



ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್ತು

ಚುಕ್ಕೆ ಗುರುತಿನ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ : 25(185)
ಮಾನ್ಯ ಸದಸ್ಯರ ಹೆಸರು : ಶ್ರೀ ಮುನಿರಾಜು ಗೌಡ ಪಿ.ಎಂ
(ವಿಧಾನ ಸಭೆಯಿಂದ ಚುನಾಯಿತರಾದವರು)
ಉತ್ತರಿಸುವ ದಿನಾಂಕ : 05.12.2023
ಉತ್ತರಿಸುವ ಸಚಿವರು : ಮಾನ್ಯ ಬೃಹತ್ ಮತ್ತು ಮಧ್ಯಮ ಕೈಗಾರಿಕೆ
ಹಾಗೂ ಮೂಲಸೌಲಭ್ಯ ಅಭಿವೃದ್ಧಿ ಸಚಿವರು

ಕ್ರ. ಸಂ	ಪ್ರಶ್ನೆ	ಉತ್ತರ
ಅ)	ಕರ್ನಾಟಕ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶಾಭಿ ವೃದ್ಧಿ ಮಂಡಳಿಯು ನೈಸ್ ಸಂಸ್ಥೆಗೆ 554 ಎಕರೆ ಜಮೀನನ್ನು ಹೆಚ್ಚುವರಿಯಾಗಿ ಹಸ್ತಾಂತರಿಸಲಾಗಿದೆಯೆಂದು ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯಕ್ಕೆ ರಾಜ್ಯ ಸರ್ಕಾರ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸಿದೆಯೇ; ಸಲ್ಲಿಸಿದಲ್ಲಿ ಪ್ರಮಾಣ ಪತ್ರದ ಪ್ರತಿಯನ್ನು ನೀಡುವುದು:	ಹೌದು. ಪ್ರತಿಯನ್ನು ಅನುಬಂಧ-1 ರಲ್ಲಿ ಒದಗಿಸಿದೆ.
ಆ)	ನೈಸ್ ಸಂಸ್ಥೆಯವರು 554 ಎಕರೆ ಜಮೀನನ್ನು ಹಿಂತಿರುಗಿಸುವ ಬಗ್ಗೆ ಸರ್ಕಾರಕ್ಕೆ ಬರೆದಿರುವ ಪತ್ರ ಸಂಖ್ಯೆ: ನೈಸ್/05/197 ,ದಿನಾಂಕ:13.05.2022 ಪತ್ರದ ಪ್ರತಿಯನ್ನು ನೀಡುವುದು; ಈ ಪತ್ರದ ಬಗ್ಗೆ ಹಾಗೂ ಸದರಿ ಭೂಮಿ ಯನ್ನು ಹಿಂಪಡೆಯಲು ಸರ್ಕಾರ ಕೈಗೊಂಡ ಕ್ರಮವೇನು;	ಪತ್ರದ ಪ್ರತಿಯನ್ನು ಅನುಬಂಧ-2 ರಲ್ಲಿ ಒದಗಿಸಿದೆ. ಬಿಎಂಐಸಿಪಿ ಯೋಜನೆಗಾಗಿ ಸ್ವಾಧೀನ ಪಡಿಸಿಕೊಳ್ಳಲಾದ ಜಮೀನುಗಳ ಪೈಕಿ 554 ಎಕರೆ ಹೆಚ್ಚುವರಿ ಜಮೀನುಗಳನ್ನು ಹಿಂಪಡೆಯುವ ಕುರಿತು ಹೆಚ್ಚುವರಿಯಾಗಿ ಸ್ವಾಧೀನ ಪಡಿಸಿಕೊಳ್ಳಲಾದ ಜಮೀನುಗಳನ್ನು ಗುರುತಿಸಿ ಸರ್ವೆ ನಂ. ಗಳೊಂದಿಗೆ ವಿವರವಾದ ಮಾಹಿತಿ ಸಲ್ಲಿಸುವಂತೆ ಮುಖ್ಯ ಇಂಜಿನಿಯರ್, ಸಂಪರ್ಕ ಮತ್ತು ಕಟ್ಟಡ (ದಕ್ಷಿಣ) ಇವರಿಗೆ ಪತ್ರದ ಮೂಲಕ ತಿಳಿಸಲಾಗಿದ್ದು, ಇವರಿಂದ ಮಾಹಿತಿ / ಸ್ಪಷ್ಟವಾದ ವರದಿ ಪಡೆದು, ಹೆಚ್ಚುವರಿ ಭೂಮಿಯನ್ನು ಹಿಂಪಡೆಯಲು ನಿಯಮಾನುಸಾರ ಪರಿಶೀಲಿಸಿ ಕ್ರಮ ವಹಿಸಲಾಗುತ್ತದೆ.

