

Government of Himachal Pradesh
Public Works Department.

No. PWD(C)E(1)-1/2021

Dated Shimla-2, the

15th July, 2021.

NOTIFICATION

The Governor of Himachal Pradesh is pleased to notify the Policy guidelines governing grant of NOCs/ Approvals/Clearances permission, levy of restoration charges and determination of compensation for Right of Use of Way for State Government Departments/Urban Local Bodies/State Authorities land for laying of Gas Distribution Network (GDN) to licensed entities /firms/companies which have been awarded the work of laying of gas pipelines network in the State of Himachal Pradesh, as following:-

1.0 Objectives

The licensees who have been awarded the work of laying of gas pipelines in the State of Himachal Pradesh by the Petroleum & Natural Gas Regulatory Board (PNGRB)/ Competent Authorities are approaching the Himachal Pradesh Public Works Department (HPPWD) for grant of NOCs/Approvals/ Clearances. In the absence of any definite Policy in this regard, they are facing a lot of hardships. Accordingly, it has been felt that there is a need for a simple and uniform policy in this regard governing grant of NOCs/ Approvals/Clearances permission, levy of restoration charges and determination of compensation for Right of Use of Way for State Government land for laying of Gas Distribution Network (GDN) to the licensed entities/ firms/ companies which have been awarded the work of laying of gas pipelines network in the State of Himachal Pradesh.

2.0 Applicability/Eligibility

The policy would be applicable to the Himachal Pradesh Public Works Department (HPPWD) for grant of NOC/ Approvals /Clearances permission, levy of restoration charges and determination of compensation for Right of Use of Way to the licensees who have been awarded the work of laying of gas pipelines network within the State of Himachal Pradesh.

2.1 Any authorized licensee of Petroleum and Natural Gas Regulatory Board(PNGRB) is eligible to seek/ avail RoU facility/ permission. However, enforceability of the permission so granted shall be restricted to the extent of provisions/scope of service contained/ defined in the license agreement of that licensee and for the purpose for which it is granted subject to compliance of the terms and conditions fixed by Government of India or any Competent Authority from time to time.

2.2 Either by content or by intent, the purpose of extending RoU facility/ permission is not to enhance the scope of license of a licensee and such Right of Use (RoU) permissions shall be only enabling in nature.

2.3 The responsibility to obtain No Objection Certificate(NOC) from various Departments and Authorities, as and when required, shall be of the applicant licensee.

3.0 Application

3.1 Documents to be submitted:

3.1.1 For obtaining RoU facility/ permissions, the licensee will submit an application in the prescribed format to the Executive Engineer, Himachal Pradesh Public Works Department (HPPWD) of the concerned jurisdiction along with a locality wise Geographic Information System (GIS) map in the appropriate file format with detailed description of location, route plan duly marked on the road infrastructure map; if road infrastructure map is not available with the Himachal Pradesh Public Works Department (HPPWD) for any road, the applicant shall have to mark the location of the proposal on plan of such road in the scale 1:500 duly surveyed with Total Station instrument for precise location in terms of longitude and latitude etc., relevant details of the land with property ownership on which gas pipelines are to be laid, work plan (area-wise and time-wise) and methodology to be used for laying the gas pipelines i.e. Horizontal Directional Drilling (HDD) technology or open trenching or both and processing fee @ Rs. 5000/- only through online mode.

3.1.2 Information regarding the depth and length of trench, dimensions (length, width and depth) of land (cross section) required for laying gas pipelines or any other details/ specifications required by the relevant authority will also be provided.

3.1.3 The applicant shall submit five (5) number of hard copies of the application along with a soft copy.

3.1.4 This policy is being framed for giving NOCs/Approvals/Clearances for laying Gas Pipelines. For installing CNG Station, Storage Facilities, Pumping Station etc., the licensee shall separately obtain NOC from the district administration after following due procedure.

3.2 Conditions Precedent:

3.2.1 Licensee will carry out Ground Penetrating Radar (GPR) survey along the route plan where the Gas Distribution Network (GDN) is to be laid for detection of existing utilities. The data of utilities collected through GPR survey would be unconditionally shared with relevant Authority free of cost.

3.2.2 Permission granted to the applicant licensee will not be transferable and will be valid only for the period for which license has been granted.

3.2.3 The Himachal Pradesh Public Works Department(HPPWD) shall not be responsible for any damage/claim towards laying of gas pipelines and resultant losses, if any, during the execution of the work, course of official duty by any of their employees or even to the laid gas pipeline due to any reason.

3.2.4 Responsibility of public safety shall lie with the licensee during establishment or post establishment of laying of Gas Distribution Network(GDN), during its maintenance or other related activities. The licensee shall take all necessary safety steps and measures while executing the work and the licensee will indemnify the local Authority against any accident and damage caused to life and/ or property (public and private) during execution and post execution.

3.2.5 In case of any damage to the essential services i.e. road infrastructure, water supply, sewerage system and telecommunication lines, electricity supply etc., it will be the responsibility of the licensee to get the services restored from the concerned Authorities within 24 hours and the cost so incurred would be borne by the applicant licensee. With respect to the cost incurred on the restoration of essential service, the decision of the concerned State Government Department shall be final.

3.2.6 If the damaged essential services are not restored within 24 hours, then the cost of restoration incurred by the department shall be recovered at the rate of 1.5 times the actual cost incurred by the department along with 10 per cent supervision charges from the licensee.

