



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Petition No. 2376 of 2026

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

Hon'ble Shri Griesh Kumar Vaish, Member (Law)

IN THE MATTER OF

Quash/Set aside of Order dated 07.11.2020 passed by District Magistrate, Deoria.

AND

IN THE MATTER OF

1. Kaushal Kishore Mani

2. Shri Prakash Mani

sons of : Late Sharda Prasad Mani

3. Pramod Kumar Tiwari

son of: Late Chandra Bhushan Tiwari

all residents of : Village- Pipra Deoraj, P.S.-Siswan via Bhatni,

Tehsil-Salempur, Distt-Deoria, U.P.

..... Appellants

VERSUS

1. State of U.P.

Through its Principal Secretary

Revenue Department, Govt. of U.P., Lucknow





2. District Magistrate

District - Deoria, U.P.

3. Uttar Pradesh Power Corporation Limited

7th Floor, Shakti Bhawan Extension, 14 Ashok Marg, Lucknow,
Uttar Pradesh - 226001.

Through its Managing Director

4. Uttar Pradesh Power Transmission Corporation Limited

Shakti Bhawan 14 Ashok Marg, Lucknow-226001, U.P.

Through its Managing Director

5. Purvanchal Vidyut Vitran Nigam Limited

Vidyut Nagar, Bhikaripur, P.O - DLW, Varanasi-221010, U.P.

Through its Managing Director

6. Acting Director, Electrical Safety

Gomti Nagar, Lucknow, Uttar Pradesh

7. Executive Engineer, ETD, through its Managing Director

132kV Sub-Station Bhatwaliya, Deoria, District - Deoria

8. Bhupendra Mani Tripathi son of Late Deota Mani Tripathi

Resident of village Pipradeoraj, Post Office – Siswan via Bhatni,
Tehsil – Salempur District- Deoria.

9. Rajesh Mani Tripathi son of Late Jagdish Mani Tripathi

Resident of village Pipradeoraj, Post Office – Siswan via Bhatni,
Tehsil – Salempur District- Deoria.

...Respondents

THE FOLLOWING WERE PRESENT

Sh. Kaushal Kishore Mani, Advocate, Appellant.





ORDER

(DATE OF HEARING: 07.07.2026)

1. The Appellant has submitted that the present Petition has been filed seeking the setting aside of the Order dated 07.11.2020 passed by the District Magistrate, Deoria, whereby the claim for grant of additional land compensation in terms of the Government Order dated 06.09.2018 issued by the Government of Uttar Pradesh was rejected.
2. The Prayer under the instant Petition are as follows:
 - a) It is therefore most respectfully prayed that this Hon'ble Commission may graciously be pleased to allow this appeal with cost throughout and set aside the order dated 07.11.2020 passed by District Magistrate Deoria, respondent no. 2, so far as refusing to pay additional compensation of the land to the appellants in accordance with Govt. order dated 06.09.2018.
 - b) It is further prayed that this Hon'ble Commission may direct the respondents to pay land compensation to the appellants in terms of Govt. order dated 06.09.2018 along with compensation under Section 67(5) of the Electricity Act, 2003 including 12% simple interest within stipulated period to be fixed by this Commission, and/or pass such other order as may deem fit and proper under the facts and circumstances of the case, so that justice may be done.

BRIEF FACTS OF THE PETITION

3. The Appellants have submitted that Khasra No. 35 admeasuring 4.203 hectares and Khasra No. 369 admeasuring 2.693 hectares, situated in Village Pipra Deoraj, Police Station Siswan, Via Bhathni, Tehsil Salempur, District Deoria, Uttar Pradesh, were recorded as Bhumidhar land in the name of late Shri Sharda Prasad Mani. Upon his demise, the names of his sons, namely Appellant No. 1, Shri Kaushal Kishore Mani, and Appellant No. 2, Shri Prakash Mani, along with other family members, came to be recorded as tenure holders of the said land. Further, Khasra No. 293 admeasuring 1.040 hectare of the aforesaid village was recorded as Bhumidhar land in the name of late Shri Chandra Bhushan Tiwari, the father of Appellant No. 3, Shri Pramod Kumar Tiwari. After the death of Shri Chandra Bhushan Tiwari, Appellant No. 3, Shri Pramod Kumar Tiwari came to be recorded as the tenure holder of the said Khasra.





