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**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**

**LUCKNOW**

**Petition No. 2059 of 2024**

**QUORUM**

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

**IN THE MATTER OF**

Revision under Rule 3(3) of the Works of Licensees Rules 2006 read with Section 67(4) of the Electricity Act, 2003.

**AND**

**IN THE MATTER OF**

1. Lt. Col. (Retd.) Jag Narain Dubey
2. Subedar (Retd.) Prem Narain Dubey
3. Kamal Narain Dubey
4. Naib Subedar Virendra Kumar Dubey

All sons of Late Sri Niwas Dubey, All residents of Village- Mohammadpur, Tehsil - Milkipur, P.S.- Khandasa, District- Ayodhya.

**..... Revisionists**

**VERSUS**

1. District Magistrate, Ayodhya
2. Managing Director, U.P. Power Transmission Corporation Ltd., 7<sup>th</sup> Floor, Shakti Bhawan, 14 Ashok Marg, Lucknow
3. Executive Engineer, Electricity Transmission Division, UPPTCL, Ayodhya

**..... Respondents**

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### **THE FOLLOWING WERE PRESENT**

1. Sh. Ajai Vikram Singh, Advocate, Revisionist
2. Lt. Col. (Retd.) Jag Narain Dubey, Revisionist
3. Sh. Puneet Chandra, Advocate, UPPTCL
4. Sh. Amiya Kumar Singh, EE, UPPTCL
5. Sh. Rahul Kumar Ojha, SDO, UPPTCL

### **ORDER**

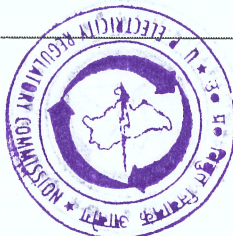
**(DATE OF HEARING: 10.06.2025)**

1. The present revision has been preferred against Order dated 09.05.2023 passed by DM Ayodhya, whereby the objections filed by the Revisionists before DM have been rejected without giving an opportunity of hearing in spite of repeated request/ reminders.
2. The Petitioner filed instant Revision Petition under Rule 3(3) of the Works of Licensees Rules 2006 read with Section 67(4) of the Electricity Act, 2003. The prayers of the Revisionists are as follows:
  - (a) Allow the revision.
  - (b) Quash the impugned Order dated 09.05.2023 passed by the DM Ayodhya.
  - (c) Call for the records of the tower schedule to examine it.
  - (d) Direct the opp. parties to shift the TSS line so as to cause minimum damage to the land of the Revisionists and also pay compensation as per the Supreme Court Order.
  - (e) Issue any other suitable order or directions which this Commission may deem fit just and proper under the circumstances of the case in favour of the Revisionists.

### **Petitioner's submission under Petition**

3. The electrification project of Indian Railways, namely the 132 kV Milkipur-Roazagaon TSS line (comprising a total of 124 towers), was being executed

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by UPPTCL. Tower No. AP 31/0 was alleged to have been constructed illegally and in violation of applicable rules on the land owned by the Revisionists.

4. The Revisionists filed Writ Petition No. Writ C-2795 of 2023 before the Hon'ble High Court, Lucknow Bench. Vide order dated 12.04.2023, the Hon'ble High Court observed that, unless consent was granted by the District Magistrate, Ayodhya, under the Works of Licensees Rules, 2006, the opposite parties were restrained from interfering with the land owned and possessed by the Revisionists.
5. Thereafter, the Revisionists submitted their objections before the District Magistrate, Ayodhya, on 15.04.2023. However, vide order dated 09.05.2023, the District Magistrate rejected the objections without fixing any date for hearing or affording the Revisionists an opportunity of being heard. It was further submitted that the DM failed to consider that the published tower schedule for the 132 kV line was not followed by UPPTCL. As per the tower schedule at Serial No. 58, location AP 31 was designated to be situated in Village Harmau, approximately one kilometre north of the Revisionists land. Without providing any justification, the location was altered, and the tower was placed on the Revisionists land, rendering it agriculturally unviable.
6. The Revisionists contended that they never opposed the laying of the transmission line by UPPTCL. They had only requested that the line be routed along one side of their land to minimise agricultural damage. Section 10(d) of the Indian Telegraph Act, 1885, requires that the least amount of damage be caused during such work. This principle was also affirmed by the Hon'ble Supreme Court in Civil Appeal No. 10951 of 2016 (The Power Grid Corporation of India Ltd. vs. Century Textiles & Industries Ltd. & Ors.), which held:

