



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Petition No. 2374 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

Revision Under Rule 3 (3) of the Work of Licensees Rules, 2006.

AND

IN THE MATTER OF

1. Naresh Kumar Yadav

Son of: Sh. Ram Khelawan

Resident of: House No.8/217A,

Sector-8, Indira Nagar, Lucknow, U.P.

2. Pankaj Yadav

Son of: Sh. Lala Ram Yadav

Resident of: House No.3/133,

Mohalla: Sanjay Nagar, Amethi, Lucknow, U.P.

.... Revisionists

Versus

1. District Magistrate, Lucknow

2. Managing Director, Uttar Pradesh Power Corporation Ltd.,

7th Floor, 14 Ashok Marg, Lucknow

3. Managing Director, Uttar Pradesh Power Transmission Corporation Ltd.,

7th Floor, 14 Ashok Marg, Lucknow

4. Executive Engineer

Electricity Transmission Division, Mohanlalganj,

Satrikh Transmission Line, Lucknow.





5. Smt. Dharmavati,

wife of: Ramakant, resident of: Chand Saray,
Post-Gosaiganj, Distt-Lucknow. U.P.

... Respondents

THE FOLLOWING WAS PRESENT

1. Sh. Shailesh Yadav, Advocate, Revisionists
2. Sh. Suraj Kumar Yadav, EE, ETD-3, LKO, UPPTCL
3. Sh. Rahul Kumar Ojha, SDO, ETSD-I, BBK, UPPTCL
4. Sh. Krishna Kumar, Manager, RSIPL

ORDER

(DATE OF HEARING: 13.08.2026)

1. The present Revision Petition has been filed seeking quashing/setting aside of the Order dated 28.08.2023 passed by the District Magistrate, Lucknow under Rule 3(2) of the Works of Licensees Rules, 2006. The Revisionists have made the following prayers in the Petition:
 - (a) The impugned Order dated 28.08.2023 passed by the District Magistrate, Lucknow be set aside/quashed in the interest of justice.
 - (b) Any other order or direction, which this Hon'ble Commission may deem fit in favour of the Revisionists and against the respondents, be passed.

BRIEF FACTS OF THE PETITION

2. The Revisionists submitted that Revisionist No. 1, Sh. Naresh Kumar Yadav, purchased a plot measuring 1000 sq. ft. out of Khasra No. 456, situated at Village Sarai Karora, Pargana & Tehsil Mohanlalganj, District Lucknow, from Revisionist No. 2, Sh. Pankaj Yadav, through a registered sale deed dated 07.03.2025, registered as Book No. 1, Volume No. 18066, Pages 181-192, Serial No. 7747 before Sub-Registrar Mohanlalganj, and the Revisionist No. 1's name is recorded in the Khatauni.
3. Further, Revisionist No. 1, Sh. Naresh Kumar Yadav, purchased the said plot for residential purposes for future family needs and construction of a residential house has already been completed.





4. Revisionist No. 2, Sh. Pankaj Yadav, purchased 0.253 hectares out of total land measuring 0.451 hectares comprised in Khasra No. 456 in Village Sarai Karora, Tehsil Mohanlalganj from Respondent No. 5, Smt. Dharmavati through registered sale deeds at different times and has constructed a two-storey house thereon.
5. It has been submitted that Revisionist No. 2 Sh. Pankaj Yadav, also purchased the land for future family use; however, Respondents No. 2, 3 and 4 (Managing Director, UPPCL; Managing Director, UPPTCL; and Executive Engineer, Electricity Transmission Division, Mohanlalganj) are trying to install poles/towers and take the transmission line over the houses, which will create a large electromagnetic field zone, posing danger to human life in future.
6. The Revisionists submitted that they came to know through reliable sources that, in the construction of the 220 kV Barabanki-Satrikh Road transmission line connected with 400 kV Mohanlalganj, the officials of the transmission corridor are changing the original route after taking illegal benefits from other persons. Earlier, the line was going about 600 feet east of the land of Respondent No. 5, Smt. Dharmavati, but it has now been shifted towards the land of the Revisionists. The land of Respondent No. 5 lying towards the east is still vacant.
7. The Revisionists also alleged that no prior survey notice or information regarding the proposed transmission line was given and that Respondents No. 2, 3 and 4 (UPPCL, UPPTCL and Executive Engineer, Electricity Transmission Division, Mohanlalganj) are acting in violation of the Government of India circular dated 15.10.2015 by deviating from the original route.
8. It has been submitted that on 14.01.2026, some 4-5 persons claiming to be officials of the transmission department came to the Revisionists' land and started marking locations for poles inside the boundary of the Revisionists' property. When the Revisionists sought the original route chart, the officials allegedly refused to provide the same and attempted to forcibly carry the line through the Revisionists' land.
9. The Revisionists submitted that they had invested their hard-earned money in the land for the future needs of their family and, if the line passes through the land, the same would become unusable, causing irreparable loss.
10. The Revisionists further submitted that Respondents No. 2 to 4 (UPPCL, UPPTCL and Executive Engineer, Electricity Transmission Division, Mohanlalganj) have



