered view that due to case specific nature of valuation of compensation, State has vested such powers with District Authorities. However, the Authorities have to take a balance view considering intended purpose and reasons mentioned above."

6. Secretary (Energy). Karnataka stated that securing the Right of Way for transmission projects of 66KV and above is getting difficult in recent times. This is more so in the areas which are closer to urban areas and in lands where horticulture and plantation crops are grown. Taking shelter under the Indian Telegraph Act, 1885 may not be correct now when the land prices have become very high. Once a transmission line is drawn across the land, there are number of restrictions in the corridor and additionally the land around would lose its value.

7. In the case of Livisha Vs.KSEB (2007) etc, the Hon'ble Supreme Court has talked about compensating diminution of the value of land and payment of compensation. States like Kerala, Maharashtra and Andhra Pradesh have passed orders for compensation of land for the corridor under the transmission lines. Government of Karnataka is proposing compensation to the extent of 50% of the value for agricultural land in rural areas and 75% of the value for non-agricultural properties in urban areas. In addition, 100% of the cost of the land in the tower footing area is proposed to be paid.

8. In case the transmission lines are drawn in Forest land, the transmission utility has to pay cost of afforestation, cost for environmental protection works in the corridor

- The possibility of setting up solar panel underneath the transmission lines and sharing part of the revenue to landowners may be considered, especially since the evacuation of power through the land under RoW is much easier.
- CEA may compile a list of permissible activities that can be taken up on the land below the conductors and in the buffer area beyond the conductor tips, which can be taken up by other departments/ state governments. For instance can we have roads constructed along the buffer zone, which will invariably increase the land value.

12. MD, MPPTCL stated that as per Indian Electricity Act and Rules in vogue, the cost of keeping dedicated corridor of transmission line along EHV transmission line works out to 100% to 115% of cost of line based on rate of land including irrigated, non-irrigated, barren etc. as per guidelines issued by Collector. Depending on area, where the EHV transmission line is passing and cost of land, this cost shall vary. In case only the area under Transmission line towers is considered for compensation, then the cost of land for area under the towers works out to 1.5% to 2.5% of cost of transmission lines (**Statement –I attached**).

13. Keeping above in view, the compensation of complete corridor along the transmission lines shall result in large increase in cost of transmission line. Keeping separate corridor for EHV transmission line may also result in non-utilization of land in the corridor for fruitful purposes and there could be chances of encroachment in the land of the corridor after construction of the transmission lines. The transmission tariff for Transmission Companies is on cost plus basis and the transmission charges are ultimately payable by the consumer of the state. Additional cost for dedicated corridor along the transmission line shall result in large burden on the consumers.

14. In view of above, MPPTCL proposed that compensation payment for RoW could be given to farmers for installation of tower (i.e. only area for tower base) by the transmission company based on guidelines of the Collector. This shall help the farmer to get cost of land used for erection of tower, as the farmer is not able to utilize the land at tower location for farming and agriculture purposes. The farmers are currently getting compensation for crop during the erection of transmission line, based on estimation by revenue authorities and the crop compensation may be continued.

20. Special Secretary, MoP desired to call private developer separately to discuss the compensation issue and advised PGCIL to prepare a note on policy and practice being followed by each State for paying the compensation towards damages and formulate norms for land compensation alongwith crop compensation. CEA was advised to identify possibility to reduce the transmission corridor width as per international practice.

21. The meeting ended with a vote of thanks to the chair.

Annex-I

Date/time of the meeting: 20.04.2015 at 4.30 pm

Venue: Ministry of Power, NPMC Room, Shram Shakti Bhawan, New Delhi-110001.

List of Participants

Ministry of Power

1. Shri R.N. Choubey Special Secretary (Power) In the chair
2. Shri S. Venkateshwarlu, Under Secretary (Trans)

Central Electricity Authority (CEA)

3. Shri Major Singh, Chairperson
Phone : 011-26102721/Email : memberplanningcea@yahoo.com
4. Shri K.K. Arya, Chief Engineer (SP&PA)
Phone : 26102045/Email : kkarya_2003@rediffmail.com
5. Shri B.K. Arya, Chief Engineer (IC) (PSPM)
Mobile: 9868438594/Email: bkarya1664@gmail.com

Power Grid Corporation of India Limited (PGCIL)

6. Shri I.S. Jha, Director (Projects)
Phone : 0124-2571930/Email : isjha@powergridindia.com
7. Dr. R.K. Srivastava, AGM (ESMD)
Mobile : 9910378134