*"It is also explained that electricity transmission is usually laid or crossed over agricultural land where minimum extent of land gets utilised for erecting towers and where agricultural activities are not prejudiced / obstructed in any manner. The purpose is to avoid buildings, religious places, ponds, etc., while laying down these transmission lines."*







In the present case, both the statutory provisions under Section 10(d) of the Telegraph Act and the above Supreme Court judgment were not followed.

7. Against the order of the District Magistrate, Ayodhya, the Revisionists filed Writ Petition No. Writ C-3930 of 2023 before the Hon'ble High Court, Lucknow Bench. Vide order dated 28.10.2023, the Hon'ble High Court directed the Petitioners to approach the appropriate authority. Accordingly, the present Petition was filed before this Commission.

**Hearing dated 14.05.2024**

8. The Commission heard the matter on 14.05.2024 and vide its Order dated 21.05.2024 decided to take Suo-moto cognizance of the matter while arraying following parties under array of Respondents, which were considered necessary for addressing the issue: -
  - (i) District Magistrate, Ayodhya as opposite party No.01.
  - (ii) Managing Director, U.P. Power Transmission Corporation Ltd. as opposite party No.02.
  - (iii) Executive Engineer, Electricity Transmission Division, UPPTCL, Ayodhya as opposite party No.03.

**Reply of DM Ayodhya, MD-UPPTCL and EE-ETD Ayodhya**

9. The District Magistrate, Ayodhya, the Managing Director, UPPTCL, and the Executive Engineer, Electricity Transmission Division (ETD), Ayodhya filed identical replies before the Commission on 03.07.2024 and their submission is listed as below:
10. Upon examining the approved tower schedule and GPS coordinates, it is evident that Tower No. AP 31 was installed at the correct proposed location.
11. Further, as per the Order dated 16.06.2015 passed by UPERC in Petition No. 972/2014, the Works of Licensee Rules are applicable only to works undertaken under the aegis of Section 67 of the Electricity Act, 2003, and not to those carried out under Section 68 of the Act.
12. The survey for construction of the tower had commenced in March 2022. At that time, no structure existed on the land. Subsequently, the Revisionists

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constructed a chabutara which was not present during the original survey. Though the feasibility of shifting the tower was examined, it was found that the same was technically unviable and unsafe to do so.

13. The transmission line was laid in compliance with the applicable rules and safety standards, and that there was no safety hazard as the line was erected at a safe height.
14. The Revisionists were provided with the form related to fulfilling compensation for land and crop damage on 05.04.2023, sent via registered post. The Process of compensation is pending as the revisionists have not submitted their bank accounts and other relevant documents as per records.

**Rejoinder Affidavit dated 24.07.2024 filed by Revisionists**

15. The Revisionists filed their Rejoinder Affidavit on 24.07.2024 before the Commission and their relevant submission is reproduced as below:
16. An application on 18.04.2023 was filed before the District Magistrate, Ayodhya, requesting the fixation of a hearing date and to allow physical presence and oral submissions. However, intimation regarding the date of hearing was ever communicated.
17. Further, as the next date of hearing in Criminal Petition No. 3533 of 2023 before the Hon'ble High Court was fixed on 11.05.2023, the District Magistrate hurriedly passed an order on 09.05.2023 without granting any opportunity of personal hearing on the representation dated 15.04.2023 filed by Revisionists. This is further corroborated by the fact that on 08.05.2023, the Office of the Advocate General, High Court, Lucknow, sought a status report from the DM, Ayodhya, on the representation filed by the Revisionists. Subsequently, on 09.05.2023, the DM marked the file to the SDM, Milkipur for necessary action. On 10.05.2023, the SDM contacted the Revisionists to enquire about the said representation as he was required to submit a status report. The Revisionists informed that the representation had been submitted in the office of the DM, Ayodhya. This sequence clearly establishes that no opportunity of hearing was granted to the Revisionists.