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neither taken the consent of the Revisionists nor that of Respondent No. 5, Smt. Dharmavati, nor provided compensation as per Government Order dated 06.09.2018. It has been contended that the impugned order is contrary to the provisions of the Indian Telegraph Act, 1885 and government circulars issued from time to time.

11. The Revisionists submitted that they as well as Respondent No. 5, Smt. Dharmavati, had no knowledge of the impugned order. Therefore, the Revisionists filed Writ Petition No. 887 of 2026 (Naresh Kumar Yadav and Others vs. State of Uttar Pradesh and Others). During the hearing, when the original route of the transmission line was called for by the Hon'ble High Court, Lucknow from Opposite Party Nos. 3 and 4 (UPPTCL and Executive Engineer, Electricity Transmission Division, Mohanlalganj), the Revisionists came to know of the impugned order for the first time on 17.02.2026. It has been submitted that a copy of the impugned order dated 20.08.2023 was produced before the Hon'ble High Court by Opposite Party No. 3. Thereafter, information regarding the impugned order was conveyed to Respondent No. 5, Smt. Dharmavati. However, Respondent No. 5 was not granted sufficient opportunity to file objections despite the fact that part of the land still remains under her possession and she had been impleaded as Opposite Party No. 5.
12. The Revisionists submitted that they are the lawful owners and in possession of part of Khasra No. 456 measuring 0.253 hectares and that the impugned order violates their constitutional rights under Articles 14 and 300A of the Constitution of India.
13. The Revisionists submitted that Respondents No. 2 to 4 (UPPCL, UPPTCL and Executive Engineer, Electricity Transmission Division, Mohanlalganj) are acting arbitrarily and in violation of the applicable rules by attempting to pass the transmission line over the property of the Revisionists.
14. The Revisionists submitted that the impugned order dated 28.08.2023 is being challenged on the basis of a photocopy obtained during the court proceedings, as the certified copy of the order could not be obtained from the concerned office.

REPLY OF RESPONDENT NO. 1 - DISTRICT MAGISTRATE, LUCKNOW
DATED. 30.07.2026





15. The District Magistrate, Lucknow, submitted that upon conducting a site inspection through the In-charge Sub District Magistrate, Tehsil Mohanlalganj, it was observed that the under-construction house is located at a distance of approximately 20 meters from the proposed tower centre line and about 14 meters from the nearest proposed conductor, which is adequate for a 220 kV Double Circuit transmission line as per the prescribed minimum safety clearance requirements. It was further observed that the angle towers preceding and succeeding Tower Location No. AP 10/0 had already been completed in 2023, whereas construction of the house commenced only in 2025.
16. The District Magistrate, Lucknow, further submitted that the transmission line is being constructed in accordance with Section 164 of the Electricity Act, 2003 read with Sections 10 to 16 of the Indian Telegraph Act, 1885, after obtaining approval from the competent authority and complying with the standards and procedures prescribed by the Central Electricity Authority from time to time. Adequate safety measures have also been incorporated in accordance with the prescribed standards.
17. With regard to the project approvals, the District Magistrate, Lucknow, submitted that the transmission line is being constructed pursuant to the approval of the Government of Uttar Pradesh and the route survey approved by the competent authority.
18. The District Magistrate, Lucknow, further submitted that Respondent No. 5, Smt. Dharmavati, was aware of the transmission line project prior to commencement of construction and had filed Writ Petition No. (C) 1645 of 2023 before the Hon'ble High Court, Lucknow Bench. Pursuant to the directions of the Hon'ble High Court, the matter was examined and permission for carrying out the line construction work was granted vide Letter No. 1196/Line dated 28.08.2023.
19. Referring to the ownership history of the land, the District Magistrate, Lucknow, submitted that the subject land was previously owned by Respondent No. 5, Smt. Dharmavati, from whom Revisionist No. 1, Sh. Naresh Kumar Yadav, and Revisionist No. 2, Sh. Pankaj Yadav, subsequently purchased the land. It was reiterated that Smt. Dharmavati had challenged the transmission line before the Hon'ble High Court and, pursuant to the directions issued therein, permission for execution of the work was granted vide Letter No. 1196/Line dated 28.08.2023.





