



# KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

Reg. Office: Vydyuthi Bhavanam, Pattom, Thiruvananthapuram – 695 004, Kerala

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## ABSTRACT

OP (Ele) cases – Formulation of an appropriate compensation plan and other measures - Sanctioned – Orders issued.

## CORPORATE OFFICE (LAW)

**Board Order (FTD) No. 563/2021 (LA&DEO/OP (Ele) Cases/2021**

**Dated, Thiruvananthapuram, 30.07.2021**

Read:- (1) B.O (FTD) No. 624/2019 D (T&SO)/T6/GI/2019-20 dated 18.08.2019.

(2) Note No. LA & DEP/OP (Ele) Cases/2021 dated 05.03.2021 of the Legal Adviser and Disciplinary Enquiry Officer to the Chairman & Managing Director.

(3) Note No. LA & DEO/OP (Ele) Cases/2021 dated 30.04.2021 of the Legal Adviser and Disciplinary Enquiry Officer to the Full Time Directors (Agenda No. 3/5/21).

## ORDER

The Transmission Network Project in the state are implemented by KSEB Limited in accordance with the provisions of the Electricity Act, 2003. The compensation towards “damages” during implementation of such project is governed by Section 164 the Electricity Act, 2003 read with Section 10 & 16 of the Indian Telegraph Act, 1885 and also Section 67 & 68 of the 2003 Act as the case may be. A large number of petitions are being filed before the District Courts challenging the insufficiency of original compensation sanctioned by KSEB Limited while drawing Transmission lines. In a majority of OP (Ele) cases, KSEB Limited is constrained to pay exorbitant amount of compensation based on the decree of the Courts without even scope for successful appeal due to the shortcomings in the procedure being followed in determining the original compensation. Though the Ministry of Power, Government of India has issued guidelines for payment of compensation towards damages with regard to RoW for transmission lines and the same being adopted in KSEB Limited as per B.O read (1) above, in the absence of the comprehensive compensation plan for the said purpose, KSEB Limited often faces setbacks before the Judicial Fora. To ameliorate the above issue a proposal was submitted by the Legal Adviser and Disciplinary Enquiry Officer to the Chairman and Managing Director as per note read 2<sup>nd</sup> above highlighting the key points to be addressed & the action plan therein.

As directed by Chairman and Managing Director, the proposal to formulate a comprehensive compensation plan and other measures for the smooth conduct of OP (Ele) cases were placed, as per note read 3<sup>rd</sup> above before the Full Time Directors for consideration.

The Full Time Directors in the meeting held on 07.05.2021 considered the proposals & action plan placed by the Legal Adviser and Disciplinary Enquiry Officer in detail and

1. resolved to authorize the Director (Transmission & System Operation) to reconstitute/revive the committee constituted by the Board as per B.O (FTD) No. 1913/2018/D (T&SO)/PSE/Transgrid/GL/2018-19 dated 07.11.2018 to revise the '*Manual of instructions for land acquisition and tree Cutting Compensation-1972*', so as to formulate a cogent and comprehensive formula taking cognizance of Board's requirement giving due consideration to Ministry of Power guidelines regarding compensation of RoW for transmission lines in urban areas issued as per notification dated 16.07.2020.
2. further resolved to authorize the Director (T&SO) to move to the Government of Kerala to get approval for the comprehensive formula formulated by the Board as stated above and also to get the guidelines dated 15.10.2015 and 16.07.2020 issued by the Ministry of Power, Government of India adopted by Government of Kerala.
3. further resolved to authorize the Director (T&SO) to formulate an action plan to utilize the assistance of retired revenue officials to prepare the land sketch and the area of RoW affected on account of drawing of transmission lines.
4. further resolved to authorize the Legal Adviser and Disciplinary Enquiry Officer to modify the criteria for selection of advocates as Standing Counsel of KSEB Limited in various District Court centres to get advocates with sufficient knowledge and experience in electricity law and to take steps to enhance the advocate fee for the conduct of OP (Ele) cases adequately so as to get an optimum effort from the Standing Counsel.
5. further resolved to authorize the Chief Engineer (HRM) to impart training to the filed officers to prepare the statement of facts in an all inclusive manner in tune with the compensation policy (to be formulated) of Board in transmission line construction.

6. further resolved to authorize the Chief Engineer (IT) to take steps to upgrade the present module of Ecase to bring the satellite offices of Law wing also to its domain so as to effectively monitor the case management system in vogue.
7. further resolved to authorize the Legal Adviser and Disciplinary Enquiry Officer to arrange Adalath with the participation of a high level team including the Director (Finance) and Director (Transmission & System Operation) under the aegis of KSLSA (Kerala State Legal Service Authority) at Ernakulam at the earliest for the speedy disposal of the pending Civil Revision Petitions.
8. further resolved to authorize the Legal Adviser and Disciplinary Enquiry Officer to arrange District Level Adalath under the aegis of District Legal Service Authority to dispose the pending OP (Ele) cases at various District Courts.

Orders are issued accordingly.

By Order of the Full Time Directors  
Sd/-  
LEKHA.G  
COMPANY SECRETARY IN-CHARGE

Copy to:-

1. The Financial Adviser.
2. The Chief Internal Auditor.
3. The Chief Vigilance Officer.
4. The Company Secretary in-charge.
5. The Legal Adviser & Disciplinary Enquiry Officer Enquiry Officer.
6. The Chief Personnel Officer.
7. Chief Public Relations Officer.
8. The TA to Chairman & Managing Director/Director (D,IT&HRM)// Director (Gen.-Civil)/Director (Gen.-Electrical & SCM)/Director (T & SO, REES)// Director (Planning, Safety & Soura).
9. The PA to Director (Finance).
10. The Senior CA to Secretary (Administration).
11. Stock file.

Forwarded / By Order

  
Deputy Law Officer