ಇ)	ಹೆಚ್ಚುವರಿ ಭೂಮಿಯನ್ನು ಹಿಂಪಡೆಯುವ ಪ್ರಕ್ರಿಯೆ ಯಾವ ಹಂತದಲ್ಲಿದೆ; ಹಿಂಪಡೆದ ನಂತರ ಸದರಿ ಭೂಮಿಯನ್ನು ಯಾವ ಉದ್ದೇಶಕ್ಕೆ ಬಳಕೆ ಮಾಡಲಾಗುವುದು?	<p>ಹೆಚ್ಚುವರಿ ಭೂಮಿಯನ್ನು ಹಿಂಪಡೆಯುವ ಸಂಬಂಧ ಸದನ ಸಮಿತಿಯು ನೀಡಿರುವ ವರದಿಯಲ್ಲಿನ 554 ಎಕರೆ ಜಮೀನಿಗೂ ಹಾಗೂ ನೈಸ್ ಸಂಸ್ಥೆಯವರು ಬರೆದಿರುವ ಪತ್ರದಲ್ಲಿ ಪ್ರಸ್ತಾಪಿಸಿರುವ 559 ಎಕರೆ ಜಮೀನಿಗೂ ಸರ್ವೆ ನಂಬರ್‌ಗಳು ಮತ್ತು ವಿಸ್ತೀರ್ಣ ವ್ಯತ್ಯಾಸಗಳಿದ್ದು ಈ ಬಗ್ಗೆ ಸರ್ವೆ ಕಾರ್ಯ ಪ್ರಗತಿಯಲ್ಲಿರುತ್ತದೆ.</p> <p>ಸದರಿ ಭೂಮಿಯನ್ನು ಹಿಂಪಡೆದ ನಂತರ ಯಾವ ಉದ್ದೇಶಕ್ಕೆ ಬಳಸಬೇಕೆಂದು ಪರಿಶೀಲಿಸಲಾಗುತ್ತದೆ.</p>
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ಸಂಖ್ಯೆ: ಸಿಐ 304 ಐಎಪಿ 2023



(ಎಫ್.ಬಿ. ಪಾಟೀಲ)

ಬೃಹತ್ ಮತ್ತು ಮಧ್ಯಮ ಕೈಗಾರಿಕೆ ಹಾಗೂ
ಮೂಲಸೌಲಭ್ಯ ಅಭಿವೃದ್ಧಿ ಸಚಿವರು.

ಅನುಭವ-1

IN THE SUPREME COURT OF INDIA

CONTEMPT PETITION [C] No.144 / 2006

IN

C.A.Nos.3292-3294/2005

IN THE MATTER OF

Dakshina Murthy

Petitioner

AND

B.K.Das, IAS & Others.

Respondents

AFFIDAVIT

I, S.C.Khuntia s/o. K.M.Khuntia, aged about 54 years, working as Principal Secretary, Public Works Department, Government of Karnataka, and residing at Bangalore, do hereby solemnly affirm and state on oath as follows:-

1. I am the Principal Secretary, Public Works Department, Government of Karnataka. I assumed charge on 09.05.2011. I know the facts of the case and hence, I am swearing this affidavit.