20. On the issue of compensation, the District Magistrate, Lucknow, submitted that the present Revisionists had no ownership or interest in the land when the route alignment was finalized and approved. Therefore, the question of payment of compensation to them did not arise at that stage. It was further submitted that no tower construction work has yet been permitted by the landowners at the site and, consequently, any claim for compensation on account of alleged loss or damage is premature.
21. The District Magistrate, Lucknow, further submitted that pursuant to the directions of the Hon'ble High Court in Writ Petition No. (C) 1645 of 2023, Order No. 1196/Line dated 28.08.2023 was issued and a copy thereof was dispatched through registered post on 30.08.2023 vide Consignment No. EU077754360IN to Respondent No. 5, Smt. Dharmavati.
22. In view of the above, the District Magistrate, Lucknow, prayed that the allegations raised by the Revisionists are baseless and incorrect and that the present Revision Petition deserves to be dismissed.

REPLY OF RESPONDENT NO.3 – UPPTCL, DATED. 06.06.2026

23. UPPTCL submitted that the present case pertains to Location No. AP 10/0 of the under-construction 220 kV Barabanki-Satrikh Road Transmission Line (LILO at 400 kV Mohanlalganj Substation). It was further submitted that the current progress of the transmission line is as follows:
- a) Tower Foundation: 78/84
 - b) Tower Erection: 75/84
 - c) Transmission Line Conductor Stringing: 17.882/24.949 km.
24. According to UPPTCL, the under-construction house of the Revisionists is situated at a distance of more than 10 meters from the proposed tower location, which is adequate as per the applicable safety norms for a 220 kV transmission line. UPPTCL further submitted that all adjacent angle towers had already been completed in 2023, whereas construction of the house commenced only in 2025.
25. UPPTCL further submitted that the transmission line is being constructed in accordance with the provisions of the Electricity Act, 2003, the Indian Telegraph Act, 1885 and the regulations issued by the Central Electricity Authority, while ensuring all requisite safety measures.





26. With regard to the allegation of route deviation, UPPTCL submitted that the line is being constructed after approval of the competent authority pursuant to government sanction and approved survey. It was contended that the allegations regarding change of route for personal gain are false and baseless. UPPTCL also stated that another 220 kV transmission line is being constructed separately and that the Revisionists are creating confusion by treating both lines as one in order to obstruct the project work.
27. UPPTCL further submitted that Respondent No. 5, Smt. Dharmavati, the previous owner of the land, was fully aware of the project and had filed Writ Petition No. 1645 of 2023 before the Hon'ble High Court, Lucknow Bench. Pursuant to the directions of the Hon'ble High Court, the District Magistrate, Lucknow granted permission for execution of the work vide Order No. 1196 dated 28.08.2023. It was further contended that no unauthorized deviation from the approved route has been made.
28. Referring to the ownership of the subject land, UPPTCL submitted that the land was subsequently purchased by Revisionist No. 1, Sh. Naresh Kumar Yadav, and Revisionist No. 2, Sh. Pankaj Yadav, from Respondent No. 5, Smt. Dharmavati. UPPTCL further stated that the Revisionists had also filed Writ Petition No. C-887 of 2026, which was dismissed by the Hon'ble High Court on 17.02.2026. As regards the site visit, it was submitted that departmental officials visited the location on 04.04.2026 and not on 14.01.2026 as alleged by the Revisionists.
29. On the issue of consent and compensation, UPPTCL submitted that the Revisionists were not owners of the land when the route was finalized and approved and, therefore, their consent was not required. It was further submitted that compensation under Government Order dated 06.09.2018 becomes payable only upon occurrence of actual damage.
30. Lastly, UPPTCL submitted that the order dated 28.08.2023 passed by the District Magistrate, Lucknow had been dispatched to Respondent No. 5, Smt. Dharmavati, through registered post bearing Tracking No. EU077754360IN dated 30.08.2023. Accordingly, the plea regarding lack of knowledge of the said order was stated to be incorrect.

