

## **FOREWORD**

The Andhra Pradesh Electricity Regulatory Commission has issued a number of Regulations till now. All such Regulations were published both in English & Telugu languages, for the convenience and use of every stakeholder in the Electricity Sector.

Now, with an intention to make available all the Rules issued by the State Government under the Electricity Laws, the Commission is publishing first, the Andhra Pradesh Works of Licensees Rules, 2007 both in English and Telugu languages in the form of a handbook. The Commission hopes that this book will be very much useful for the people to know about their rights when their properties are affected or likely to be affected by the works taken up by the Licensees in the Electricity Sector.

**-Andhra Pradesh Electricity Regulatory Commission**

# Andhra Pradesh Works of Licensees Rules, 2007

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# GOVERNMENT OF ANDHRA PRADESH

## ABSTRACT

Electricity – Electricity Act, 2003-The Andhra Pradesh Works of Licensees Rules, 2007-Issued

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### ENERGY (PR-II) DEPARTMENT

G.O. Ms. No. 24

Dated.27-02-2007  
Read the following:-

1. G.S.R. 217 (E), Ministry of Power, Government of India, dated: 18-04-2006.
2. From the Chairperson and Managing Director, APTRANSCO, Hyderabad, Lr. No. CE (RAC of Reforms) AAO/E. Act-03/D.No. 286/2006, dated.25-11-2006.

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#### ORDER:-

In the reference first read above, the Government of India have issued the Works of Licensees Rules, 2006 under section 176(2)(e) read with section 67 (2) of the Electricity Act, 2003.

In the reference second read above, the Chairperson and Managing Director, APTRANSCO, Hyderabad has sent the draft Rules for application of such rules in the State of Andhra Pradesh.

The Government after careful consideration of the said rules have decided to issue the rules similar to those issued by the Government of India for the State of Andhra Pradesh.

In exercise of the powers conferred by clause (b) of sub-section (2) of section 180 read with sub-section (2) of section 67 of the Electricity Act, 2003 (Act No.36 of 2003), the Governor of Andhra Pradesh hereby makes the following rules.

#### RULES:

##### 1. Short title and commencement. -

- (1) These rules may be called the Andhra Pradesh Works of Licensees Rules, 2007.
- (2) They shall come into force on the date of their publication in the Official Gazette.

##### 2. Definitions:-

- (1) In these rules unless the context otherwise requires,-

- (a) “The Act” means the Electricity Act, 2003;
  - (b) “Occupier of any building or land” means a person in lawful occupation of that building or land;
  - (c) “The State Government” means Government of Andhra Pradesh;
  - (d) “The Commission” means Andhra Pradesh Electricity Regulatory Commission.
- (2) All other words and expression used herein and not defined in these rules shall have the meanings respectively assigned to them in the Act.

**3. Licensee to carry out works:-**

- (1) A licensee may-
  - (a) carry out works, lay down or place any electric supply line or other works in, through, or against, any building, or on, over or under any land whereon, wherever or whereunder any electric supply-line or works has not already been lawfully laid down or placed by such licensee, with the prior consent of the owner or occupier of any building or land;
  - (b) fix any support of overhead line or any stay or strut required for the purpose of securing in position any support of an overhead line on any building or land or having been so fixed, may alter such support:
- (2) Provided that in case where the owner or occupier of the building or land raises objections in respect of works to be carried out under this rule, the licensee shall obtain permission in writing from the District Magistrate or the Commissioner of Police or any other officer authorised by the State Government in this behalf, for carrying out the works:
- (3) Provided further that if at any time, the owner or occupier or any building or land on which any works have been carried out or any support of an overhead line, stay or strut has been fixed shows sufficient cause, the District Magistrate or the Commissioner of Police, or the officer authorized may by order in writing direct for any such works, support, stay or strut to be removed or altered.
- (4) When making an order under sub-rule (1), the District Magistrate or the Commissioner of Police or the officer so



authorised, 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.

- (5) Every order made by a District Magistrate or a Commissioner of Police or an authorised officer under sub-rule (1) shall be subject to revision by the Commission.
- (6) Nothing contained in this rule shall affect the powers conferred upon any licensee under section 164 of the Act.