2. The above contempt petition is filed complaining about

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3. In this matter, an order came to be passed by this Hon'ble Court on 18.1.2011, wherein the High Court of Karnataka was requested to dispose of all the matters pending before it in respect of the land acquisitions concerning the Bangalore-Mysore Infrastructure Corridor Project. Accordingly, on the request made by the Advocate General of Karnataka to the Hon'ble Chief Justice of Karnataka, a Division Bench was duly constituted and all the matters pertaining to the project were posted before the said Bench. After hearing all the parties in various writ petitions, writ appeals and other connected matters, the Hon'ble High Court vide its Judgment dated 15.6.2011 in WP No.3438 of 2010 and other connected matters, was pleased to reject the challenge against the land acquisitions and upheld the acquisition proceedings. Thereafter, when the present matter was listed for further consideration, this Hon'ble Court, vide its order dated 21.7.2011, directed the State Government to file an affidavit clarifying as to what are the impediments felt by the State Government for implementation of the Judgment in *State of Karnataka and another v. All India Manufacturers Organisation & Others*. This Hon'ble Court further directed the State Government to state in the affidavit as to the steps taken till date to comply with the aforesaid Judgment of this Hon'ble

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Court. In compliance of the said directions of this Hon'ble Court, the present affidavit is filed.

4. The Bangalore-Mysore Infrastructure Corridor Project conceives of an Expressway along with the Infrastructure Corridor between the cities of Bangalore and Mysore in Karnataka. The entire project is divided into three sections and six phases. The project envisages 111 kilometers of Expressway, 41 kilometers of Peripheral road near Bangalore, and 9.8 kilometers of Link Road connecting the city of Bangalore to the Expressway. The project also envisages development of five townships along the Expressway and several other infrastructural amenities such as power, water, sewage, telecommunication, expressway toll facilities, restaurants and gas pumps, interchange plazas, hospitals, schools, hotels and motels, real estates, garbage, parking authority, entertainment etc., all along the infrastructure corridor (as mentioned in the Schedule 4 of Framework Agreement). The project parameters are specified in the Framework Agreement (hereinafter referred to as FWA) entered into between the State Government and the Project Company on 3.4.1997. As per the FWA, the total extent of land which is to be handed over to the Project Company is 20193 acres consisting of both Government and private lands.

The entire cost of acquisition & infrastructure development is to

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be borne by the Project Company itself and the Karnataka Industrial Area Development Board is the agency through which the lands required for the project will have to be acquired.

5. Even though the agreement was entered into in the year 1997, due to various litigations at different stages concerning several issues with regard to the project, there has been considerable delay in implementation of the same. Initially the Framework Agreement itself came to be challenged. Thereafter, several petitions were filed by the land owners challenging the acquisition of their lands for the project. Simultaneously, several public interest petitions also came to be filed. Even though the issues pertaining to the project and the acquisition of the lands for the project came to be finally adjudicated before this Hon'ble Court in the Judgment dated 20.4.2006 in the matter of *State of Karnataka & another v. All-India Manufacturers Organisation & Others reported in [2006]4 SCC 683*, the land owners again approached the Hon'ble High Court challenging the acquisition of lands. As interim orders in the nature of stay of dispossession and the like were passed in the said matters, the State Government was unable to proceed further in the implementation of the project. Pursuant to the directions of this Hon'ble Court, almost all the petitions challenging the acquisition proceedings were heard and disposed of by the Judgment dated



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15.6.2011 in WP No.3438 of 2010 and connected matters. Owing to the litigations referred to above, delay was occasioned in the implementation of the project.

6. Apart from the above, there are several other impediments which are arising in the implementation of the project and thereby causing further delay in implementation of the Judgment of this Hon'ble Court. The impediments are broadly classified into following heads and are further explained hereinafter.

A. PRICE FIXATION FOR THE LAND ACQUIRED IN SECTION- A

As per the Framework agreement, the Karnataka Industrial Areas Development Board (hereinafter referred to as KIADB) was entrusted with the responsibility of acquiring the land for the project. Under Section 29(2) of Karnataka Industrial Areas Development Act, 1966 the State Government and the person to be compensated can enter into an agreement for determination of the compensation amount. Where no such agreement can be reached, the compensation is fixed by referring the case to the Deputy Commissioner of the district as per Section 29(3). In order to determine the compensation amount payable to land owners, negotiation meetings are held by a District Committee constituted under the chairmanship of the Deputy Commissioner. The said committee, after holding the negotiation

meetings would determine the amount of compensation and



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suggest the same to KIADB. Upon examining the opinion of the District Committee, KIADB would permit the Special Land Acquisition Officer to enter into an agreement with the land owners and process the payment of compensation accordingly. The said procedure is in vogue since the year 1993 and the acquisition of land by KIADB for the last 19 years is in accordance with this procedure.