REJOINDER FILED ON REPLY OF DISTRICT MAGISTRATE, LUCKNOW
DATED. 13.08.2026





31. The Revisionists submitted that Opposite Party No. 1 has admitted the contents of paragraphs 1 and 2 of the Revision Petition and has acknowledged that the Revisionists are the owners and occupants in possession of the disputed land.
32. The Revisionists submitted that the land bearing Khasra No. 456 situated in Revenue Village Sarai Karora, Pargana and Tehsil Mohanlalganj, Lucknow has been purchased by various persons in the form of residential plots and residential activities are presently existing thereon. They further submitted that, although the District Magistrate, Lucknow has stated that the construction work was completed in the year 2023, no tower has been erected by the Electricity Department over the aforesaid Khasra number till date. The Revisionists contended that the District Magistrate was fully aware of the lands through which the proposed High-Tension line was to pass and, despite such knowledge, no restriction was imposed on sale and purchase of the said plots. They further submitted that the land was declared residential vide order dated 18.03.2026 passed under Section 80 of the Uttar Pradesh Revenue Code, 2006, and stamp duty and registration charges were collected in respect of residential plots. They argued that approval of the High-Tension line over Gata No. 456 despite such circumstances is not acceptable and may result in accidents in future. Accordingly, they prayed that the impugned order be set aside and reconsidered in revision.
33. The Revisionists further submitted that transmission lines are laid under Section 164 of the Electricity Act, 2003 read with Sections 10 to 16 of the Indian Telegraph Act, 1885, subject to approval of the competent authority and in accordance with the standards and procedures prescribed by the Central Electricity Authority, with due provisions for human safety. They, however, contended that the competent authority, namely the District Magistrate, Lucknow, even after the spot inspection conducted by the Sub-Divisional Magistrate and prior to granting approval, did not pass any order regarding the plots purchased over Gata No. 456 or compensation for safety and loss. The Revisionists further submitted that if approval had been granted for laying the High Tension line, the concerned authorities ought to have acquired the land in accordance with law. Instead, they alleged that the authorities are seeking to lay the line forcibly pursuant to the impugned order. They therefore prayed for reconsideration of the matter, fresh spot inspection, examination of records, and





passing of an appropriate order keeping in view Article 21 of the Constitution of India.

34. The Revisionists further submitted that Smt. Dharmavati is an illiterate person with no legal knowledge and had approached the Hon'ble High Court for protection against the laying of the High-Tension line over her land. They further submitted that no notification or public notice regarding the proposed High-Tension line was issued by the District Magistrate, Lucknow, pursuant to the directions of the Hon'ble High Court. Consequently, various persons purchased residential plots in the area and residential activities presently exist on the disputed land. The Revisionists therefore suggested that the High-Tension line may be diverted towards the eastern side and laid over the remaining land of Smt. Dharmavati which is still available.
35. The Revisionists further submitted that District Magistrate, Lucknow has admitted that no work relating to the construction of towers has been permitted till date. They submitted that various persons are presently recorded as tenure-holders in the revenue records, whose permission is necessary and who are entitled to compensation.
36. The Revisionists submitted that although Opposite Party No. 1 has disagreed with paragraph 11 of the Revision Petition, the State Government and the Government of India continue to modify their orders from time to time in view of changing circumstances. They therefore prayed that the District Magistrate, Lucknow be directed to conduct a fresh spot inspection and examination of records and thereafter submit a fresh report after reconsidering the matter.
37. The Revisionists alleged that the employees and officers of the Electricity Department are attempting to forcibly install the electric line and poles without acquisition of land.
38. The Revisionists further submitted that officials of the District Magistrate, Lucknow have informed them on several occasions that the relevant records/files are not available.
39. The Revisionists denied the contents of paragraph 16 of the reply and submitted that, if any of the Revisionists has challenged the order dated 28.08.2023 before any other court, the same should be placed on record by Opposite Party No. 1.

