

FAX

Government of Odisha
Revenue & D.M. Department

No. 6383 /R&DM, Bhubaneswar, dated the 25/1 February, 2014.
GE(GL)-S-5/2014

From

Dr. Taradatt, IAS,
Addl. Chief Secretary to Government.

To

All Revenue Divisional Commissioners,
All Collectors.

Sub: Uniform guidelines for granting Right-of-Way on Government land.

Sir,

I am directed to say that applications are being received from various Companies, Corporations, Public Sector Undertakings and different Agencies for obtaining Right-of-Way permission on Government land for laying underground pipelines for carrying of water, gas, oil, electricity etc. from one locality to another or for construction of pipeline for carrying industrial waste and works connected therewith. Execution of these projects is largely dependent on assigning Government land for such purposes. However, it has come to the notice of the Government that considerable delay is being caused in execution of these projects due to non-acquisition of Right of User/ Right-of-Way on Government land.

2. In order to overcome these difficulties, formulation of a uniform guideline for timely execution of these projects undertaken by different Agencies was under active consideration of Government for sometime past. Government after careful consideration, have been pleased to lay down the following guidelines for granting of Right-of-Way/right of user on Government land.

3. The Collector of the concerned District, the Revenue Divisional Commissioner and the Government in Revenue & Disaster Management Department will act as Competent Authorities to grant permission on such Right-of-Way in respect of the following cases.

- (i) If the pipeline is laid within the jurisdiction of any District, the Collector.
- (ii) If the pipeline passes through more than one District but within a Revenue Division, the Revenue Divisional Commissioner concerned.
- (iii) If the pipeline passes through several Districts and more than one Revenue Division, the Government in Revenue & D.M. Department.

4. The Company/Corporation/ Public Sector Undertaking/Agency shall file application before the Competent Authority along with land use plan, project details, land schedule, sketch map etc. for obtaining Right-of-Way permission for laying underground pipelines. Where the Collector is not the Competent Authority, the User Agency has to file a copy of the application along with documents before the Collectors concerned for expeditious enquiry and site inspection. The officers authorised by different Administrative

Departments to file requisition for alienation of Government land under the Odisha Government Land Settlement Act, 1962 will be declared as the designated officers. The Collectors concerned shall obtain views from the designated officers of different Departments and forward the same alongwith their views to the Revenue Divisional Commissioner concerned and the Government in Revenue & D.M. Department as the case may be. The Collector while deciding to grant Right-of-Way permission or while offering his views shall consider broadly the following aspects.

- (i) The proposal is in conformity with the applicable land use plans.
- (ii) The proposal would be in public interest.
- (iii) The proposal is consistent with the Central/State/Local Laws.
- (iv) The User Agency is technically and financially capable of accomplishing the project.
- (v) There shall not be any serious environmental problems on account of establishment of the projects.


5. The Government in Revenue & Disaster Management Department and the Revenue Divisional Commissioner concerned after considering the views of the Collector of the District and designated officers of the line Departments, if satisfied, may accord necessary permission for Right-of-Way (RoW)/Right of User for laying of underground pipelines. The Competent Authorities may grant permission with the following terms and conditions.

1. The Licensee shall have only surface right over the land.
2. The land shall be utilised for the purpose for which it is permitted.
3. The Licensee shall take all steps to keep the land free from all encumbrances and encroachments.
4. The Competent Authority reserves the right to revoke the Right-of-Way permission and resume the land without payment of any cost or compensation to the Licensee in case of violation of any of the terms and conditions of the permission.
5. The plan of development must be compatible with the proposed use and anticipated environmental impacts.
6. The Licensee shall have to obtain necessary permission or forest clearance from the Authority in case of forest land, if any, as required under the Forest (Conservation) Act, 1980 and rules or instructions made thereunder.
7. The present classification of the land recorded in the record of rights shall remain unchanged.
8. The Licensee shall have to pay 10% of the market value / bench mark value of the land as license fee for use of the land.
9. The Licensee shall not construct building or any other structure over the land.
10. The Licensee shall ensure making good the excavated trench for laying underground pipelines by proper filling and compaction, so as to restore the land into the same condition as it was before

digging the trench, clearing debris/loose earth produced due to execution of trenching at least 50m away from the edge of the right-of-way.

11. The pipelines shall be laid below the natural soil level at the minimum depth to be prescribed by the concerned Engineering Department.
12. The Licensee shall not claim exclusive right on the RoW and any subsequent user will be permitted to use the RoW, either above or below, or by the side of the utilities laid by the first user, subject to technical requirements being fulfilled.
13. Whether the technical requirements are fulfilled or not, shall be decided by the Competent Authority in their sole discretion.
14. In case of disruption or damage caused to any existing user by the subsequent user, the Competent Authority shall not be accountable or liable in any manner whatsoever.
15. The Licensee shall procure insurance from a reputed Insurance Company against damages to already existing cables/underground installations/utilities/facilities etc. during trenching.
16. The Licensee shall, at all times, permit any duly authorised officer of the Competent Authority to inspect the pipelines.
17. The Licensee shall bear the stamp duty charges on this Agreement.
18. After termination or expiry of the Agreement, the Licensee shall remove the pipes within 90-days and the site shall be brought back to the original condition failing which the Licensee will lose the right to remove the pipes and the cost for removal of pipes and restoration of land to its original condition shall be recovered from the Licensee.
19. A standard form of license deed to be executed between the Competent Authority and the Licensee for laying underground pipelines is enclosed.
20. These guidelines shall come into force with immediate effect.