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18. The Revisionists contended that Section 10(d) of the Indian Telegraph Act, 1885 mandates causing as little damage as possible during execution of works. However, in the present case, the tower had been erected in such a manner that it split the agricultural land into four unusable sections, rendering it ineffective and unsafe for agricultural and other purposes.
19. The Director (Operation), UPPTCL, had directed the Executive Engineer to conduct a site survey. Upon visiting the site, the Executive Engineer submitted his report to the Director and assured that the tower would be installed in such a way that the high-tension line would pass through the corner of the field of Revisionists. However, the SDO, ETD-1, Darshan Nagar, Ayodhya, forwarded an incorrect report to the Director (Operation), falsely stating that the land did not belong to the Revisionists. Relying on this report, and without verifying land ownership records, the tower was wrongfully installed on the land of Revisionists. Consequently, the Revisionists approached the Hon'ble High Court by filing Writ Petition No. 2795/2023.
20. Tower No. AP-31 was neither installed as per the published tower schedule nor as per the approved GPS coordinates. As per the tower schedule at Serial No. 58, Tower AP-31 was supposed to be located in Village Harmau, which is significantly distant from the land of Revisionists. Nevertheless, the tower was wrongly erected on the said land. Instead of selecting the shortest route, the authorities chose a longer alignment (Milkipur-Kumar Ganj-Rozagaon), suggesting the influence of vested interests. This deviation also resulted in loss of public revenue.
21. Accordingly, the Revisionists prayed that the Commission constitute a technical committee to examine whether the line was laid in accordance with the approved tower schedule and to investigate the rationale behind choosing a longer route despite the availability of three nearby power sources. It was also submitted that the work was sublet to petty contractors, which necessitates a thorough inquiry for bringing the truth to light before the Commission.







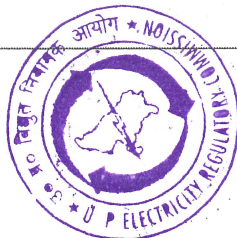
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**UPPTCL Supplementary Affidavit dated 21.08.2024**

22. During hearing on 06.08.2024, UPPTCL requested the Commission for permission to file a supplementary affidavit in order to bring on record the material facts of the case. Accordingly, as per the Commission's Order dated 16.08.2024, UPPTCL submitted its supplementary affidavit on 21.08.2024 before the Commission and same is reproduced as below: -
23. UPPTCL submitted that at the time of commencement of the transmission work, there was no construction on the land in question. Upon becoming aware of the ongoing work by UPPTCL, the Revisionists allegedly constructed a *chabutara* overnight to create obstruction. The SDO, UPPTCL had sent a compensation form to the Petitioner via registered post on 06.04.2023; however, the Petitioner did not furnish the necessary information such as bank details and other relevant particulars required for processing the compensation.
24. Further, the construction of the transmission line would not cause any hindrance to agricultural activities. The height of the lowest conductor of the line was 15 meters above ground level, whereas the typical height of agricultural crops does not exceed 6 meters. As per electrical safety standards, a clearance of 6.1 meters is considered safe for a 132 kV transmission line. Therefore, there was no risk or restriction in carrying out agricultural work under the line.
25. During the construction of a temple near the tower site, a pillar of the tower was damaged. Consequently, an application was submitted by the SDO to the concerned police station in District Ayodhya on 23.04.2023 for lodging an FIR. Based on the departmental application, the District Magistrate, Ayodhya, passed an order on 09.05.2023 permitting the construction of the tower. Thereafter, the damaged pillar, land line, and associated components were reconstructed, and the transmission line was energised.
26. Further, the claim regarding any discrepancy in the installation location of Tower No. AP 31/0 was incorrect. The GPS coordinates of the installed tower

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matched the approved coordinates as per the tower schedule. There was no deviation or change in the location.