Additional Submissions





40. The Revisionists further submitted that, in the interest of justice, a report regarding the present status of the matter and relevant records be called for from the District Magistrate, Lucknow and, thereafter, the present Revision Petition be heard and decided.

HEARING DATED. 13.08.2026

41. Sh. Shailesh Yadav, Learned Counsel appearing on behalf of the Revisionists, submitted that although UPPTCL had finalized the proposal for construction of the transmission line in the year 2023, it has not clarified whether any notification or publication was made with respect to the lands over which the line was proposed to pass. He submitted that Respondent No. 5, Smt. Dharmavati, had earlier challenged the alignment before the Hon'ble High Court and, thereafter, the District Magistrate, Lucknow conducted an inspection of the site. He contended that the subject land is residential land and that the transmission line cannot be routed over such land. He further submitted that the proposed tower is being installed on the land of the Revisionists. It was also submitted that the plot presently has a boundary wall and the District Magistrate has acknowledged the land as residential in nature.

He further submitted that a portion of the adjoining land belonging to Smt. Dharmavati measuring about 40 feet remains vacant and requested that the transmission line be shifted through that portion. He also prayed that UPPTCL be directed to place on record the original proposal and alignment of the transmission line.

42. Sh. Suraj Kumar Yadav, Executive Engineer, UPPTCL, submitted that no change has been made in the approved route alignment of the transmission line. He stated that only one residential house has been constructed on the subject land and the remaining area has merely been plotted. He further submitted that the house is situated at a distance of more than 20 meters from the proposed tower centre line which is well within the prescribed safety norms for a 220 kV transmission line.

He further submitted that, as stated in the reply filed by UPPTCL, the adjacent preceding and succeeding towers have already been erected and substantial progress of the transmission line has been completed, including foundation, tower erection and conductor stringing work. Therefore, any change in the





approved alignment at this stage is neither technically feasible nor practicable. He reiterated that the transmission line is being constructed strictly in accordance with the approved route survey and applicable statutory provisions, and no unauthorized deviation has been undertaken. He also submitted that, in terms of the powers conferred under the Indian Telegraph Act, 1885 read with Section 164 of the Electricity Act, 2003, no acquisition of land is required for erection of transmission towers or laying of transmission lines.

Commission's View

43. The Revisionists have challenged the Order dated 28.08.2023 passed by the District Magistrate, Lucknow under Rule 3(2) of the Works of Licensees Rules, 2006, whereby permission was granted for execution of the transmission line work. The Revisionists have contended that the proposed 220 kV transmission line is being taken over their residential property, that the route alignment has been altered from the originally approved route, and that no consent or compensation has been provided to them. They have further sought quashing of the impugned order and requested that the transmission line be shifted through the adjoining vacant land.
44. Upon consideration of the pleadings, replies, rejoinder submissions and arguments advanced during the hearing, the Commission is required to examine whether the impugned Order dated 28.08.2023 suffers from any illegality, irregularity or infirmity warranting interference in revision. The Commission is also required to consider whether the allegations regarding route deviation, absence of consent, requirement of land acquisition, and routing of the transmission line over the Revisionists' land are sustainable in law.
45. In order to examine the aforesaid issues, it is necessary to first consider the findings recorded in the impugned Order dated 28.08.2023 passed by the District Magistrate, Lucknow. The relevant extracts of the said order are reproduced hereunder:

"उपरोक्त तथ्यों से स्पष्ट है कि उ०ग्र० पावर ट्रान्समिशन कारपोरेशन लि०, लखनऊ द्वारा विषयगत निर्माणाधीन 220 के०वी० बाराबंकी-सतरिख रोड पारिषण लाइन का 400/220/132 के०वी० उपकेन्द्र मोहनलालगंज, लखनऊ पर लीलो लाइन का निर्माण लखनऊ जनपद के मोहनलालगंज एवं आस-पास के क्षेत्रों में शासन के मंशानुसार निर्वाध एवं गुणवत्तापरक विद्युत आपूर्ति सुनिश्चित करने के दृष्टिगत किया जा रहा है। उक्त लाइन भारतीय विद्युत अधिनियम 2003 के धारा 68 (शिरोपरि लाइन) तथा धारा-164 संपठित भारतीय तार अधिनियम-1885 भाग-3 के अन्तर्गत बनायी जा रही है।