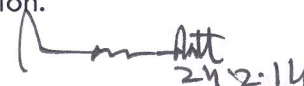
Yours faithfully,


24.2.14

Addl. Chief Secretary to Govt.

Memo No. 6384 /R&DM, Date. 25/2/14

Copy forwarded to all Departments of Government /Secretary, Board of Revenue, Odisha, Cuttack for information and necessary Action.


24.2.14

Addl. Chief Secretary to Govt.

AGREEMENT

This AGREEMENT is made on this _____ day of _____ (month), of _____ (year), BETWEEN the Governor of Odisha hereinafter referred to as the Competent Authority, which expression shall, unless it is repugnant to the context, include the successors, administrators or assignees of the one part.

AND

M/s. _____ a/an Company/ Corporation/ Public Sector Undertaking/Agency having its registered office at _____ acting through Sri _____, the authorised signatory (hereinafter called the Licensee) which expression shall, unless repugnant to the context, include its successor in business, administrators, liquidators and assigns or (legal representatives) of the other part.

Whereas, the Licensee proposes to lay underground pipelines on Government land hereinafter called the land for carrying of _____ and for that purpose applied to the Competent Authority to be given a right-of-way permission;

And whereas, the Competent Authority has agreed to grant such permission on the terms and conditions hereinafter mentioned.

NOW this Agreement witnesseth that in consideration of the conditions hereinafter contained and on the part of the Licensee to be observed and performed, the Competent Authority hereby grants to the Licensee, permission to lay underground pipelines for carrying of _____ as per the approved drawing attached hereto subject to the following conditions, namely :-

1. The Licensee shall have only surface right over the land.
2. The land shall be utilised for the purpose for which it is permitted.
3. The Licensee shall take all steps to keep the land free from all encumbrances and encroachments.
4. The Competent Authority reserves the right to revoke the Right-of-Way permission and resume the land without payment of any cost or compensation to the Licensee in case of violation of any of the terms and conditions of the permission.
5. The plan of development must be compatible with the proposed use and anticipated environmental impacts.
6. The Licensee shall have to obtain necessary permission or forest clearance from the Authority in case of forest land, if any, as required under the Forest (Conservation) Act, 1980 and rules or instructions made thereunder.

7. The present classification of the land recorded in the record of rights shall remain unchanged.
8. The Licensee shall have to pay 10% of the market value / bench mark value of the land as license fee for use of the land.
9. The Licensee shall not construct building or any other structure over the land.
10. The Licensee shall ensure making good the excavated trench for laying underground pipelines by proper filling and compaction, so as to restore the land into the same condition as it was before digging the trench, clearing debris/loose earth produced due to execution of trenching at least 50m away from the edge of the right-of-way.
11. The pipelines shall be laid below the natural soil level at the minimum depth to be prescribed by the concerned Engineering Department.

Explanation - In case of land belonging to Revenue & D.M. Department, the Executive Engineer of R&B shall prescribe the minimum depth and in case of other Departments like Water Resources, National Highways, Works etc. the Executive Engineers of the concerned Departments.

12. The Licensee shall not claim exclusive right on the RoW and any subsequent user will be permitted to use the RoW, either above or below, or by the side of the utilities laid by the first user, subject to technical requirements being fulfilled.
13. Whether the technical requirements are fulfilled or not, shall be decided by the Competent Authority in their sole discretion.
14. In case of disruption or damage caused to any existing user by the subsequent user, the Competent Authority shall not be accountable or liable in any manner whatsoever.
15. The Licensee shall procure insurance from a reputed Insurance Company against damages to already existing cables/underground installations/ utilities/ facilities etc. during trenching.
16. The Licensee shall, at all times, permit any duly authorised officer of the Competent Authority to inspect the pipelines.
17. The Licensee shall bear the stamp duty charges on this Agreement.
18. After termination or expiry of the Agreement, the Licensee shall remove the pipes within 90-days and the site shall be brought

back to the original condition failing which the Licensee will lose the right to remove the pipes and the cost for removal of pipes and restoration of land to its original condition shall be recovered from the Licensee.

Schedule of land

Sl. No. village Tahasil District Khata No. Plot No. Area

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed .

SIGNED for and on behalf of the Governor of Odisha in presence of witnesses.

SIGNED for on behalf of M/s _____(Licensee) in presence of witnesses

1. Name:.....

1. Name:.....

Address:.....

Address:.....

2. Name:.....

2. Name:.....

Address:.....

Address:.....