4. The Appellants have further submitted that UPPTCL had proposed to lay a 132 kV Electricity Transmission Line from Salempur to Purnchhapar under the supervision and control of Respondent No. 7, Executive Engineer, 132kV Sub-Station Bhatwaliya, Deoria, working under Respondent No. 4, UPPTCL. The said transmission line was proposed to pass over Plot Nos. 35, 369 and 293 belonging to the respective Appellants under layout for electricity line and for the said work, Respondent No. 7 constructed permanent tower bases on the respective plots for erecting electric poles. The foundation laying of tower nos. 13, 07 and erection of tower no. 07 along with Stringing on tower no. 13 were carried out on the fields of Appellant Nos. 1 and 2 and laying of tower foundation no. 11 along with erection of tower no. 11 was carried out on the plot of Appellant No. 3, covering an area of 27 sq. meters for each tower base at intervals of about 400 meters.
5. The Appellants have submitted that the construction work was completed in the year 2018 without acquisition of the land of the Appellants and without payment of compensation for the land used by Respondent No. 7, Executive Engineer, 132kV Sub-Station Bhatwaliya, Deoria for construction of permanent tower bases of electric poles for carrying the 132 kV Electricity Transmission Line over the fields of the Appellants bearing Khasra Nos. 35, 369 and 293 situated in Village Pipra Deoraj, Police Station Siswan, Via Bhathni, Tehsil Salempur, District Deoria.
6. Respondent No. 7 has constructed permanent tower bases, namely laying of foundation on tower nos. 07, 11 and 13 and erection of tower nos. 07, 11 and 13 including tower stringing no. 13, upon the Bhumidhar land of the Appellants, whereby the Appellants have been deprived of their property without authority of law.
7. The Appellants have further submitted that, as Bhumidhar tenure holders, they have a lawful right to peacefully use their land. However, the construction of permanent tower bases on their land by the Respondents has substantially restricted such use and has rendered the land beneath the tower structures unusable. As a result, the Appellants have suffered loss and damage for which they are entitled to compensation under the applicable provisions of law.
8. Section 10(d) of the Indian Telegraph Act, 1885 provides for payment of full



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compensation in case of damage to property caused in the exercise of powers to place and maintain telegraph lines and posts. The Respondent No. 4, UPPTCL is engaged in the business of supplying electricity under the Electricity Act, 2003, subject to the conditions and restrictions imposed by the Appropriate Government and exercise the powers of a Telegraph Authority under the Indian Telegraph Act as provided under Section 164 of the Electricity Act.

9. The Works of Licensees Rules, 2006 were framed by the Central Government in exercise of the powers conferred by Clause (e) of Sub-section (2) of Section 176 read with Sub-section (2) of Section 67 of the Electricity Act, 2003. Rule 3 of the said Rules provides that a licensee shall carry out works with the prior consent of the owner or occupier of any building or land and also provides that compensation, annual rent, or both, shall be paid by the licensee to the owner or occupier.
10. It was submitted that the State Government issued a Government Order dated 06.09.2018 agreeing to adopt the guidelines issued by the Ministry of Power, Government of India, regarding payment of land compensation to farmers/landowners in respect of their land used by Uttar Pradesh Power Transmission Corporation Ltd. for construction of 765/400/220/132 kV transmission lines.
11. It was further submitted that the law regarding compensation, annual rent, or both under the Rules of 2006 had been adopted by the State Government through the Government Order dated 06.09.2018, whereby the Appellants are entitled to and the Respondent No 4, UPPTCL is liable to pay additional compensation towards land compensation equivalent to 85% of the value of the area of land situated below the tower base at the circle rate fixed by the District Magistrate. It was also submitted that prior consent of the landowner is required before carrying out such works; however, Respondent No. 7, Executive Engineer, 132kV Sub-Station Bhatwaliya, Deoria did not obtain written consent from the Appellants prior to construction of the tower bases.
12. On account of the construction of tower bases upon the land of the Appellants by Respondent No. 7 for carrying the 132 kV Electricity Transmission Line over their fields, the land has been rendered useless for the Appellants and, consequently, they are entitled to damages for the land under the law, despite



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no acquisition of land having been undertaken by the Respondents.

13. It was submitted that Writ-C No. 17569 of 2019 (Pramod Kumar Tiwari and 2 Others vs. State of U.P. and 4 Others) was filed by the Appellants seeking payment of land compensation, which was decided on 23.05.2019 directing Respondent No. 2, the District Magistrate, Deoria to decide the representation of the Appellants by treating it as a claim petition.
14. In pursuant to the order passed by the Hon'ble Allahabad High Court, Respondent No. 2 decided the representation/claim petition of the Appellants vide order dated 07.11.2020, whereby the claim for additional compensation in accordance with the Government Order dated 06.09.2018 was rejected. The Appellants submitted that the claim petition was decided without affording them an opportunity of hearing and without considering the State Government Order dated 06.09.2018, which provides for payment of additional compensation for land.
15. The impugned order dated 07.11.2020 passed by Respondent No. 2, District Magistrate, Deoria was challenged in Writ-C No. 20602 of 2021 (Kaushal Kishor Mani and 2 Others vs. State of U.P. and 8 Others), which was disposed of on 13.09.2021 by the Hon'ble Allahabad High Court in view of the alternative remedy of appeal available under Section 67(4) of the Electricity Act, 2003.