Govt. of Karnataka, Bengaluru

8. Shri P. Ravi Kumar, Secretary (Energy)
Mobile : 09448124242/Email : prs-energy@karnataka.gov.in

Government of Uttar Pradesh, Lucknow

9. Shri Sanjay Agarwal, Principal Secretary (Power)
Mobile : 09651789119/Email : sagsal50@yahoo.com

Govt. of Maharashtra/MAHATRANSCO

10. Shri Mukesh Khullar, Principal Secretary (Energy)
Mobile : 09920066555/Email : khullarm@nic.in
11. Shri Rajeev Kumar Mital, CMD
Phone : 022-26591253/26595000/Fax : 022-26598595
Email : md@mahatransco.in

Government of Kerala

12. Shri Sivasankar. M. Secretary (Power)
Mobile : 09847797000/Email : sivasankar@kseb.in

Government of Madhya Pradesh/MPPTCL, Jabalpur

13. Shri Umesh Rautji, MD
Mobile : 09425805124

11

**RoW COMPENSATION
And
DIMINUTION OF LAND VALUE
DUE TO PLACING OF
TRANSMISSION LINE / TOWER
AN OVERVIEW**

LEGAL /REGULATORY FRAMEWORK FOR LAYING OF TRANSMISSION LINES

- The provisions of section 67 & 68 of the **Electricity Act, 2003** followed for laying of transmission lines and compensation thereof; →
- MoP vide notification dt. 18.4.2006 notified rules for all licensees for laying of transmission lines and compensation thereof; →
- The appropriate Govt. has been given powers under section 164 of the Electricity Act, 2003 to grant/vest powers of The Telegraph Act 1885 to licensees for laying of transmission lines too for proper coordination of works;
- Licensees vested with the powers of telegraph authority under section 164 of the Electricity act use provisions of **The Indian Telegraph Act, 1885** for placing of towers /lines and compensation; →
- POWERGRID vested with the powers of Telegraph Authority vide MOP's Gazette Notification dated 24.12.03 under section 164 of the Electricity Act ;
- Other licensees viz. Private Entities engaged in power transmission have also been vested with such powers after complying the laid down procedure

3. Maharashtra:

- ✓ As per classification mentioned below and land used by the tower (by not acquiring the proposed land) and as per prevailing market rate of the proposed land.

Land Classification	Type of land	Compensation to be paid
A	Non Cultivable agricultural land	25%
B	Cultivable agricultural land	50%
C	Fruit bearing agricultural land	60%
D	Non-agricultural land	65%

- Not applied to POWERGRID lines in case of Solapur-Pune, Pune-Parli lines and were asked to pay additional compensation for tower base Rs. 7.5-9 lakhs and corridor Rs. 3-4 lakh to all farmers whose land falls between two towers.

4. Chhattisgarh*:

- ✓ 50% of land cost for tower base;
- ✓ 20% of land value for corridor restricting to outer point of conductor.

* Not applicable to distribution lines.

VARIOUS COURT DIRECTIVES / JUDGMENTS

Kerala High Court in their various orders opined that owner can claim compensation for diminishing of land value subject to certain conditions.

Such judgment / orders were challenged in the Hon'ble Supreme Court (SC) and got stayed.

SC observed that there can be no fix formula or policy to arrive the rate of compensation and is of the view that each case is required to be taken on its own merit on following parameters:

- ✓ situation of land;
- ✓ distance between high voltage electricity line laid there over;
- ✓ extent of the line there on as also the fact whether the high voltage line passes over a small track of land or through the middle of the land and other similar relevant factors;
- ✓ The land value is also a relevant factor and whether the owner of the land losses its substantial right to use the property.

The case still pending with Kerala High Court for final judgment.

RECENT DEVELOPMENTS

✓ **District Magistrate, Ranga Reddy vide order dt.08.08.2014 for 400 KV D/C Suryapet - Shankarpally line of TRANSCO with following compensation:**

A. For Tower base:

Type of Land	Category-I Area of damage up to 350 sq. yds. (A, B & C Type tower)	Category-II Area of damage above 350 sq. yds. (D Type tower)
a) Land facing to Highways, (up to 0.5 km distance).	Rs. 3.5 lakh per tower	Rs. 4.5 lakh per tower
b) Nearer to the Housing layouts/Indl.Areas/ Commercially developed Areas.		
c) Land through which more than one transmission line is passing Rate @Rs. 1000/- per sq. yds.		
Interior Lands (All other lands) Rate@Rs. 700 per sq.yds.	Rs. 2.45 lakh per tower	Rs. 3.15 lakh per tower