#### **4. Works affecting streets, railway, tramway, canal or waterway:-**

- (1) Where the exercise of any of the powers of a licensee in relation to the execution of any works involves the placing of any works in, under, over, along or across any street, part of a street, railway, tramway, canal or waterway, the licensee shall serve upon the person responsible for the repair of the street or part of a street (hereinafter referred to as "the repairing authority") or upon the person for the time being entitled to work the railway, tramway, canal or waterway (hereinafter referred to as "works authority"), as the case may be, a notice in writing, not less than (15) days before commencing the execution of the works describing the proposed works, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally and intimating the manner in which, and the time at which, it is proposed to interfere with or alter any existing works, and shall, upon being required to do so by the repairing authority or works authority, as the case may be, from time to time give such further information in relation thereto as may be desired.
- (2) If the repairing authority intimates to the licensee that it disapproves of such works, section or plan giving reasons for disapproval, or approves thereof subject to amendment, the licensee may, unless settled by an agreement, appeal to the Commission within one week of receiving such intimation, whose decision, after considering the reasons given by the repairing authority for its action, shall be final.
- (3) If the repairing authority fails to give notice in writing of its approval or disapproval to the licensee within (15) days of the

receipt of the notice, it shall be deemed to have approved of the works, section and plan, and the licensee, after giving not less than forty-eight hours' notice in writing to the repairing authority, may proceed to carry out the works in accordance with the notice and the section and plan served under sub-rule (1).

- (4) If the works authority disapproves of such works, section or plan giving reasons for disapproval, or approves thereof subject to amendment, he may, within (15) days after the service of the notice under sub-rule (1) of rule 5, serve a requisition upon the licensee demanding that any question in relation to the works or to compensation, or to the obligations of the works authority to others in respect thereof, shall be determined, unless settled by agreement, by the Commission.
- (5) Where no requisition has been served by the works authority upon the licensee within the time period provided under sub-rule (4), the works authority shall be deemed to have approved of the works, section and plan, and in that case, or, where after the matter has been determined by the Commission, the works may, upon payment or securing of compensation, be executed according to the notice and the section and plan, subject to such modifications as may have been determined by the Commission or agreed upon between the parties:

Explanation.—In sub-rules (1) to (5), the word “works” includes a service line in, under, over, along or across a railway even if such line is immediately attached or intended to be immediately attached to a distributing main, but does not include any other service line so attached or intended to be so attached to a distributing main, or works which consist of the repair, renewal or amendment of existing works of which the character or position is not to be altered.

- (6) Where the works to be executed consist of the laying of any underground service line immediately attached, or intended to be immediately attached, to a distributing main, the licensee shall give to the repairing authority or the works authority, as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works;
- (7) Where the works to be executed consist of the repair, renewal or amendment of existing works of which the character or position is not to be altered, the licensee shall, except in

cases of emergency, give to the repairing authority, or to the works authority, as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works, and, on the expiry of such notice, such works shall be commenced forthwith and shall be carried on with all reasonable despatch, and, if possible, both by day and by night until completed.

**5. Repairs and works during emergency:—**

- (1) The licensee may, in case of emergency due to the breakdown of an underground electric supply-line, after informing the repairing authority or the works authority, as the case may be, of his intention to do so, place an overhead line without complying with the provisions of rule 4.
- (2) Provided that such overhead line shall be used only until the defect in the underground electric supply-line can be made good, and in no case (unless with the written consent of the repairing authority, works authority or occupier as the case may be) for a period exceeding six weeks, and shall be removed as soon as may be after such defect is removed.

**6. Procedure for carrying out other works near sewers, pipes or other electric lines or works:-**

- (1) The licensee or any duly authorised person, as the case may be (hereinafter in this rule referred to as “the operator”), shall—
  - (a) where the licensee requires to dig or sink any trench for laying down any new electric supply-lines or other works, near to which any sewer, drain, water-course or work under the control of the State Government or of any local authority, or any pipe, syphon, electric supply-line or other work belonging to any duly authorised person, has been lawfully placed; or
  - (b) where any duly authorised person is required to dig or sink any trench for laying down or constructing any new pipes or other works, near to which any electric supply-lines or works of a licensee have been lawfully placed;

unless it is otherwise agreed upon between the parties interested or in case of sudden emergency, give to the State Government or local authority, or to such duly authorised person or to the licensee, as the case may be (hereinafter in this Rule referred to as “the owner”), not less than forty-eight

hours' notice in writing before commencing to dig or sink the trench and the owner shall have the right to be present during the execution of the work, which shall be executed to the reasonable satisfaction of the owner.

