

ABSTRACT

Thottiyar HE Project (40 MW) - Land Acquisition - Land Value / Exgratia fixed by the Purchase Committee - Sanctioned - Orders issued.

Corporate Office (SBU-G/C)

BO (FTD)No.270/2023(No.DGC/AEEIII/Thottiyar/2014)

Thiruvananthapuram,Dated: 22.05.2023

- Read: 1. B.O. (FTD) No. 619/2015 (DGC/AEE III/THYR/GNL/2014) dated 16.03.2015.
2. Agreement No. 01/CECC/2018-19 dated 05.04.2018.
3. Minutes of the DLPC meeting dated 07.02.2023.
4. Note No. CE CCS/THEP/LA/2014 dated 30.08.2022 & 03.04.2023 of the Chief Engineer (Civil - Construction) South.
5. Note No.DGC/AEE-III/THYR/2014, dated 04.05.2023 of the Director (Gen-Civil) to the Full Time Directors (Agenda item No.30/05/2023).

ORDER

The execution of balance Civil & Hydro Mechanical works of the Thottiyar HE Project (40 MW) was awarded to M/s. PRIL-SSIPL Consortium at their quoted amount of ₹97.76 Crore on 04.01.2018 and the agreement read as 2nd above was executed on 05.04.2018. The extended time of completion of the work is 30.06.2023. Now the works are progressing steadily and about 90% of the works have been completed.

The total land required for the project was 23.0595 ha including 4.813 ha. forest land, 4.80 ha. patta land, 6.1045 ha non-patta land and 7.342 ha river bed land. KSEBL had earlier procured 4.5919 ha of patta land from 36 land holders and 5.6678 ha. of non-patta land from 95 land holders as per decisions of the District Level Purchase Committee (DLPC) headed by the District Collector, Idukki and as approved by the Government. The required forest land has also been acquired by KSEBL and thus 97% of the total land required for the project has so far been acquired.

The Chief Engineer (Civil-Construction) South, as per note read as 4th above, reported that the balance land to be acquired is about 0.6448 ha in the reservoir area at Valara and it is possessed by 6 land holders. Since negotiation with these land holders had failed, the DLPC in its meeting held on 12.09.2011 had decided to take over the balance land under LARR Act 2013, utilizing the services of the Special Tahasildar (LA), Thodupuzha. Though KSEBL had initiated timely action for acquisition of balance land through LARR Act 2013, it was delayed due to many reasons such as report of the Special Tahsildar on the genuineness of the status of patta land, lack of consensus on compensation etc. Though the DLFC (District Level Fair Compensation & Resettlement Committee) meeting convened by the District Collector on 16.09.2021 was attended by all the land owners,they demanded ₹3.50 Lakh per Cent against the offer by KSEB Ltd. @ ₹85,000/- per Cent and the meeting ended without a consensus on the price of land. However, further negotiations were held and during the DLPC meeting on 07.02.2023, two of the remaining land holders accepted the land value and ex-gratia as fixed by the DLPC.

As per this consent, 12.92 Cents of patta land (0.0523 ha) has to be acquired by paying a land value of @ ₹1,25,000/- per Cent and 13.56 Cents of non-patta land by paying an ex-gratia payment of ₹17,43,050/- (3.95 cents of non-patta land @ ₹1,25,000/- per Cent and 9.61 Cents of non-patta land @ ₹1,30,000/- per Cent). The total financial commitment on both acquisition is ₹33,58,050/-.

The Chief Engineer (Civil-Construction) South, further reported that the remaining land to be acquired for the project includes the land owned by Sri. Eliyas Varkey, Kunnarath, Valara, from whom an area of 33.63 Cents of non-patta land had been acquired in 2010 by making ex-gratia payment. There was a balance land of 0.1017 ha (25.13 Cents) of Patta land to be acquired from him as per the original sketch and as per the B.O. (FM) No. 805/2010 (TC3(C095/2000) Tvpm dated 26.03.2010 sanction was accorded to procure this land @ ₹10,30,330/-. During the course of time, the land owner earth filled 0.0321 ha (7.93 Cents) of this land; and on request, the KSEBL as per the BO read as 1st above KSEBL had excluded this land from further acquisition. The Revenue Department further surveyed the balance land and as per the revised sketch, the balance land (Patta land) to be acquired from Sri. Eliyas Varkey is 19.767 Cents (11.218 Cents in Survey No. 50/31 and 8.549 Cents in Survey No. 62/3). As such, it was required to proceed with the acquisition of 19.767 Cents of land from Mr. Eliyas Varkey / Legal heirs. Meanwhile, it was noticed that, Sri. Eliyas Varkey had illegally earth filled 2.25 Cents of land near his house, which was part of the 33.63 Cents of non-Patta land acquired earlier by the KSEBL from him by making exgratia payment of ₹6,89,420/- as per the decision of the Purchase Committee held on 20.01.2010 and subsequent B.O. (FM) No. 805/2010 (TC3 (C)95/2000) Tvpm dated 26.03.2010 and GO (Rt) No. 138/2010/PED TVM dated 11.06.2010. As KSEBL registered a complaint to the District Collector, Idukki to direct Sri. Elias Varkey to reclaim the land to its original condition as per provisions of the Land Conservancy Act, 1957, at his cost, he made a submission that he is willing to remit the price of the said land to KSEBL at its current rate and suggested that this price amount could be adjusted in the amount payable by the KSEBL towards the acquisition of balance 19.767 Cents of Patta land from him. The Chief Engineer (Civil-Construction) South suggested that the request for return of 2.25 Cents of earth filled land to the party at price at the prevailing rate may be preferred in due consideration of the cost and resources needed for reclamation, but subject to ensuring that the party shall be responsible for the conservation of the land and that the KSEBL shall not in any way be responsible for any damage to the land and/properties which may cause due to the storage of water in the Dam.