B. For line Corridor:

Damage in 20 meter (10 meters on either side from the centre of the line), at Rs. 60 per sq. meter

OPINION OF ATTORNEY GENERAL OF INDIA

- ❑ It is logical to hold that the land underneath the legs of the tower (permanently fixed to the earth) is permanently lost by the owner. Even though those pieces of land are not required for acquisition and the ownership remains with the owner yet all incidence of the ownership, enjoyment and free use of those pieces of land becomes severely restricted. In such case, compensation ought to be as near as the present value of the land.
- ❑ The compensation of land under the corridor is entirely different. Such land is conveniently usable for agriculture. However, there would be of course diminution of land value due to placing of line over it with certain restriction on land use and also any future prospects for usage other than agriculture. The compensation for such diminution in land value for the line corridor is also payable to land owners, quantum of which should commensurate to the damage depending upon the type/location of land and its intended/recorded land use.
- ❑ In case of Residential / Industrial area, there is severe restriction on usage for safety of human life & electrical clearance hence compensation need to be commensurate with the damages.

Impact on tariff due to Tower Base & RoW Corridor Compensation @ 10%									
Compensation @ 25 Lakhs/ acre (Mostly Urban/Semi-urban land near Cities/Towns)									
Voltage	Cost/km (Rs. in Lakh)	Tariff on capital cost (Rs. in Cr) @ average 18%	Comp'tion cost for tower base/ km (Rs. in Lakh)	Compensati on cost for RoW Corridor (Rs. in Lakh)	Total addl. Comp'tion for 1 km (T base & Corridor) (Rs. in Lakh)	Additional Compensati on for 100 km line (Rs. in Lakh)	Revised Capital Cost of 100 km Line (Rs. in Cr)	Tariff on revised capital cost (Rs. in Cr)	% Increase in Tariff
400 KV D/c Twin	140	25.2	$25 \times 0.172 = 4.3$	$11.19 \times 2.5 = 27.975$	$4.3 + 27.975 = 32.275$	3227.5	172.28	31.01	23.1%
400 KV D/c Quad	250	45	$25 \times 0.172 = 4.3$	$11.19 \times 2.5 = 27.975$	$4.3 + 27.975 = 32.275$	3227.5	282.28	50.81	12.9%
400 KV D/c HTLS	340	61.2	$25 \times 0.172 = 4.3$	$11.19 \times 2.5 = 27.975$	$4.3 + 27.975 = 32.275$	3227.5	372.28	67.01	9.49%
765 KV D/c	458	82.44	$25 \times 0.414 = 10.35$	$16.135 \times 2.5 = 40.337$	$10.35 + 40.337 = 50.6875$	5068.75	508.69	91.56	11.06%

Impact on tariff due to Tower Base & RoW Corridor Compensation @ 10%									
Compensation @ 50 Lakhs/ acre (Mostly Urban land near Big Cities/Metro Towns)									
Voltage	Cost/km (Rs. in Lakh)	Tariff on capital cost (Rs. in Cr) @ average 18%	Comp'tion cost for tower base/ km (Rs. in Lakh)	Compensati on cost for RoW Corridor (Rs. in Lakh)	Total addl. Comp'tion for 1 km (T base & Corridor) (Rs. in Lakh)	Additional Compensati on for 100 km line (Rs. in Lakh)	Revised Capital Cost of 100 km Line (Rs. in Cr)	Tariff on revised capital cost (Rs. in Cr)	% Increase in Tariff
400 KV D/c Twin	140	25.2	$11.19 \times 5 = 55.95$	$8.6 + 55.95 = 64.55$	6455	3227.5	204.55	36.82	46.1%
400 KV D/c Quad	250	45	$11.19 \times 5 = 55.95$	$8.6 + 55.95 = 64.55$	6455	3227.5	314.55	56.62	25.8%
400 KV D/c HTLS	340	61.2	$11.19 \times 5 = 55.95$	$8.6 + 55.95 = 64.55$	6455	3227.5	404.55	72.82	18.99%
765 KV D/c	458	82.44	$16.135 \times 5 = 80.675$	$20.7 + 80.675 = 101.375$	10137.5	5068.75	559.39	100.68	22.12%

Section 68 (5 & 6):

- (5) Where any tree standing or lying near an overhead line or where any structure or other object which has been placed or has fallen near an overhead line subsequent to the placing of such line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of electricity or the accessibility of any works, **an Executive Magistrate or authority specified by the Appropriate Government may, on the application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he or it thinks fit.**
- (6) When disposing of an application under sub-section (5), an Executive Magistrate or authority specified under that sub-section shall, in the case of any tree in existence before the placing of the overhead line, award to the person interested in the tree **such compensation as he thinks reasonable, and such person may recover the same from the licensee.**

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

Unquote.