- (2) Where the operator finds it necessary to undermine, but not to alter, the position of any pipe, electric supply-line or work, he shall support it in position during the execution of the work, and before completion shall provide a suitable and proper foundation for it where so undermined.
- (3) Where the operator (being the licensee) lays any electric supply-line across, or so as to be liable to touch, any pipes, lines or service-pipes or service-lines belonging to any duly authorised person or to any person supplying, transmitting or using energy under the Act, he shall not, except with the written consent of such person and in accordance with the regulations on safety as specified under section 53 of the Act, lay his electric supply-lines so as to come into contact with any such pipes, lines or service-pipes or service-lines.
- (4) Where the operator makes default in complying with any of the provisions of this rule, he shall make full compensation for any loss or damage incurred by reason thereof.
- (5) Where any difference and/or dispute arises under this rule, the matter shall be determined by the Commission.
- (6) Where the licensee is a local authority, the references in this rule to the local authority and to sewers, drains, water-courses or works under its control shall not apply.

## **7. Alteration of the position of pipes, electric line, etc:-**

- (1) Any licensee may alter the position of any pipe (not forming part of a local authority's main sewer), or of any wire under or over any place which he is authorised to open or break up, if such pipe or wire is likely to interfere with the exercise of his powers under the Act; and any person may alter the position of any electric supply-lines or works of a licensee under or over any such place as aforesaid, if such electric supply-lines or works are likely to interfere with the lawful exercise of any powers vested in him.
- (2) The licensee or other person desiring to make the alteration, unless otherwise agreed, shall, not less than one month before commencing any alteration, serve upon the person for the time being entitled to the pipe, wire, electric supply-lines or works, as the case may be (hereinafter in this rule referred

to as “the owner”), a notice in writing, describing the proposed alteration, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally, and intimating the time when it is to be commenced, and shall subsequently give such further information in relation there-to as the owner may desire;

- (3) The owner may, within fourteen days after the service of the notice, section and plan, serve upon the operator a requisition to the effect that any question arising upon the notice, section or plan, shall, unless settled by agreement, be determined by the Commission, and thereupon the matter shall be determined by the Commission.
- (4) The Commission to whom a reference is made under sub-rule (3), shall have regard to any duties or obligations which the owner is under, and may require the operator to execute any temporary or other works so as to avoid, as far as possible, interference therewith.
- (5) Where no requisition is served upon the operator under sub-rule (3) within the time limit, or where such a requisition has been served and the matter has been settled by agreement or determined by the Commission, the alteration may, upon payment or securing of any compensation accepted or determined by the Commission, be executed in accordance with the notice, section and plan and subject to such modifications agreed upon between the parties or as may have been determined by the Commission.
- (6) Where the operator desiring to make the alteration makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by the Commission.
- (7) Where the owner or occupier desires to carry out certain works himself,—
  - (i) he may, at least ten days before the operator desiring to make the alteration of pipes or wires is entitled to commence the alteration, serve upon the operator a statement in writing to the effect that he desires to execute the alteration himself and requires the operator to give such security for the

repayment of any expenses as may be agreed upon or, in default of agreement, determined by the Commission;

- (ii) where a statement is served upon the operator under clause (i), he shall, not less than forty-eight hours before the execution of the alteration is required to be commenced, furnish such security and serve upon the owner a notice in writing intimating the time when the alteration is required to be commenced, and the manner in which it is required to be made; and thereupon the owner may proceed to execute the alteration as required by the operator;
- (iii) where the owner declines to comply, or does not, within the time and in the manner prescribed by a notice served upon him under clause (ii), comply with the notice, the operator may himself execute the alteration;
- (iv) all expenses incurred by the owner in complying with a notice served upon him by the operator under clause (ii) may be recovered by him from the operator.

**8. Works not repairable by the State Government, licensee or local authority:-**

- (1) The licensee shall open or break up any street not repairable by the State Government or a local authority only with the written consent of the person by whom the street is repairable or with the written consent of the State Government;
- (2) Provided that the State Government shall not give any such consent as aforesaid, until the licensee has given notice by advertisement or otherwise as that the State Government may direct, and within such period as that Government may fix in this behalf, to the person above referred to, and until all representations or objections received in accordance with the notice have been considered by the State Government.