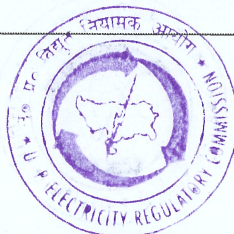
**Supplementary Rejoinder by Revisionists dated 17.09.2024**

27. The Revisionists have submitted supplementary rejoinder on 17.09.2024 which is reproduced as below: -
28. The Tower No. AP 31/0 had neither been placed in accordance with the published tower schedule nor with the approved GPS coordinates. The entire 132 kV Milkipur–Roazagaon TSS line project reflected irregularities involving the authorities in collusion with local contractors and land mafias. For supplying power to Roazagaon Railway Station, the longest route was chosen, despite the existence of three nearby power stations—Ram Sanehi Ghat, Sohawal, and Roudauli—from which power could have been drawn with ease. The choice of the longer route (Milkipur–Kumar Ganj–Roazagaon) pointed to the involvement of vested interests.
29. Further, a temple had existed on a *chabutara* at the site for several years. As a family religious event was scheduled to be held in June 2023, the existing *chabutara* was being elevated. Additionally, a tube well also exists on the same land. It was noted that major repairs to the *chabutara* had been regularly undertaken every one to two years.

**Affidavit submitted by UPPTCL on dated. 26.09.2024**

30. UPPTCL had submitted an additional affidavit on dated. 26.09.2024 which is reproduced as below: -
31. Before commencing the foundation work for Tower No. AP 31/2, the foundation and erection work for all suspension-type towers between Serial Numbers 56 to 61 had been completed.
32. The basis for the tower schedule was GPS coordinates, and the village names had been added to the schedule after consulting with residents during the survey.
33. The foundation work at two locations was put on hold because the proposed right-of-way for the expansion of NH-27 from 4 lanes to 6 lanes was still being

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surveyed. This was done to ensure the safe falling distance of the towers; therefore, the remaining foundation work was not carried out. And Transmission line was energised on 01.08.2023.

**Reply filed by Revisionists dated 30.09.2024**

34. The Revisionists had filed a reply on 30.09.2024 which is reproduced as below: -
35. No official record of the village was presented, and the statement made by UPPTCL in this regard was false.
36. Further, the village of Harmau is located approximately one kilometre north of Tower No. AP 31 and is officially recorded in the revenue records under No. 476 (post-consolidation), with the old number being 863, as evidenced by the revenue map and a certificate issued by the village head. The foundation for Tower No. AP 31/0 was originally planned at this location, as per the project's tower schedule and as confirmed by UPPTCL officials. However, the actual GPS coordinates of the installed tower do not correspond with the approved site. It was further alleged that the tower's location was altered and the alignment of the transmission line was shifted due to the influence of local land mafias, potentially resulting in undue advantage to the executing agency.
37. Accordingly, the Revisionists appealed to the Commission to appoint an independent technical team to conduct an on-site verification of these claims and to ensure the integrity of the project's execution. This request was also reiterated during the case hearing held on 26.09.2024.

**Reply filed by DM Ayodhya dated 18.03.2025**

38. यह कि विषयगत लोकेशन टावर ए०पी० 31/0 के जी०पी०एस० कोआर्डिनेट के सम्बन्ध में समस्त जिम्मेदारी उ०प्र० पावर ट्रांसमिशन कारपोरेशन लि० की है। इस सम्बन्ध में यह कहना कि पत्र में वर्णित विवाद की स्थिति में यदि आयोग उचित समझे तो उक्त टावर के जी०पी०एस० कोआर्डिनेट का किसी तृतीय पक्ष से पुनरीक्षण करा सकता है जिससे किसी भी सम्भावित विवाद की स्थिति का पटाक्षेप हो सकता है।





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**Hearing dated 10.06.2025**

39. Shri Ajai Vikram Singh, on behalf of the Revisionists, submitted that he had objections to the inquiry report submitted by the inquiry team constituted by the Commission.
40. Further, Lt. Col. (Retd.) Jag Narain Dubey, Revisionist, submitted that during the site survey conducted by the inquiry team, a private firm named R S Infra Private Limited carried out the survey using an old total station equipment. He also stated that on the day of the survey, the wind flow was normal and the weather was cloudy, so any span could have been measured, the paddy fields were vacant, and the temple access route was approachable.
41. Further, he submitted that, as per the report, a difference of 2 degrees was found in the angle of deviation between the survey's recorded value and the readings provided by UPPTCL. He argued that this difference amounts to 10.56 meters (i.e., 34 feet) and questioned that if this difference is considered negligible, then what would be considered significant. He pointed out that the inquiry team did not mention the 34 feet deviation but only recorded the 2-degree difference and termed it negligible.
42. The Revisionists also submitted that UPPTCL had submitted an affidavit dated 26.09.2024 referring to tower no. AP30/2. However, during the site visit conducted by the inquiry team on 07.05.2025, no such tower was found at the location. The Revisionists claimed that UPPTCL had filed a false affidavit before the Commission. In response, UPPTCL submitted that a revised affidavit correcting the location of AP30/2 had already been filed on 20.12.2024.