**GOVERNMENT OF INDIA
MINISTRY OF POWER**

New Delhi, the 18th April 2006.

NOTIFICATION

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

1. Short title and commencement- (1) These rules may be called the Works of Licensees Rules, 2006.
2. Definitions- (1) In these rules unless the context otherwise requires-
 - (a) "The Act" means the Electricity Act, 2003;
 - (b) "occupier" of any building or land means a person in lawful occupation of that building or land.

(2) All other words and expression used herein and not defined in these rules, shall have the meanings respectively assigned to them in the Act.
3. Licensee to carry out works.- (1) A licensee may -
 - (a) carry out works, lay down or place any electric supply line or other works in, through, or against, any building, or on, over or under any land whereon, wherever or whereunder any electric supply-line or works has not already been lawfully laid down or placed by such licensee, with the prior consent of the owner or occupier of any building or land;

(d) in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), **shall pay full compensation to all persons interested for any damage sustained** by them by reason of the exercise of those powers.

Section 16:

- (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 this being exercised, he shall be **deemed to have committed an offence under section 188 of the Indian Penal Code (45 of 1860).**

Unquote.



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

Dated, 8th May, 2015

Office Memorandum

Sub : Minutes of the meeting held on 30.04.2015 under the chairmanship of Shri R.N. Choubey, Special Secretary, Ministry of Power regarding finalization of compensation in regard to Right of Way for transmission lines.

The undersigned is directed to forward herewith a copy of the minutes of meeting taken by Shri R.N. Choubey, Special Secretary, Ministry of Power on 30.4.2015 on the above mentioned subject, for information and necessary action.



(S. Venkateshwarlu)
Under Secretary (Trans)
E-mail: transdesk-mop@nic.in
Telefax: 011-2332 5242

To

1. Chairperson, Central Electricity Authority, New Delhi
2. Principal Secretary/ Secretary (Energy), Madhya Pradesh.
3. Principal Secretary/ Secretary (Energy), U.P.
4. Principal Secretary/ Secretary (Energy), Maharashtra
5. Principal Secretary/ Secretary (Energy), Karnataka
6. Principal Secretary/ Secretary (Energy), Kerala
7. CMD/Director (Projects), PGCIL.
8. Shri K.K.Arya, Chief Engineer, Chief Engineer (SP&PA), CEA, New Delhi.

Copy to Sr PPS to SS (RNC)/ JS(Trans) / Director (Trans)/ US (Trans).

10 Principal Secretary (Power), U.P, however, expressed his reservation and stated that payment of 100% compensation for the tower base without acquisition of land may be a difficult proposition due to ongoing complication regarding compensation under new Land Acquisition Act.

11 Principal Secretary (Power), U.P and Principal Secretary (Power), M.P expressed their apprehension about the proposal of RoW Corridor payment as in their view such payment may also hamper the implementation of distribution lines and may also put additional financial burden on distribution company. Moreover, they were also of the opinion that we may not be able to resolve compensation issue by paying 10% as in all probabilities the farmers/land owners will demand more as has already been stipulated in the different State policies and DCs orders.

12. Due to sensitivity of the proposal and its implementation by the different State Govt., it was decided that this issue may also be discussed during the forthcoming Power Secretaries meetings for wider consultation and acceptance and PCWERGRID was advised to prepare a detailed agenda note in this regard.

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

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

PROVISIONS OF TELGRAPH ACT FOR COMPENSATION: COMPENSATION ISSUES ARE DEALT IN SECTION-10 OF THE ACT

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

10. Power for telegraph authority to place and maintain telegraph lines and posts –
The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon any immovable property:
Provided that –
- (a) the telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the [Central Government], or to be so established or maintained;

(b) the [Central Government] shall not acquire any right other than that of user only in the property under, over, along, across in or upon which the telegraph authority places any telegraph line or post; and

(c) except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority; and

(d) in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.

Section 16:

(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 this being exercised, he shall be deemed to have committed an offence under section 188 of the **Indian Penal Code (45 of 1860).**

3. Maharashtra:

- ✓ As per classification mentioned below and land used by the tower (by not acquiring the proposed land) and as per prevailing market rate of the proposed land.