**9. Procedure for fencing, guarding, lighting and other safety measures relating to works and immediate reinstatement of streets, railways, sewers, drains or tunnels:-**

- (1) Where any person, in exercise of any of the powers conferred by or under these rules opens or breaks up the soil or pavement of any street, railway or tramway, or any sewer, drain or tunnel, he shall-

- (a) immediately cause the part opened or broken up to be fenced and guarded and fix caution boards to alert traffic;
  - (b) cause a light or lights, sufficient for the warning of passengers before sunset, to be set up and maintained until sunrise against or near the part opened or broken up;
  - (c) make suitable arrangements for smooth flow of traffic;
  - (d) fill in the ground and reinstate and make good the soil or pavement, or the sewer, drain or tunnel, opened or broken up with all reasonable speed, and carry away the rubbish occasioned by such opening or breaking up; and
  - (e) after reinstating and making good the soil or pavement, or the sewer, drain or tunnel broken or opened up, keep the same in good repair for three months and for any further period, not exceeding nine months, during which subsidence continues.
- (2) Where any person fails to comply with any of the provisions of sub-rule (1), the person having the control or management of the street, railway, tramway, sewer, drain or tunnel in respect of which the default has occurred, may cause to be executed the work which the defaulter has delayed or omitted to execute, and may recover from him the expenses incurred in such execution.
- (3) Where any difference and / or dispute arises as to the amount of the expenses incurred under sub-rule (2), the matter shall be determined by the Commission.

**10. Avoidance of public nuisance, environmental damage and unnecessary damage to the public and private property by such works:-**

The licensee shall, while carrying out works, ensure that such works do not cause public nuisance, environmental damage and unnecessary damage to the public or private property.

**11. Manner of deposit of amount for restoration of railways, tramways, waterways etc:-**

The licensee shall deposit the amount for restoration of railways, tramways, waterways etc. under these rules by means of demand

draft in favour of the officer-in-charge of the maintenance of the works concerned.

**12. Manner of restoration of property affected by such works and maintenance thereof:-**

The licensee shall carry out the restoration of property affected by works and undertake necessary maintenance thereof for one month.

**13. Determination and payment of compensation to affected persons:-**

- (1) Where the licensee makes default in complying with any of the provisions of these rules, he shall make full compensation for any loss or damage incurred by reason thereof to the person affected, as may be determined by the District Magistrate or by any other officer authorised by the State Government in this behalf, if not agreed mutually between the parties concerned.
- (2) Where any difference and/or dispute arises as to the amount of compensation determined under sub-rule (1), the matter shall be determined by the Commission.

**14. Procedure for deposit of compensation payable by the licensee and furnishing of security:-**

- (1) The amount of compensation payable by the licensee under these rules shall be deposited by means of demand draft.
- (2) The security required to be furnished under these rules shall be in the form of Bank Guarantee from a Scheduled Bank or in any other form as may be notified by the State Government from time to time.

**15. Determination of dispute and/or difference by the Commission:-**

When a matter is brought to the Commission for determination under these rules, the matter shall be determined by the Commission within a period of thirty days and after hearing the parties concerned.



**16. Service of notice etc:-**

Whenever a notice or intimation is required to be served upon a person under these rules, the procedure provided under section 171 of the Act and rules made thereunder shall be followed.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF  
ANDHRA PRADESH)

**A.K.GOYAL**  
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The Commissioner of Printing and Stationery Dept., Chenchalguda, Hyderabad with a request to publish the above notification in extraordinary issue of the Andhra Pradesh Gazette with a request to furnish 500 copies to the Government.

Copy to:

The C&MD, APTRANSCO, Hyderabad.

The CEIG, Hyderabad.

SF/SCs.

//FORWARDED :: BY ORDER//

SECTION OFFICER

## **Annexure – 1**

No.3/7/2015-Trans  
Government of India  
Ministry of Power  
Shram Shakti Bhawan  
Rafi Marg, New Delhi- 110001

To

Dated, 15th October, 2015

1. Chief Secretaries/Administrators of all the States/UTs (As per list attached)
2. Chairperson, CEA, New Delhi with the request to disseminate the above guidelines to all stakeholders
3. CMD, PGCIL, Gurgaon.
4. CEO, POSOCO, New Delhi
5. Secretary, CERC, New Delhi.
6. CMDs of State Power Utilities/SEBs

**Subject:** Guidelines for payment of compensation towards damages in regard to Right of Way for transmission lines.

During the Power Ministers Conference held on April 9-10, 2015 at Guwahati with States/UTs, it has, inter alia, been decided to constitute a Committee under the Chairmanship of Special Secretary, Ministry of Power to analyse the issues related to Right of Way for laying of transmission lines in the country and to suggest a uniform methodology for payment of compensation on this count. Subsequently, this Ministry had constituted a Committee with representatives from various State Governments and others. The Committee held several meetings to obtain the views of State Governments on the issue and submitted its Report along with the recommendations.