HEARING DATED. 07.07.2026

16. Sh. Kaushal Kishore Mani, learned counsel for the appellants, submitted that the foundation work for the transmission towers of the 132 kV Salempur-Purnchhappar transmission line commenced on the appellants' land in February 2018. He further submitted that the erection of tower structures and stringing of conductors continued for nearly one year thereafter. It was also submitted that the claim for additional compensation was rejected by the District Magistrate, Deoria, vide Order dated 07.11.2020, primarily on the grounds that compensation towards crop damage had already been paid and that the land had not been acquired by the transmission utility i.e UPPTCL.



17. The Commission sought clarification from the Appellants regarding the maintainability of the present Petition in view of the considerable delay in filing the appeal. The Commission observed that the order of the Hon'ble High Court

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directing the Appellants to avail the alternative remedy under Section 67(4) of the Electricity Act, 2003 was passed in September 2021, whereas the present Petition was instituted thereafter and the deficiencies were removed only in the year 2026. The Commission further noted that the appeal had not been pursued diligently for a substantial period.

In response, the learned counsel for the Appellants submitted that the Petition could not be processed in time as the relevant case records were not available and the matter could not be traced before the Commission. However, on being specifically queried regarding the delay, the learned counsel acknowledged that the Petition had not been filed within the prescribed period and that considerable time had elapsed after the order of the Hon'ble High Court.

Commission's View

18. The Commission notes that the present Petition has been filed pursuant to the liberty granted by the Hon'ble High Court, Allahabad vide its Order dated 13.09.2021 passed in Writ-C No. 20602 of 2021.
19. The Commission observes that the principal grievance of the Appellants relates to the claim for additional compensation in terms of the Government Order dated 06.09.2018 issued by the Government of Uttar Pradesh, whereby guidelines for payment of compensation towards tower base area and right of way for transmission lines were adopted. The Appellants have sought payment of compensation for the land occupied by the tower base as well as compensation under Section 67 of the Electricity Act, 2003.
20. The Commission notes from the records and the Order of District Magistrate, Deoria dated. 07.11.2020 that the transmission towers and associated foundations pertaining to the 132 kV Salempur-Purnchhappar transmission line were constructed in February 2018, prior to the issuance and implementation of the Government Order dated 06.09.2018. The said Government Order does not contain any provision for retrospective applicability to completed works. Therefore, the benefits envisaged under the Government Order cannot be extended to transmission infrastructure which had already been erected and for which compensation had been processed under the applicable framework prevailing at the relevant time.





21. In light of the submissions made by the Appellants and upon examination of the material available on record, the Commission finds that the following issues arise for consideration in the present matter:

a) Whether UPPTCL was required to obtain the consent of the landowners before carrying out the works relating to the erection of transmission towers and laying of the transmission line.

b) Whether the Appellants are entitled to any additional land compensation in respect of the transmission infrastructure constructed over their land.

22. The Commission observes that UPPTCL has been conferred the powers of the Telegraph Authority under Section 164 of the Electricity Act, 2003. Consequently, the provisions of Section 10 of the Indian Telegraph Act, 1885 govern the execution of transmission works. Under the said provisions, the Telegraph Authority is empowered to place and maintain transmission lines and towers over immovable property without obtaining prior consent of the landowner. The statute only mandates that the authority shall cause as little damage as possible and pay compensation for any damage sustained. Accordingly, the Commission finds that no prior permission or consent of the Appellants was legally required for carrying out the transmission works in the present case.

23. The Commission also takes note of its earlier decision in Petition No. 1131 of 2016 (Ram Preet & Others v. UPPTCL & Others), wherein, while examining the applicability of the Government Order dated 06.09.2018 regarding payment of 85% land compensation for tower base area, it was held vide Order dated 08.03.2019 that the said Government Order operates prospectively and does not confer any entitlement in respect of transmission lines/towers constructed prior to 06.09.2018. The relevant extract of the said Order is reproduced below:

"In view of the above facts the Commission find that the compensation for the land under the tower base shall be @ 85% of the land value as determined by District Magistrate from the date of issue of Govt. Order i.e. 06.09.2018 in addition to the crop compensation and no compensation shall be paid towards diminution of land value in the width of Right of Way (RoW) Corridor due to laying of transmission line. This Govt. Order shall have prospective effect and





no retrospective effect. Therefore, no land compensation shall be paid for the transmission lines/towers constructed before 06.09.2018."

24. The Commission notes that, in the above-referred decision, it has been already held that the benefits arising out of the Government Order dated 06.09.2018 were prospective in nature and were not applicable to transmission assets commissioned prior to the issuance of the said Government Order.
25. In view of the foregoing, the Commission finds no legal or factual grounds warranting interference with the impugned Order dated 07.11.2020. The Appellants have failed to establish any case for the relief sought, and the present Petition is devoid of merit.
26. Accordingly, the Petition is dismissed.

(Griesh Kumar Vaish)
Member (Law)

(Sanjay Kumar Singh)
Member

(Arvind Kumar)
Chairman



Place: Lucknow

Dated: 31.07.2026

