



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)
National Highways Authority of India

(Ministry of Road Transport and Highways, Government of India)

कार्यालय परियोजना निदेशक, परियोजना कार्यान्वयन इकाई, सागर
भू-खण्ड क्रमांक-1, सनराईज मेगा सिटी, राजघाट रोड, बाघराज वार्ड, सागर (म.प्र.) 470 001
Office of The Project Director, Project Implementation Unit, Sagar
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Website : www.nhai.org

SAG/PIU/NH-44 (26)/Permission/2022/1534

Date: 17.11.2022

To,

The Executive Engineer,
Division Office,
U.P. Jal Nigam (Gramin)
Lalitpur (U.P)

Subject:

जल जीवन मिशन के अंतर्गत जाखलौन-बिरधा ग्राम समूह पेयजल योजना हेतु पाईपलाइन बिछाने की अनुमति के सम्बन्ध में। -Permission under section 38 of "The Control of National Highways (Land & Traffic) Act, 2022:-Reg.

- Ref: 1 Applicant PM IIP Jal Nigam letter No. 2517/W 27/125 Dated 01.11.2022
2. This office letter No. 1183 Dated 17.09.2022
3. Applicant UP Jal Nigam letter No. 2118/W-27/711 Dated 13.09.2022
4. The RO-MP, (East) letter No. 072 dated 17.08.2022
5. This office letter No. 778 Dated 18.08.2022
6. Applicant UP Jal Nigam letter No. 298/W-27/08 Dated 25.02.2022

Sir,

Please refer to this office letter cited under reference (5), wherein the captioned proposal was submitted to the Competent Authority for according the permission for जल जीवन मिशन के अंतर्गत जाखलौन-बिरधा ग्राम समूह पेयजल योजना हेतु पाईपलाइन बिछाने की अनुमति के सम्बन्ध में। laying of water pipeline along the National Highway No. 44 (26) under section 38 of "The Control of National Highways (Land & Traffic) Act, 2022.

2. The Competent Authority of NHAI vide letter dated 17.08.2022 cited under reference-3 has accorded the permission for captioned proposal as per MoRTH Guideline dated 22.11.2016 and under Section-38 of Chapter VI of "The Control of National Highways (Land & Traffic) Act, 2002 subject to the following conditions:

- a. **The license fee as calculated by PD, PIU-Sagar amounting to Rs. 1,43,357 /- for use of NH land as per MoRTH Circular dated 22.11.2016 may be asked for deposition by PD, PIU- Sagar to the applicant** In this regard, the license fee amounting to Rs.1,43,357 /- through Bharatkosh Portal (Transaction No. 1209220026927) is submitted by the applicant vide letter dated 13.09.2022. As the policy for charges for utilization of NH land is under consideration for revision by NHAI. Thus, If the license fee/Charges applicable for such permissions is increased by NHAI in future, the same shall be payable by the applicant and no objection of the applicant in this regard will be considered.
- b. **The BG as calculated by PD, PIU-Sagar amounting to Rs. 4,15,100/- (may be asked for deposition by PD, PIU-Sagar from the applicant, as per the circular for against restoration, maintenance work after laying of utility.** In this regard, the Bank Guarantee amounting to Rs. 4,15,100/- (BG No. 1583NDDG00011423 Dated 25.10.2022) is submitted by the applicant vide letter dated 01.11.2022. In case of receipt of direction of NHAI HQ regarding increase in the amount of BG, the same shall be submitted by the applicant and no objection in this regard shall be considered from applicant. Further the BG may be suitably extended as per requirement at site by this office.

