

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

RESOLUTION

No. 30194 / R&D.M dated the 11.09.2017

GE (GL) - S- 35/ 2016

Sub- Guidelines for determination of compensation payable towards damages in regard to Right of Way for electric transmission lines

The electricity transmission projects in the country are implemented by the licensees in accordance with the provisions of the Electricity Act, 2003 and in certain cases under the Indian Telegraph Act, 1885. The compensation towards 'damages' during implementation of such projects is governed under section 67 and 68 of the Electricity Act, 2003 and when, in exercise of section 164 of the Electricity Act, 2003, the appropriate Government confers upon a licensee any of the powers which a telegraph authority possesses under the Indian Telegraph Act, 1885, the compensation towards 'damages' is governed under section 10 and 16 of the Indian Telegraph Act, 1885. Further, in exercise of the powers conferred by section 67 (2) of the Electricity Act, 2003, the Central Government have issued a set of Rules known as "The Works of Licensees Rules, 2006". Sub-rule (2) of rule 3 of the said Rules specifies that when making an order under sub-rule (1) (i.e. while granting permission to the licensee to carry out the works in case of raising of objection by the owner or occupier of the building or land), the District Magistrate or the Commissioner of Police or the officer so authorized, 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.

2. However, there is no clear definition of the term 'damages' either in the Acts or the Rules nor are there any guidelines for determination of the compensation amount payable for such 'damages'.

3. As the damages have not been defined in the said Acts, the licensees, in the past, used to pay compensation for the damages caused to crops/ trees and structures. However, the land owners are now demanding the cost of land for tower base area as well as compensation for the corridor of land underneath the transmission line. Since the present provisions of the Act/ Rules do not provide for any set procedure for calculation of such compensation, the provisions are being interpreted differently by licensees and by the District Magistrates that are also at variance with each other even among neighbouring districts which is resulting in the resistance by the land owners causing unwarranted delay in the project implementation.

4. Keeping the above in view, laying down a uniform principle for determination of compensation amount payable to the land owners was under active consideration of Government for some time past.

5. For laying electricity transmission lines, a licensee erects towers at intervals as per technical specification and conductors are strung on these towers maintaining a safe height depending upon the voltage and other geographical parameters. Thus, typical transmission lines have following two kinds of impact so far as land is concerned:-

(i) Tower base area is more or less completely lost or loses its productivity due to severe restriction on access.

(ii) Corridor of land underneath strung conductor between two towers may be adversely affected by imposition of restriction on its usage.

In both the cases, the effect thereof would be diminution of value of the property over which tower base is erected and/ or transmission line is drawn.

6. It may be noted that the Ministry of Power, Government of India in letter No. 3/7/2015- Trans. Dated 15.10.2015 has issued certain guidelines for payment of compensation in this regard and requested all States/ Union Territories to take suitable decision regarding adoption of the said guidelines considering that acquisition of land is a State subject.

7. The State Government, after taking into consideration all factors and keeping in view the guidelines issued by the Central Government in this regard, have been pleased to lay down the following guidelines for determination of compensation amount in respect of the land over which tower base is erected as well as the land over which transmission line is drawn:-

(i) For acquisition of Right of Way (RoW) in lands required for erection of tower base (i.e. area between four legs), the licensee shall pay compensation @100% of the Bench Mark Value of such land fixed as per the guidelines prescribed under the Odisha Stamp Rules, 1952.

(ii) For acquisition of RoW in the lands required for transmission corridor as per the required width, the licensee shall pay compensation @15% of the Bench Mark Value of such land fixed as per the guidelines prescribed under the Odisha Stamp Rules, 1952.

For this purpose, the width of RoW corridor shall not be more than that prescribed in the Table below and shall not be less than the width directly below the conductors.

Transmission Voltage	Width of RoW (in metres)
66 KV	18
110 KV	22