Land Classification	Type of land	Compensation to be paid
A	Non Cultivable agricultural land	25%
B	Cultivable agricultural land	50%
C	Fruit bearing agricultural land	60%
D	Non-agricultural land	65%

- In case of Solapur-Pune, Pune-Parli lines and were asked to pay additional compensation for tower base Rs. 7.5-9 lakhs and corridor Rs. 3-4 lakh to all farmers whose land falls between two towers.

4. Chhattisgarh*:

- ✓ 50% of land cost for tower base;
- ✓ 20% of land value for corridor restricting to outer point of conductor.

* Not applicable to distribution lines.

VARIOUS COURT DIRECTIVES / JUDGMENTS

Kerala High Court in their various orders opined that owner can claim compensation for diminishing of land value subject to certain conditions.

Such judgment / orders were challenged in the Hon'ble Supreme Court (SC) and got stayed.

SC observed that there can be no fix formula or policy to arrive the rate of compensation and is of the view that each case is required to be taken on its own merit on following parameters:

- ✓ situation of land;
- ✓ distance between high voltage electricity line laid there over;
- ✓ extent of the line there on as also the fact whether the high voltage line passes over a small track of land or through the middle of the land and other similar relevant factors;
- ✓ The land value is also a relevant factor and whether the owner of the land losses its substantial right to use the property.

The case still pending with Kerala High Court for final judgment.

Impact on tariff due to Tower Base & RoW Corridor Compensation @ 10%

Compensation @ 25 Lakhs/ acre (Mostly Urban/Semi-urban land near Cities/Towns)

Voltage	Cost/km (Rs. in Lakh)	Tariff on capital cost (Rs. in Cr) @ average 18%	Comp'tion cost for tower base/ km (Rs. in Lakh)	Compensation cost for RoW Corridor (Rs. in Lakh)	Revised Capital Cost of 100 km Line (Rs. in Cr)	Tariff on revised capital cost (Rs. in Cr)	% Increase in Tariff
400 KV D/c Twin	140	25.2	$25 \times 0.172 = 4.3$	$11.19 \times 2.5 = 27.975$	172.28	31.01	23.1%
400 KV D/c Quad	250	45	$25 \times 0.172 = 4.3$	$11.19 \times 2.5 = 27.975$	282.28	50.81	12.9%
400 KV D/c HTLS	340	61.2	$25 \times 0.172 = 4.3$	$11.19 \times 2.5 = 27.975$	372.28	67.01	9.49%
765 KV D/c	458	82.44	$25 \times 0.414 = 10.35$	$16.135 \times 2.5 = 40.337$	508.69	91.56	11.06%

Impact on tariff due to Tower Base & RoW Corridor Compensation @ 10%

Compensation @ 50 Lakhs/ acre (Mostly Urban land near Big Cities/Metro Towns)

Voltage	Cost/km (Rs. in Lakh)	Tariff on capital cost (Rs. in Cr) @ average 18%	Comp'tion cost for tower base/ km (Rs. in Lakh)	Compensation cost for RoW Corridor (Rs. in Lakh)	Revised Capital Cost of 100 km Line (Rs. in Cr)	Tariff on revised capital cost (Rs. in Cr)	% Increase in Tariff
400 KV D/c Twin	140	25.2	$11.19 \times 5 = 55.95$	$8.6 + 55.95 = 64.55$	204.55	36.82	46.1%
400 KV D/c Quad	250	45	$11.19 \times 5 = 55.95$	$8.6 + 55.95 = 64.55$	314.55	56.62	25.8%
400 KV D/c HTLS	340	61.2	$11.19 \times 5 = 55.95$	$8.6 + 55.95 = 64.55$	404.55	72.82	18.99%
765 KV D/c	458	82.44	$16.135 \times 5 = 80.675$	$20.7 + 80.675 = 101.375$	559.39	100.68	22.12%

Extract of para 1.3 of the Report

1.3 The maximum width of RoW corridor is calculated on the basis of tower design, span, and wind speed, maximum sag of conductor and its swing plus other requirement of electric safety. The requirement of ROW for different voltage types under standard conditions is as follows:

ROW width for different voltage line*

Transmission Voltage	Width of Right of Way (in Meters)
66 kV	18
110 kV	22
132 kV	27
220 kV	35
400 kV S/C	46
400 kV D/C	46
+/-500 kV HVDC	52
765 kV S/C (with delta configuration)	64
765 kV D/C	67
+/-800 kV HVDC	69
1200 kV	89

* Width of Right of Way is as per the MoEF guidelines dated 5.5.2014.