**Written submission submitted by Revisionists on dated 25.06.2025**

43. The Revisionists had filed an additional written submissions praying that the same may be considered at the time of passing the final order. At the time of final hearing the Commission had observed that since the tower AP 31/0 had already been installed on the land of the Revisionists therefore now nothing can be done. In this regard, Revisionists had filed a writ petition (writ C 2795 of 2023) in the Hon'ble High Court Lucknow challenging the illegal installation

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of tower AP 31/0 upon his land. The Hon'ble High Court, vide order dated 12.04.2023, had observed that unless the consent was granted by the District Magistrate Ayodhya under the Works and License Rules 2006 the opposite parties should not interfere with the land owned and possessed by the petitioner.

44. Thereafter the Revisionists filed their objections before the District Magistrate Ayodhya on 15.04.2023, which was decided by the District Magistrate on 09.05.2023, without giving an opportunity of hearing to the Revisionists which was against the established principles of fair hearing & natural justice. In spite of the interim order dated 12.04.2023 passed by Hon'ble High Court, the opposite parties illegally installed tower no. AP 31/0 on the land of the Revisionists. When the Revisionists objected, an FIR was lodged against the Revisionists and charge sheet was filed.
45. Further, the Revisionists challenged this charge sheet in the Hon'ble High Court, Lucknow Bench by filing application U/s 482 (no. 4853 of 2025). After hearing the matter the Hon'ble High Court, vide order dated 11.06.2025, observed that the Division Bench had passed an order on 12.04.2023 directing that unless consent was granted by the District Magistrate, the opposite parties should not interfere with the land, but prior to passing of the order by the District Magistrate on 09.05.2023, the opposite parties had lodged the impugned FIR on 29.04.2023 against the applicants. The Hon'ble High Court stayed further proceedings in case no.-564 of 2024 (State Vs. Jag Narayan Dubey & another).
46. Thus, it was clear that the opposite parties were in such a hurry to install the tower on the land of the Revisionists that they not only installed the tower at a place 33 feet away from the place as per the tower schedule, but they also disobeyed the interim order passed by the Hon'ble High Court. It was prayed that tower no. AP 31/0 wrongly erected be shifted and enhanced compensation be paid to the Revisionists as per guidelines issued by the Hon'ble Supreme Court and Government of India and Section 10(d) of Indian Telegraph Act 1885. All the four Revisionists are ex-servicemen, and their

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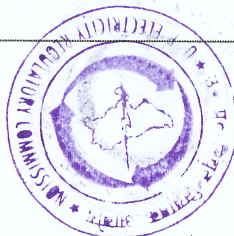


rehabilitation had been badly affected since no construction activity can now be undertaken below the transmission line.

### **Commission's View**

47. The Commission heard the matter at considerable length and has carefully gone through their written submissions/arguments and also taken note of the relevant material available on record during the proceedings.
48. In earlier hearings, the Revisionists had argued that there was a deviation in the coordinates of tower installed from the tower schedule and requested the Commission to appoint a technical committee to examine whether the project had followed the correct line layout as per tower schedule. The Commission, after examination of the case and in order to verify the claims regarding the alleged deviation of tower AP31/0 from its approved location, vide its order dated 27.03.2025, constituted an inquiry team comprising members from UPERC and UPPTCL. The team was directed to conduct a fact-finding exercise within an approved set of Terms of Reference (ToR). The ToR included verifying the GPS coordinates and angles of deviation for tower AP31/0 as well as the adjoining towers AP30/0, AP30/1, AP31/1, AP31/2, and AP32/0, comparing them with the approved tower schedule submitted by UPPTCL.
49. Further, a notice for the site visit was issued on 22.04.2025, clearly informing all parties, and the site visit was carried out on 07.05.2025 in the presence of the Revisionists and their representative surveyor. The GPS coordinates, angles of turn, and individual spans were jointly recorded using GPS equipment and all parties signed the site records. The report on the site visit conducted by the inquiry team is attached herewith as Annexure-1 to this Order.
50. It is noted that there was a minor difference of approximately 02 degrees in the angle of deviation between the recorded value at site and the reading as submitted by UPPTCL at location AP31/0. As per the inquiry report, the reason for difference may be due to the presence of a small Hanuman temple within the base of tower location no AP 31/0, due to which diagonal location was not approachable and so the exact span measurement from AP 30/1 to AP 31/0