2. The Recommendations made by the Committee are hereby formulated in the form of following guidelines for determining the compensation towards "damages" as stipulated in section 67 and 68 of the Electricity Act, 2003 read with Section 10 and 16 of Indian Telegraph Act, 1885 which will be in addition to the compensation towards normal crop and tree damages. This amount 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:-

- (i) Compensation @ 85% of land value as determined by District Magistrate or any other authority based on Circle rate/ Guideline value/ Stamp Act rates for tower base area

(between four legs) impacted severely due to installation of tower/pylon structure;

- (ii) Compensation towards diminution of land value in the width of Right of Way (RoW) Corridor due to laying of transmission line and imposing certain restriction would be decided by the States as per categorization/type of land in different places of States, subject to a maximum of 15% of land value as determined based on Circle rate/ Guideline value/ Stamp Act rates;
  - (iii) In areas where land owner/owners have been offered/ accepted alternate mode of compensation by concerned corporation/ Municipality under Transfer Development Rights (TDR) policy of State, the licensee /Utility shall deposit compensation amount as per (i) & (ii) above with the concerned Corporation/ Municipality/ Local Body or the State Government.
  - (iv) For this purpose, the width of RoW corridor shall not be more than that prescribed in the table at Annex-2 and shall not be less than the width directly below the conductors.
3. Necessary action may kindly be taken accordingly. These guidelines may not only facilitate an early resolution of RoW issues and also facilitate completion of the vital transmission lines through active support of State/ UT administration.
4. All the States/UTs etc. are requested to take suitable decision regarding adoption of the guidelines considering that acquisition of land is a State subject.

Yours faithfully,  
(Jyoti Arora)  
Joint Secretary (Trans.)  
Tele: 011-2371 0389

**Note: The State of Andhra Pradesh was of the view that compensation for 100% land value for tower base be paid to the land owner but no compensation for corridor should be given. It also suggested that such compensation should not be made applicable to lines below 33kV.**

## Annexure-2

The maximum width of RoW corridor is calculated on the basis of tower design, span, and wind speed, maximum sag of conductor and its swing plus other requirement of electric safety. The requirement of ROW for different voltage types under standard conditions is as follows:

**ROW width for different voltage line\***

Transmission Voltage	Width of Right of Way (in Meters)
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

\* Width of Right of Way is as per the MoEF guidelines dated 5.5.2014

### Annexure-3

#### Extracts of Sections 67, 68, 69 and 164 of the Electricity Act, 2003

**Section 67. Provisions as to opening up of streets, railways, etc: ---** (1) A licensee may, from time to time but subject always to the terms and conditions of his licence, within his area of supply or transmission or when permitted by the terms of his licence to lay down or place electric supply lines without the area of supply, without that area carry out works such as-

- (a) to open and break up the soil and pavement of any street, railway or tramway;
  - (b) to open and break up any sewer, drain or tunnel in or under any street, railway or tramway;
  - (c) to alter the position of any line or works or pipes, other than a main sewer pipe;
  - (d) to lay down and place electric lines, electrical plant and other works;
  - (e) to repair, alter or remove the same;
  - (f) to do all other acts necessary for transmission or supply of electricity.
- (2) The Appropriate Government may, by rules made by it in this behalf, specify, -
- (a) the cases and circumstances in which the consent in writing of the Appropriate Government, local authority, owner or occupier, as the case may be, shall be required for carrying out works;
  - (b) the authority which may grant permission in the circumstances where the owner or occupier objects to the carrying out of works;
  - (c) the nature and period of notice to be given by the licensee before carrying out works;
  - (d) the procedure and manner of consideration of objections and suggestion received in accordance with the notice referred to in clause (c);
  - (e) the determination and payment of compensation or rent to the persons affected by works under this section;
  - (f) the repairs and works to be carried out when emergency exists;
  - (g) the right of the owner or occupier to carry out certain works under this section and the payment of expenses therefor;
  - (h) the procedure for carrying out other works near sewers, pipes or other electric lines or works;

