



KERALA STATE ELECTRICITY BOARD LIMITED

Reg. Office: Vidyuthi Bhavanam, Pattom, Thiruvananthapuram – 695 004, Kerala
Phone: +91 471 2514576, 2446885, 9446008884 Fax: 0471 2444738
E-mail: dtkseb@kseb.in, Website: www.kseb.in. CIN :U40100KL2011SGC027424

ABSTRACT

Construction of 110kV Line from Pothencode to Nedumangad – Complaint on Non payment of Compensation amount for Land Diminution Value – Disbursal of Compensation Amount – Sanctioned - Orders issued.

B.O.(FTD)No. 666/2021/D(T &SO)/T2/Complaints-TVPM/2021-22 Thiruvananthapuram dated 17.09.2021

- Read: 1. Note No. CE(TS)/EE2/DBC/TVM/compensation land/2021-22/375 dated 09.06.2021 of the Chief Engineer (Transmission South)
2. Note No.D(T&SO)/T2/Complaints-TVPM/21-22/406 dated 01.07.2021 to the Legal Adviser & Disciplinary Enquiry Officer
3. Letter No. LA&DEO/R/69/2021/39 dated 28.07.2021 of the Legal Adviser & Disciplinary Enquiry Officer
4. Note No.D(T&SO)/T1/KIm- Ktiym Interlinking/Road Cutting/21-22/47 dated 03.09.21 of the Director (Transmission & System Operation) (Agenda Item No.45/9/21)

ORDER

The 110kV Pothencode – Nedumangad Line construction work was carried out during 2002. During the period, there existed an office headed by a Special Tahasildar (Land Acquisition) under KSEB for dealing issues in connection with compensations towards land diminution value for the subject work. Later., this office was abolished and the Assistant Executive Engineer, Transmission Subdivision, Nedumangadu was entrusted to sort out the compensation issues in connection with the work and all records were handed over to the Assistant Executive Engineer for further action.

Smt.Omana (D/o Late Smt.Rajamma), Sri. Kunjumon (S/o Late Smt.Rajamma) and Sri.Kamalasanan (B/o Late Smt.Rajamma) have lodged a complaint on 23.10.2020 before the Honb'le Chief Minister regarding non-receipt of tower foot and RoW compensations for the land diminution value in connection with the construction of 110kV Line from Pothencode to Nedumangad.

The Chief Engineer (Transmission South) as per Note read as 1stabove has reported that the property was actually owned by Late Smt. Rajamma and the complainants Smt.Omana and Sri. Kunjumon are her legal heirs and so far, no amount is paid to the complainants towards compensation for the land diminution value due to tower erection and line stringing. But, as per the office records, an amount of Rs.3020/- towards tree cutting compensation had been paid during 1987 to Smt.Rajamma. As per the available records in the field office, the details for fixing the compensation towards land diminution value had been forwarded to the Special Tahasildar, Land Acquisition Wing on 15.11.2002 by the Assistant Executive Engineer, TC Subdivision, Nedumangad. Meanwhile, the Land Acquisition Wing was abolished, entrusting the duties of the Special Tahasildar to the Assistant Executive Engineer,

Subdivision, Nedumangad. But, no action was seen taken on the above case as per available records.

As the request for compensation for the land diminution value due to tower erection and line stringing had already forwarded to the Special Tahasildar during 2002, KSEBL is liable to pay compensation with interest from 2002 onwards, if the evaluation is done based on fair value for the year 2002. As no documents in proof of the then prevailing rates are available for the preparation of valuation statement, the compensation amount was calculated as per the latest BO (FTD) No. 624 /2019/ D(T&SO) /T6 /GI/2019-20 dated TVPM 14.08.2019 for Tower foot and RoW compensations. The fair value for the land is taken as Rs.63,525/- per Are as per the certificate issued by the Village Officer, Nedumangad on 18.10.2019. Accordingly, the compensation amount arrived is Rs.59,471/-.

The Chief Engineer (Transmission South) requested sanction from the Board for admitting the claim put forth by the complainants and to disburse the calculated amount of Rs.59,471/- to the complainants.

The LA&DEO, as per the letter read as 3rd above, has offered remarks on the above matter. It has been pointed out that the claim put forth by the petitioners are badly hit by the Limitation Act 1963 as the time limit for filing a petition under Section (10) and section 16(5) of the Indian Telegraphic Act 1885 read with Section 51 of the Indian Electricity Act 1910 before the District Court is **three years** as per the Article 137 of the Limitation Act 1963. In view of the above, the petitioners cannot approach the Court of Law to enforce their right to get enhanced compensation, as their legal remedy has now exhausted due to the bar of limitation.

Also, if KSEBL considers the claim of the petitioners on humanitarian ground and the payment is effected, the remedy gets revived and the petitioners will get a right to approach the court of law within three years of such payment, for getting interest portion of the amount from the date from which it became first due, ie, from 2002 onwards.

Hence, considering the above legal position, the LA&DEO opined that the Board may refrain from paying the compensation for diminishing land value claimed by the petitioners.

The property owner had already approached the Board claiming compensation for the affected land and had furnished the details to field office for taking up with the O/o. the Special Tahasildar (LA), KSEB during 2002 itself. The Assistant Executive Engineer, TC Subdivision, Nedumangad had forwarded these details to the Special Tahasildar (LA) as per letter No. DB1-A/ND/86/269 dated 15.11.2002. No further action taken is seen in this regard.

The matter was placed before the Full Time Directors as per the note read as 4th above.

Having considered the matter in detail, the Full Time Directors in the meeting held on 10.09.2021,

Resolved to accord sanction for the following.

1. To admit the claim of the complainants for the land compensation towards tower foot and RoW compensations for the land diminution value in connection with the construction of 110kV Line from Pothencode to Nedumangad, as this is a long pending issue exceeding the limitation periods.

To admit the compensation amount of Rs.59,471/- (Rupees Fifty Nine Thousand Four Hundred and Seventy One Only) calculated based on the BO dated 14.08.2019 for Tower foot and RoW compensations and the fair value for the land taken as per the certificate issued by the Village Officer, Nedumangadu on 18.10.2019 and to disburse in the Joint name of two heirs Smt. Omana and Kunjumon subject to condition that, the petitioner shall not turn up to file litigation in this regard and an undertaking to this effect shall be submitted by the beneficiaries. Also, the Deputy Chief Engineer, Transmission Circle, Thiruvananthapuram is entrusted to take further steps in this regard.

Further resolved that this shall not be a precedent.

Orders are issued accordingly.

By Order of the Full Time Directors,

Sd/

LEKHA.G

Company Secretary (In-Charge)

To : The Chief Engineer (Transmission South)

Copy to: The Deputy Chief Engineer, Transmission Circle, Thiruvananthapuram


The Financial Adviser/ The Chief Internal Auditor/ The Company Secretary

The RCAO/ RAO.

The TA to Chairman & MD/ D(T&SO)/D(D&IT)/ D(G-C)/ D(G-E)/D(P,S&SCM)/D(REES including Soura, Sports & Welfare), PA to D(F)

Fair Copy Superintendent/Library/Stock File.

Forwarded / By Order



Assistant Executive Engineer