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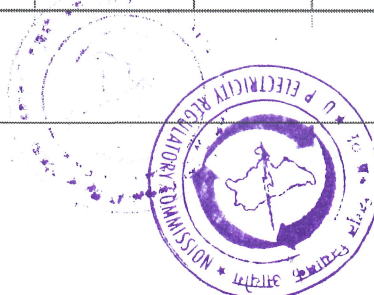


and angle of deviation from tower location no 31/0 was not possible. The tower location no AP 30/0, 30/1, 31/1, 31/2 and 32/0 were casted and completed as per approved profile and tower schedule of the transmission line.

51. Therefore, the Commission observes that any modification/ shifting in the location of AP 31/0, lying in the field of Lt Col Jag Narain Dubey-Revisionists, may lead to angle of deviation on the suspension tower location no AP 31/1 or AP 30/1 leading to uneven distribution of loadings on the crossarms of the towers.
52. Furthermore, the Commission notes that the GPS coordinates recorded during the site inspection for locations AP30/0, AP30/1, AP31/0, AP31/1, AP31/2, and AP32/0 closely match the approved coordinates submitted by UPPTCL, with only marginal deviations within decimal seconds, which are acceptable in transmission line construction and do not indicate any material violation of the approved tower schedule. The details of GPS coordinates and angle of deviation are as below:-

Sl.No	Location No.	Observation made at site			Span	As per UPPTCL			Span	Remarks
		GPS Coordinate		Angle of Deviation		GPS Coordinate		Angle of Deviation		
		Northing	Easting			Northing	Easting			
1	AP-30/0	26°39' 28.52" N	81°45' 23.44" E	25°02' 35" RT	282.81m	26°39' 28.68" N	81°45' 23.44" E	25°11' 24" RT	282m	Disputed
2	AP-30/1	26°39' 36.03" N	81°45' 17.41" E	----		258.49m				
3	AP-31/0	26°39' 42.19" N	81°45' 12.03" E	29°16' 32" RT	333.57m	26°39' 43.07" N	81°45' 11.99" E	31°34' 15" RT	320m	
4	AP-31/1	26°39' 53.74" N	81°45' 10.70" E	----		317.22m				
5	AP-31/2	26°40' 3.92" N	81°45' 9.48" E	----	323.17m				322m	
6	AP-32/0	26°40' 14.37" N	81°45' 8.14" E			26°40' 14.08" N	81°45' 8.35" E	19°36' 21" LT		

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53. Therefore, the Commission finds no sufficient basis to direct any realignment or relocation of tower AP31/0 at this stage when the entire transmission line is already constructed and energised. The Commission also notes that the Revisionists concerns regarding alternative routes and minimum damage to agricultural land should ideally have been raised and settled during the finalisation of the tower schedule.
54. Nevertheless, the Revisionists are entitled to seek compensation for the use of their land under the relevant laws and guidelines. For this purpose, they were earlier provided with the necessary form for compensation related to land and crop damage which was sent via registered post on 05.04.2023. However, the Revisionists did not submit their bank account details and other relevant documents. Hence, in case the Revisionists wish to claim compensation for land and crop damage as per the compensation rules of the Government of Uttar Pradesh then they may approach the District Magistrate, Ayodhya, for determination of the appropriate compensation along with other relevant documents as required. The District Magistrate shall ensure that such an application is disposed of within thirty days of its receipt.
55. The Petition is disposed of accordingly.

**(Sanjay Kumar Singh)**

**Member**



**(Arvind Kumar)**

**Chairman**

Place: Lucknow

Dated: 04 .08.2025