- (i) the procedure for alteration of the position of pipes, electric lines, electrical plant, telegraph lines, sewer lines, tunnels, drains, etc.;
  - (j) the procedure for fencing, guarding, lighting and other safety measures relating to works on streets, railways, tramways, sewers, drains or tunnels and immediate reinstatement thereof;
  - (k) the avoidance of public nuisance, environmental damage and unnecessary damage to the public and private property by such works;
  - (l) the procedure for undertaking works which are not repairable by the Appropriate Government, licensee or local authority;
  - (m) the manner of deposit of amount required for restoration of any railways, tram ways, waterways, etc.;
  - (n) the manner of restoration of property affected by such works and maintenance thereof;
  - (o) the procedure for deposit of compensation payable by the licensee and furnishing of security; and
  - (p) such other matters as are incidental or consequential to the construction and maintenance of works under this section.
- (3) A licensee shall, in exercise of any of the powers conferred by or under this section and the rules made thereunder, cause as little damage, detriment and inconvenience as may be, and shall make full compensation for any damage, detriment or inconvenience caused by him or by any one employed by him.
- (4) Where any difference or dispute including amount of compensation under sub-section (3) arises under this section, the matter shall be determined by the Appropriate Commission.
- (5) The Appropriate Commission, while determining any difference or dispute arising under this section in addition to any compensation under sub-section (3), may impose a penalty not exceeding the amount of compensation payable under that sub-section.

**Section 68. Overhead lines: ----** (1) An overhead line shall, with prior approval of the Appropriate Government, be installed or kept installed above ground in accordance with the provisions of sub-section (2).

- (2) The provisions contained in sub-section (1) shall not apply-
  - (a) in relation to an electric line which has a nominal voltage not exceeding 11 kilovolts and is used or intended to be used for supplying to a single consumer;

- (b) in relation to so much of an electric line as is or will be within premises in the occupation or control of the person responsible for its installation; or
  - (c) in such other cases, as may be prescribed.
- (3) The Appropriate Government shall, while granting approval under sub-section (1), impose such conditions (including conditions as to the ownership and operation of the line) as appear to it to be necessary.
- (4) The Appropriate Government may vary or revoke the approval at any time after the end of such period as may be stipulated in the approval granted by it.
- (5) Where any tree standing or lying near an overhead line or where any structure or other object which has been placed or has fallen near an overhead line subsequent to the placing of such line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of electricity or the accessibility of any works, an Executive Magistrate or authority specified by the Appropriate Government may, on the application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he or it thinks fit.
- (6) When disposing of an application under sub-section (5), an Executive Magistrate or authority specified under that sub-section shall, in the case of any tree in existence before the placing of the overhead line, award to the person interested in the tree such compensation as he thinks reasonable, and such person may recover the same from the licensee.

**Explanation.** - For the purposes of this section, the expression “tree” shall be deemed to include any shrub, hedge, jungle growth or other plant.

**Section 69.** Notice to telegraph authority : --- (1) A licensee shall, before laying down or placing, within ten meters of any telegraph line, electric line, electrical plant or other works, not being either service lines, or electric lines or electrical plant, for the repair, renewal or amendment of existing works of which the character or position is not to be altered, -

- (a) submit a proposal in case of a new installation to an authority to be designated by the Central Government and such authority shall take a decision on the proposal within thirty days;

(b) give not less than ten days' notice in writing to the telegraph authority in case of repair, renewal or amendment or existing works, specifying-

- (i) the course of the works or alterations proposed ;
- (ii) the manner in which the works are to be utilised ;
- (iii) the amount and nature of the electricity to be transmitted;
- (iv) the extent to, and the manner in which (if at all), earth returns are to be used,

and the licensee shall conform to such reasonable requirements, either general or special, as may be laid down by the telegraph authority within that period for preventing any telegraph line from being injuriously affected by such works or alterations:

Provided that in case of emergency (which shall be stated by the licensee in writing to the telegraph authority) arising from defects in any of the electric lines or electrical plant or other works of the licensee, the licensee shall be required to give only such notice as may be possible after the necessity for the proposed new works or alterations has arisen.

(2) Where the works of the laying or placing of any service line is to be executed, the licensee shall, not less than forty-eight hours before commencing the work, serve upon the telegraph authority a notice in writing of his intention to execute such works.

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#### **Section 164. Exercise of powers of Telegraph Authority in certain cases :**

The Appropriate Government may, by order in writing, for the placing of electric lines or electrical plant for the transmission of electricity or for the purpose of telephonic or telegraphic communications necessary for the proper co-ordination of works, confer upon any public officer, licensee or any other person engaged in the business of supplying electricity under this Act, subject to such conditions and restrictions, if any, as the Appropriate Government may think fit to impose and to the provisions of the Indian Telegraph Act, 1885, any of the powers which the telegraph authority possesses under that Act with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained, by the Government or to be so established or maintained.