Sum

- c. Additional Bank Guarantee amounting to Rs. 3,36,000/- (Rs. 1500 X 224 Nos) as calculated by PD, PIU- Sagar may please be asked for deposition by PD, PIU- Sagar to the applicant against the damages of plantation which may be damaged during execution of work. In this regard, the Additional Bank Guarantee amounting to Rs. 3,36,000/- (Rs. 1500 X 224 Nos) (BG No. 1583NDDG00011323 Dated 25.10.2022) is submitted by the applicant vide letter dated 01.11.2022, against the damage of plantation which may be damaged during execution of work.
- d. The above Bank Guarantee & Additional Bank Guarantee have been verified by this office and received the confirmation from the Canara Bank Branch, Sagar (M.P) on 17.11.2022.
- e. The planning and execution of work shall be as per MoRT&H & IRC norms so that proposed laying of Utility should meet the specifications and guidelines issued by IRC, as well as Ministry of Road Transport & Highways, Govt. of India.
- f. The proposed site shall be open for inspection of NHAI/ Officials of Highway Administration and the instruction imparted by officials of NHAI/ Officials of Highway Administration has to be followed by the agency and the NHAI shall not be responsible for financial liability on this account.
- g. The Top of the casing/conduit pipe containing the cables shall be at least 1.20m below the top of sub grade on the existing ground level whichever is lower. The pipeline shall be mandatorily laid within the 2 meter wide utility corridor on either side of extreme edge of ROW. In cases where utility ducts with sufficient space are already available along NH, the utility services shall be laid in such ducts subject to technical requirement being fulfilled and no deviation shall be permitted in laying the pipeline along the ROW. Removal of Encroachment if any shall be the responsibility of the applicant.
- h. The complete cost of Utility laying and cost of shifting of utility (if any) shall be borne by the agency.
- i. Prior approval of the Highway Authority shall be obtained before undertaking any work of installation, shifting or repairs, or alterations, to the utility lines located in the National Highway Right-of-ways (ROW).
- j. Expenditure, if any, incurred by the Highway Authority for repairing any damage caused to the National Highway by the laying, maintenance of shifting of the utility line shall be borne by the agency owning the line.
- k. If the Highway Authority considers it necessary in future to move the utility line for any work of improvement or repairs to the road, it will be carried by the as any out as desired by the Highway Authority at the cost of the agency owning the utility line within a reasonable time (not exceeding 60 days) of the intimation given. Also, the road land shall be restored to its original condition by agency when required to do so by the Govt. of India or any person authorized on its behalf and agency shall not be entitled to any compensation on account of such removal or restoration.



- l. The road shall be kept in traffic worthy condition during construction/ laying period. The traffic should continuously move safely and without hindrance during laying of Utility lines.
 - m. This permission would be valid for a maximum of 5 years at a time, which can thereafter be considered for renewal. On payment of additional fee at the time of renewal, rate prevailing at the time of renewal shall be charged. Delay in deposition of renewal fee shall attract interest @ 15% per annum compounded annually.
3. The work must be executed as per the norms of Ministry's circular no. RW/NH-33044/29/ 2015/S&R (R) dated 22.11.2016, and the working permission will be issued by this office after execution of license deed/agreement subject to following conditions: -

The Applicant undertake that no other structures will be erected nor any other serve rendered within the ROW of NH without prior permission of NHAI. Applicant is requested to submit the certificate/undertaking for confirming of all standard condition issued vide Ministry Circular No. RW/NH 33044/29/2015/S&R (R) dated 22.11.2016.

- i. No utility service shall be laid over existing culverts and bridges and the Licensee shall make his own arrangement for crossing of cross drainage structure, rivers, etc. below the bed at within 0.3m corridor from edge of NH ROW.
- ii. The Route/Methodology approved by Competent Authority shall be followed by applicant for laying pipeline along and across the NH shall strictly be in accordance to that indicated in Applicant letter or as recommended by PD PIU Sagar. Invariably the methodology shall conform to the MoRT&H Guideline dated 22.11.2016.
- iii. The Applicant will ensure that all safety measures will be taken during execution of works at site. Ensuring the safety of road user/public while laying the Water pipeline shall be the responsibility of the Applicant.
- iv. For Each day, the extent of digging the trenches should be strictly regulated so that utility services is laid, and trenches filled up before the close of the work that day. Filling should be completed to the satisfaction of the Engineer of Project Highway M/s LEA Associates South Asia Pvt. Ltd.
- v. Most importantly, the Applicant shall ensure that the plantation of NHAI in NH ROW should not be disturbed/damaged/removed in any case during laying of water pipeline. For any such incident during the execution of the work, the applicant shall be liable to pay damages @ Rs 1500/- X 2 = Rs. 3000/-Per plant and in case of failure of agency to deposit the same, it shall be recovered from the Additional BG submitted by the applicant.
- vi. The Bank Guarantee is submitted as a security against (i) improper restoration of ground in terms of filling/unsatisfactory compaction (ii) damages caused to any asset of NHAI (iii) damage caused to any other underground installations/utility services & (iv) interference, interruption, disruption or failure caused thereof to any services etc. The Additional Bank Guarantee is submitted as a security against the damages of the plantation, which may be damaged during the execution of work. The BG can be forfeited by the Authority in case the work is not carried out as per the conditions imposed by the Approving Authority, the conditions of working permission (Para 3)

Smt. S. M.

and executed license deed for which the Licensee shall not have any right to make objections/claim in the matter.