The matter was placed before the Full Time Directors as per the B.O. read as 5th above.

Having considered the matter in detail, the Full Time Directors in the meeting held on 11.05.2023, Resolved to accord sanction for acquiring 0.0523 Ha. (12.92 cents) of patta land from one land holder, (Sri.Francis Joseph, Plankadathil House, Valara) by effecting compensation for land and value of improvement in it, at a total financial commitment of ₹16,15,000/- (Rupees Sixteen lakh Fifteen thousand only) excluding documentation charges, as per the split-up details given in Annexure.

Further resolved to accord sanction for acquiring 0.0549 Ha. (13.56 cents) of non patta land under the occupation of 2 land holders (Sri.Francis Joseph, Plankadathil House, Valara & Sri.Peethambaran, Malayamkunnel House, Valara) including value of improvements in it at a total financial commitment of Rs. 17,43,050/- (Rupees Seventeen Lakh Forty Three thousand and Fifty only) excluding documentation charges, as per the split up details given in Annexure.

Further resolved to accord sanction to acquire 19.767 Cents of patta land (11.218 Cents in Survey No. 50/31 and 8.549 Cents in Survey No. 62/3) from Sri. Elias Varkey, Kunnarath, Valara, for the Thottiyar Hydro Electric Project, amending the Board Orders vide B.O. (FM) No. 805/2010 (TC3(C095/2000) Tvpm dated 26.03.2010 and B.O.(FTD) No. 619/2015 (DGC/AEE III / THYR / GNL / 2014) Tvpm dated 16.03.2015.

Further resolved to accord sanction to return 2.25 Cents of land to Sri. Elias Varkey / legal heirs, out of the 33.63 cents of non-patta land acquired from him by KSEBL in 2010, at price arrived at current rates, after withdrawing the petition filed by the KSEBL before the District Collector, Idukki under the Land Conservancy Act, 1957 and subject to the condition that the party shall solely be responsible for the conservation of the land and that the Board shall not be liable for any damages to the land /properties which may cause thereafter due to the storage of water in the Dam.

The Chief Engineer (Civil-Construction) South shall take further necessary action in this regard.

Orders are issued accordingly.

**By Order of the
Full Time Directors**

sd/-

**LEKHA G
Company Secretary**

To:

The Chief Engineer (Civil-Construction) South

Copy to: The Chief Engineer (IT, CR & CAPS)/
Financial Advisor/ LA&DEO/ Chief Internal Auditor/Company Secretary
The TA to the Chairman & Managing Director
Director (Generation-Civil)/ Director (T,SO,P,S & G-E)
Director (Distribution, IT, SCM, REES & Soura)/
The PA to the Director (Finance & HRM)
The Sr.CA to the Secretary (Administration).
The RCAO/RAO
Stock File.

Forwarded / By Order

[Signature]
Assistant Executive Engineer

Annexure-1 to BO(FTD)No.270/2023(DGC/AEE III/THYR/2014 Dated: 21.05.2023

Thottiyar Hydro Electric Project

Details of Financial commitment for the purchase of 12.92 cents of Patta land and 13.56 cents of non-patta land

District: Idukki

Taluk:Devikulam

Village: Mannamkandam

Block : V

PATTA LAND						
Name and address of the possessor	Survey No.	Extent in Ha	Extent in Cent	Rate approved in the Purchase committee for land value including improvements per cent (₹)	Total value approved in the Purchase Committee (₹)	Total amount approved in the Purchase Committee (₹)
Sri. Francis Joseph Plakandathil House Valara P.O	66/11	0.0523	12.92	125000	1615000	1615000
NON-PATTA LAND						
Name and address of the possessor	Survey No.	Extent in Ha	Extent in Cent	Rate approved in the Purchase committee for land value including improvements per cent (₹)	Total value approved in the Purchase Committee (₹)	Total amount approved in the Purchase Committee (₹)
Sri. Francis Joseph Plakandathil House Valara P.O	67/10	0.016	3.95	125000	493750	493750
Sri. Peethambaran Malayamkunnel (H) Valara	121/3, 122/1-5	0.0389	9.61	130000	1249300	1249300
	Sub Total	0.0549	13.56		1,743,050	1,743,050
	Total				3358050	3358050