

**GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

RESOLUTION

RDM-LRGEA-POLICY-0003-2022- 43341 /R&DM dated the 21 DEC 2022

Sub- Guidelines for determination of compensation payable towards damages in regard to Right of Way(RoW) 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. In this connection, 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. The State Government had earlier issued the Resolution No. 30194-GE(GL)-S-35/2016/R&DM dated 11.09.2017 delineating the principles on land compensation. The above Resolution was kept in abeyance vide the Resolution No. 32123 dated 23.09.2017. Now, as per the decision taken in the meeting held under the Chairmanship of Chief Secretary on dated 26.10.2022 as communicated by Energy Department in R&DM Department File No. RDM-LRGEA-POLICY-0003-2022 with reference to their File No. PT1-ENG-RR-RR-0001-2018, Government have been pleased to reiterate the principles for calculation of compensation.

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. Further, Ministry of Power, Gol in their letter No. F-No. 3/3/2017-Trans-Part(1) dated 16.09.2022 has impressed upon all States/ Union Territories to adopt the Ministry of Powers Guidelines dated 15.10.2015 on compensation for RoW for laying of transmission lines for facilitating early resolution of number of RoW issues for timely completion of Intra-State and Inter-State transmission lines.

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. **This shall be made**

applicable for all future projects.

(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. **This shall be made applicable for all future projects.**

(iii) For the ongoing transmission projects compensation shall be paid @ 100% of the Bench Mark Value for tower footing for the balance un-executed works only and compensation for RoW shall be paid as per the provisions of the Indian Telegraph Act.

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
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

(iv) In all the above cases, the Bench Mark Value of the land shall be as on the date of carrying out works.

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

(vi) The amount of compensation as stated above 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.

8. The amount of compensation prescribed under these guidelines will be in addition to the compensation towards damages caused to standing crops, tree, building and structure etc. While the cost of standing crops may be evaluated utilizing the services of District Agriculture Officer or Horticulture

Officer, as the case may be, the valuation of the trees shall be made by the Divisional Forest Officer. Similarly, the cost of damage caused to the building or any structure shall be evaluated by the Executive Engineer of the Works Department or Rural Development Department, as the case may be.

ORDER- Ordered that the Resolution be published in an extraordinary issue of The Odisha Gazette and copies thereof forwarded to all Departments of Government/ all Heads of Department of Government/ Board of Revenue, Odisha, Cuttack/ all RDCs/ all Collectors for information.

By order of the Governor

Memo No. 43342 / RDM dated 21 DEC 2022

Copy forwarded to the Odisha Secretariat Gazette Cell, C/o Commerce & Transport (Commerce) Department for information and necessary action. They are requested to publish the Resolution in an extraordinary issue of the Odisha Gazette and supply 50 (fifty) copies for reference.

Memo No. 43343 / RDM dated 21 DEC 2022

Copy forwarded to all Departments of Government/ all Heads of Department of Government / Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs/ all Collectors for information and necessary action.

Memo No. 43344 / RDM dated 21 DEC 2022

Copy forwarded to Principal Secretary to Chief Minister, Odisha/ P.S to Minister, Revenue & DM, Odisha for kind information of Hon'ble Chief Minister and Hon'ble Minister respectively.

Memo No. 43345 / RDM dated 21 DEC 2022

Copy forwarded to OSD to Chief Secretary, Odisha/ PS to Development Commissioner-cum-Additional Chief Secretary to Government, Odisha for kind information of Chief Secretary and DC-cum-Addl. Chief Secretary respectively.

Memo No. 43346 / RDM dated 21 DEC 2022

Copy forwarded to E-Governance Cell / all seats of LR&GE (A)/ (B)/ (C) Branch of Revenue & DM Department for information and necessary action.