4.0 Fee/ Charges

4.1 For laying of gas pipelines, the Restoration charges, Annual rent shall be taken as under:-

(A) Restoration charges:-

Sr. No	SHs, MDRs and Rural roads	Rate proposed for the year 2021-22	Remarks
Trench size 0.45m wide and 0.90 to 1.65m deep as per letter No. PW(R)71-A-Fibre Cable/WS-559-90 dated 23-04-2018 of the office of E-in-C HPPWD			
1	Metalled and Tarred road with Bitumen Macadam	Rs 2038/-Rmt	Rate have been worked out by adding 8% increase for each financial year over rates already circulated vide Letter No. PW(R)71-A-Fibre cable/WS-559-90 dated 23-04-2018 →
2	Metalled and Tarred road (Premix carpet/Bitumen concrete)	Rs 1412/- Rmt	
3	Metalled Untarred roads	Rs 904/-Rmt	
4	Metalled Road with PCC drain (beyond 1.00m)	Rs 913/-Rmt	
5	Metalled /Tarred road where PCC drain damaged during trenching	Rs 525/-Rmt	
6	Katcha roads / Katcha shoulders	Rs 300/- Rmt	
<p>Note :- (i) The above rates are for the financial year 2021-22 and after that an increase of 8% per annum for the subsequent years shall be applicable till any revision of the rates.</p> <p>(ii) The trench width beyond 0.45 m and up to 0.90 m shall be charged double the above rates and beyond 0.90 m wide shall be charged four times of the above rates.</p> <p>(iii) The rates for Hard /Tribal area shall be 10% more than the rates indicated above.</p>			

(B) Annual Rent: - The annual rent will be charged @Rs 60/- per Rmt. which shall be increased @ 8% for every financial year starting from 1st April of the financial year.

4.2 Restoration and Rehabilitation:-

4.2.1 The Licensee shall deposit the restoration and rehabilitation charges as described in para 4.1 and the work would be done by the Himachal Pradesh Public Works Department (HPPWD) as a deposit work.

4.2.2 The licensee shall be liable to pay any other charges i.e. processing Fee, Utility shifting charges etc. as prescribed by the concerned State Government Department/Urban Local Bodies/State authorities from time to time.

4.2.3 The annual rent would be subsequently be deposited with the concerned Executive Engineer, Himachal Pradesh Public Works Department (HPPWD) on or before 31st March of every year.

5.0 Implementation

5.1 The above charges can be reviewed by the Government from time to time.

5.2 The Licensee will give a notice of 15 days with route details prior to trenching for maintenance/repair works of the already laid/existing pipelines.

5.3 The Licensee shall abide by all the safety standards and measures as highlighted by the Petroleum and Natural Gas Regulatory Board/ Competent Authority as per terms and conditions of NOC/Approvals/Clearances.

5.4 Work should be executed phase wise without interrupting the traffic. Prior permission from the district administration for traffic management shall have to be obtained by the licensee.

5.5 The licensee shall give an advertisement in the newspapers having wide local circulation along with displaying notice at site before starting the work.

5.6 The licensee shall be solely responsible for any accident or damage due to his act, omissions or negligence.

5.7 The licensee shall ensure appropriate and adequate Signage's are put up along the work, not only marking it but also warning the public in general about the dos and don'ts in and around the gas pipeline.

6.0 Restrictions

6.1 Permission for RoU for laying of Gas Distribution Network(GDN) may be denied at location where it may cause disruption in services and facilities.

6.2 Gas pipeline would be laid at the edge/as near as possible to the edge of available land width. However, if for some reasons, it is not possible to lay gas pipelines at the edge/ as near as possible to the edge of available land width and if the safety standards permit, pipelines can be allowed to be laid under the carriage way. In case of drains, Right of Use

(RoU) for laying Gas pipelines, unless permitted otherwise will be invariably near the edge of land boundary.

6.3 It shall be ensured that the earth cutting is minimum and trenchless technology is used to the extent possible.

6.4 In case any shifting / alteration / encasing of pipeline is required due to widening of road / construction of road or any other structure (Flyover/ Bridge etc.), the same shall be done by the licensee at his own cost within specified period fixed by concerned department.

7.0 Other conditions

7.1 The policy covers permission of Right of Use of way for laying Gas Distribution Network (GDN). It shall not be applied to other facilities of the project such as CNG Station, Storage Facilities, and Pumping Station etc. The provisions of the concerned Master Plan should be adhered to while granting sanction for the installation of CNG Station, Gas Storage facilities, Gas Pumping Stations etc.

7.2 In case of any dispute between the licensee and the Himachal Pradesh Public Works Department(HPPWD), the Administrative Secretary (PWD) will be final authority for settlement of such dispute and such decision will be binding on both the parties.

7.3 In case of any discrepancy in the interpretation of the policy, the decision of the Administrative Secretary of the Government Department shall be final.

7.4 This policy shall be applicable from the date of publication of this notification in the e-gazette of the State Government of Himachal Pradesh.

7.5 The State Government reserves the right to modify the policy and to amend any clause of the policy for the reasons to be recorded in writing.

By Order

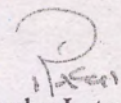
(Subhasish Panda)
Principal Secretary (PW) to the
Government of Himachal Pradesh

Endst. No.PWD(C)E(1)-1/2021

Dated Shimla-171002, the 15th July, 2021.

Copy to:-

1. The Addl. Chief Secretary-cum-Principal Secretary to Hon'ble Chief Minister, Himachal Pradesh .
2. All Administrative Secretaries, Govt. of Himachal Pradesh.
3. All DCs in the State of Himachal Pradesh.
4. Sr. Private Secretary to the Chief Secretary, Himachal Pradesh.
5. The Engineer-in-Chief, HP PWD, Shimla-2 w.r.t. his letter No. PW/WS/CNG /PNG /Polic./WS-104556 dated 22-03-2021 for immediate necessary action.


(Pushp Lata Singha)
Joint Secretary (PW) to the
Government of Himachal Pradesh.