- vii. If any adverse comment received against the instant NOC, then approved NOC may be treated as cancelled until further clarification/approval. In case of any damage caused to any asset of Authority, the working permission shall be withdrawal till proper restoration to the satisfaction of Authority and incase of failure of applicant to ensure proper rectification, the amount shall be forfeited by the Authority from the Bank Guarantee submitted by the Applicant for which the Licensee shall not have any right to make objections/claims.
 - viii. In case, the BGs are invoked as mentioned above, the Licensee shall be required to replenish and reinstate the required BGs within one month of such invoking failing which the permission may be cancelled by the Highway Administrator for which the Licensee shall neither be entitled to any claims, nor shall it be absolved from any liability already incurred.
 - ix. The Licensee shall be liable to pay full compensation to the Authority (as assessed by the Authority) for any damage sustained by the Authority by reason of the exercise of the RoW facility by the applicant.
 - x. The Licensee shall be solely responsible/ liable for full compensation/ indemnification of concerned agency / aggrieved Authority for any direct, indirect or consequential damage caused to them/claims or replacements sought for, at the cost and risk of the Licensee. The concerned agency in coordination with Authority shall also have a right make good such damages/ recover the claims by forfeiture of Bank Guarantee.
 - xi. In terms of clause-7 of MoRTH Guideline dated 22.11.2016, the utility services shall be made operational by the Licensee only after a completion certificate to the effect is issued by the Highway Administration that the utility services have been laid in accordance with the approved specifications and drawings and the trenches have been filled up to the satisfaction of the concerned agency in co-ordination with the Authority.
 - xii. For the purpose of completion certificate, three copies of 'as laid drawings' of utilities (hard and soft copies) with geotagged photographs (@ every 100m interval and at each crossing) and geo-tagged video recordings (Date wise) of laying of pipeline in the trench (with respect to the NH) shall be submitted after complete restoration shall be submitted to the Authority for verification/record within a month of completion of works.
 - xiii. The Bank Guarantee shall be returned only after issuance of completion certificate by the Highway Administration.
 - xiv. The permission can be cancelled at any time by Authority for breach of any condition of the approval letter (para 2), working permission (para 3) or license agreement and the Licensee shall neither be entitled to any compensation for any loss caused to it by such cancellation nor shall it be absolved from any liability already incurred.
4. The above approval is subject to ensure the compliance of following conditions before according permission:
- (i) The laying work will be done as per the proposed/agreed location route and as per proposed layout plan.
- Swathi*

- (ii) The licensee shall have to provide the safety measures like barricading, danger lighting and other necessary caution boards while executing the work.
- (iii) Appropriate fees be levied for use of NH land for laying of Utilities as per the Ministry Circular No. RW/NH 33044/29/2015/S&R (R) dated 22.11.2016.
- (iv) Undertaking to the following effect may be taken from the applicant and made part of the agreement:
 - a) The permission may be terminated immediately on violation of the agreed terms & conditions.
 - b) The execution of the proposal by the Applicant would not hinder the future widening, if any, at the particular location and if required then the applicant would ensure shifting of their utility at their own cost without any liability to NHAI in a time bound manner prescribed by NHAI.
 - c) Ensure that the submitted Agreement is in prescribed format as per Ministry circular No. Circular No. RW/NH-33044/29/2015/SER(R) dated 22.11.2016 for execution with the applicant, and BG be obtained as per the Circular, e. Work programmed from the Applicant may be obtained and ensure timely completion.
 - d) The compliance of various undertakings given by the Applicant may be ensured before and after signing of License Agreement, as the case may be in the interest of safety of road users and NHAI.
- (v) Laying work should be carried out through HDD method only.
- (vi) It shall be the responsibility of the Applicant to ensure the Safety and manoeuvrability of Highway Traffic during laying of pipeline.
- (vii) The approval is based on the submissions made by the Applicant as verified The Applicant is responsible for the details provided in the application. The NHAI is at liberty to verify the authenticity of the documents at any time. Any misrepresentations, omission or suppression of facts or disclosure of incomplete facts detected at any stage shall lead to withdrawal of this approval with cost to the applicant.
- (viii) In view of any future development requiring necessary alteration, including complete removal or shifting of the Optical Fibre Cable, the same shall be carried out by the Applicant at its own cost to the satisfaction the Highway Administrator.
- (ix) In case of violation of the norms of Ministry's Guidelines, the NOC automatically stand withdrawn.
- (x) IRC: 98-2011 be complied wherever applicable.
- (xi) In case the laying of utility required permission of any other authority/department It shall be the responsibility of the Applicant to obtain the permission.



5. Please go through the conditions imposed by the Approving Authority (Para-2) & the conditions of working permission (Para 3). Therefore, you are requested to visit this office execution of license deed/agreement, so that the working permission may be issued.

6. This office finds it prudent to mention here that no work of laying of pipeline shall be executed until the issuance of working permission and the unauthorised laying (if any) observed shall be considered as a violation of the Section-38 of the "THE CONTROL OF NATIONAL HIGHWAYS (LAND AND TRAFFIC) ACT, 2002" and necessary legal proceeding may be initiated against erring officials/persons.

Encl: As Above.

Sunil Sharma
17-11-22

(Sunil Sharma)

Project Director/Highway Administrator
Project Implementation Unit -Sagar

Copy to:

- i. The Regional Officer, RO-MP (East) Jabalpur for kind information please.
- ii. The Independent Engineer, M/s LASA Sagar for to ensure laying of water pipeline as per norms.