यह कि भारतीय विद्युत अधिनियम-2003 की धारा-164 के द्वारा विद्युत विभाग को पारेषण लाइनों की स्थापना के लिए टेलीग्राफ लाइनों की स्थापना हेतु भारतीय तार अधिनियम-1885 भाग-3 की धाराओं के अन्तर्गत टेलीग्राफ अधिकारियों को प्रदत्त अधिकारों का प्रयोग करने हेतु अधिकृत किया गया है। इसके द्वारा विद्युत विभाग पारेषण लाइनों के निर्माण, अनुरक्षण, बदलाव एवं निरस्तीकरण के लिए भारतीय तार अधिनियम-1885 भाग-3 के प्रावधानों का उपयोग करता है।

यह कि उपरोक्त वर्णित लाइन के निर्माण से सम्बन्धित मार्ग का संरेखण सम्भावित न्यूनतम लम्बाई का है जिस पर लाइन का निर्माण कार्य किया जाना अपरिहार्य है तथा जनहित में लखनऊ जनपद के मोहनलालगंज एवं किसान पथ के आस-पास के क्षेत्रों में त्वरित विकास के दृष्टिगत गुणवत्तापूर्ण एवं निर्बाध विद्युत आपूर्ति प्रदान करने के लिए लाइन का निर्माण किया जाना अति आवश्यक है। विषयगत टॉवर 10/0 के आगे-पीछे दोनों ओर के एन्गिल टॉवरों का निर्माण कार्य पूर्ण किया जा चुका है। जिस कारण तकनीकी एवं सुरक्षा के दृष्टिगत लाइन के अनुमोदित संरेखण में चिन्हित याची की भूमि पर टॉवर लगाये जाने, तार खींचे जाने के अतिरिक्त अन्य कोई विकल्प उपलब्ध नहीं है।

तथापि मा० उच्च न्यायालय द्वारा दिये गये निर्णय के अनुपालन तथा जनहित में कार्य के महत्व को ध्यान में रखते हुए याची श्रीमती धर्मावती के प्रत्यावेदन दिनांक 27.05.2023 को निरस्त करते हुए उ०प्र० पावर ट्रान्समिशन कारपोरेशन लि० को तहसील-मोहनलालगंज अन्तर्गत ग्राम-सराय करोरा में विषयगत लोकेशन संख्या 10/0 पर निर्माणाधीन 220 के०वी० बाराबंकी-सतरिख रोड पारेषण लाइन का 400/220/132 के०वी० उपकेन्द्र मोहनलालगंज, लखनऊ पर लीलो लाइन के फाउण्डेशन कार्य, टॉवर को खड़ा करने एवं कण्डक्टर के खींचने के कार्य को प्रारम्भ करने हेतु वर्क ऑफ लाइसेन्सी रूल्स 2006 में निहित प्रावधानों के तहत अनुमति प्रदान की जाती है। इस सम्बन्ध में कृषक श्रीमती धर्मावती को शासनादेश संख्या 2023 (1) / चौबीस पी-3-2018 दिनांक 06 सितम्बर 2018 के अनुपालन में टावर बेस के नीचे की भूमि का सर्किल दर से 85 प्रतिशत एवं फसल की क्षतिपूर्ति नियमानुसार देय होगी। तदनुसार मा० उच्च न्यायालय के निर्णय दिनांक 29.03.2023 के अनुपालन में प्रकरण को एतद्वारा निस्तारित किया जाता है। "

46. The Commission notes from the records as well as the Order dated 28.08.2023 passed by the District Magistrate, Lucknow that the subject transmission line is being constructed under the provisions of Section 164 of the Electricity Act, 2003 read with Sections 10 to 16 of the Indian Telegraph Act, 1885 pursuant to the route survey duly approved by the competent authority. The District Magistrate recorded that the approved alignment represented minimum feasible route for execution of the project and that the angle towers preceding and succeeding the disputed tower location had already been erected and substantial progress of the transmission line had been achieved. In view of the approved route alignment, the stage of completion of the project, the technical and safety considerations involved and the impracticability of altering the alignment after construction of the adjoining towers, the District Magistrate concluded that shifting or changing the route at that stage was neither technically feasible nor practicable. Accordingly, permission was granted for execution of the transmission line work under the applicable statutory framework.





47. In light of the submissions made by the Revisionists 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 the allegation of the Revisionists that the approved route alignment of the transmission line has been altered or deviated from the originally approved route is substantiated by the material available on record.
- b) Whether the erection of the proposed transmission tower and passing of the transmission line over the subject land is in conformity with the applicable safety standards and minimum clearance requirements prescribed for a 220 kV transmission line.
- c) Whether the consent of the Revisionists was required for carrying out the transmission line works and whether the absence of such consent renders the impugned order unsustainable.
- d) Whether the contention of the Revisionists regarding compulsory acquisition of land and shifting of the transmission line to an alternative route is sustainable under the applicable statutory framework governing transmission line construction.

48. The above issues are discussed and dealt with in the succeeding paragraphs, issue-wise.

Issue - (a)

49. The Commission notes that the Revisionists have not produced any documentary evidence on record to substantiate their allegation that the approved route alignment of the transmission line has been altered or deviated. The Revisionist No. 2 had purchased the subject land measuring 0.253 hectares out of Khasra No. 456 from Respondent No. 5, Smt. Dharmavati, through registered sale deeds executed at different points of time and, thereafter, sold a part of the said land measuring 1000 sq. ft. to Revisionist No. 1 through a registered sale deed dated 07.03.2025. The Commission also notes from the replies filed by UPPTCL and the District Magistrate, Lucknow that the angle towers preceding and succeeding Tower Location No. AP 10/0 had already been constructed in the year 2023 and the route alignment of the transmission line had been finalized and approved much prior to the purchase of the land by the Revisionists. It has further been





brought on record that the residential construction was undertaken by Revisionist No. 1 only in the year 2025.

In these circumstances, the Commission finds that the approved route alignment and the transmission project were already in existence when the Revisionists acquired the subject land and undertook construction thereon. While the Revisionists have stated that they came to know of the impugned order only subsequently, the material on record does not establish that the approved route alignment itself was altered after grant of approval. The Commission further notes that the impugned Order itself records that the approved alignment represents the minimum feasible route for execution of the project. The Commission therefore finds no merit in the contention that the transmission line has been diverted from its approved alignment.

Issue - (b)

50. The Commission further notes that the District Magistrate, Lucknow, upon considering the site inspection report, recorded that the proposed tower location and conductor alignment maintain the prescribed safety clearances applicable to a 220 kV transmission line. The Commission also notes that the angle towers on either side of the disputed location had already been erected and substantial progress of the transmission line project had been achieved. In such circumstances, the conclusion of the District Magistrate that any alteration in the approved alignment would not be technically feasible or practicable cannot be faulted.

Issue - (c)

51. 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 Revisionists was legally required





for carrying out the transmission works in the present case. The District Magistrate has provided for the compensation in the impugned Order.

Issue - (d)

52. The Commission also finds no substance in the contention that acquisition of land was mandatory prior to construction of the transmission line. The powers exercised by UPPTCL flow from Section 164 of the Electricity Act, 2003 read with the provisions of the Indian Telegraph Act, 1885, which do not contemplate acquisition of land for erection of transmission towers or laying of transmission lines. The statutory right conferred on Transmission Licensee (UPPTCL) is only a right of user, subject to payment of compensation for damage, wherever admissible in accordance with law. Accordingly, the plea that the transmission line cannot be laid without acquisition of the land is misconceived and unsustainable. On the basis of submissions of parties, this conclusion of District Magistrate cannot be disputed that the alteration in the approved alignment is also not technically feasible.
53. In view of the above findings, the Commission is of the considered opinion that the impugned Order dated 28.08.2023 passed by the District Magistrate, Lucknow does not suffer from any illegality. The contentions raised by the Revisionists are devoid of merit and are rejected accordingly.
54. The Revision is dismissed.

(Griesh Kumar Vaish)
Member (Law)

(Sanjay Kumar Singh)
Member

(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 25.08.2026