The Project Company has entered into an agreement dated 14.10.1998 with KIADB for acquisition of land for the project. As per the agreement, the decision of the Board of KIADB regarding price to be fixed for land compensation is final and binding on the Company. The relevant clauses 9 & 10 read as follows:-

" 9. The Board shall take action to cause the determination of the compensation by negotiations under section 29(2) of the said Act or to pass the award in cases where agreement has not been entered into between the special land acquisition officer, KIADB and the land owners.

10. The Board shall fix the price of the land taking into consideration the price fixed under Section 29(2) or any award passed by a competent authority including enhancement and payment of statutory charges as decided by the Board and the decision of the Board in this regard shall be final and binding on the Company."

The District Committee chaired by Deputy Commissioner,

Bangalore has fixed the price for the lands acquired for the project in the villages of Gonipura, Thippur and Shigehalli of



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Bangalore South Taluk on the basis of benchmark price arrived at in case of acquisition of lands for industrial purpose in Shanumangala village of Bidadi Hobli, Ramanagara Taluk. The Committee had noted that in case of the acquisition of land in Shanumangala village, the price fixed for land acquired for industrial purpose was Rs.40 lakhs per acre and the price fixed for land acquired for widening of road was Rs.45 lakh per acre. Since the proposed lands in question at Gonipura, Tippur & Shigehalli villages also fall in the same area as Shanumangala, the price earlier fixed for Shanumangala was taken as a benchmark.

Deputy Commissioner, Bangalore, who is the Chairman of the Price Fixation Committee has recommended the rates and the same has been accepted by the Committee on 22-2-2011 and further the issue has been discussed in the Executive Committee of KIADB in its meeting held on 28.3.2011. The State Cabinet has also confirmed these prices and a Government order bearing no.CI 201 SPQ 2011 dated 12.5.2011 has been issued. Accordingly the prices fixed for the aforementioned villages acquired for the project are as under :

(a) Bangalore South Taluk, Kengeri Hobli

- (i) Rs.41.00 lakh per acre for lands in Gonipura & Thippuru villages.

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- (ii) Rs.40.00 lakh per acre for lands in Shigehalli village.

(G.O.No.CI 201 SPQ 2011 Dated: 12.05.2011)

- (b) Bangalore South Taluk, Kengeri Hobli

Deevatige Ramanahalli village

Rs.21,530/- per Square Metre.

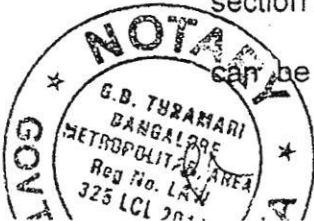
- (c) Bangalore North Taluk, Kasaba Hobli

Byatarayanapura village

Rs.25,835/- to 33,370/- per Square Metre

(As per Price Fixation Committee and KIADB)

As mentioned above, the prices of lands falling in the villages of Gonipura, Tippur & Shigehalli have been fixed and KIADB vide its letter dated 14.7.2011 has informed the Project Company to deposit the compensation amount of Rs.519.70 crores for 1322 acres of land. Further, in the letter dated 1.08.2011, KIADB has called upon the Project Company to deposit an amount of Rs.74.02 crores as compensation to be paid to the land owners in respect of Deevatige Ramanahalli & Byatarayanapura villages. In respect of all these lands, the final notification under section 28(4) of the Act has already been issued and the lands can be handed over to the Project Company only after the



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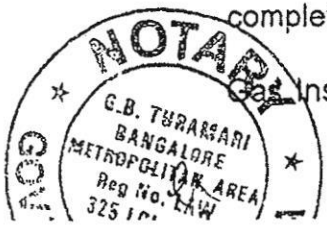
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compensation amount as mentioned above has been deposited with the KIADB so as to enable the latter to disburse compensation to the land owners. But inspite of reminders issued by KIADB through its letters dated 05.01.2012 and 22.02.2012, the Project Company has not yet come forward to deposit the above amount, and as such KIADB is not in a position to hand over these lands to the Project Company.

B. OVERLAPPING OF LAND PROPOSED TO BE ACQUIRED FOR SECTION B OF THE PROJECT WITH THAT OF LAND REQUIRED FOR KARNATAKA POWER CORPORATION LIMITED-

In the year 1996, a project for establishing a gas based power plant on the outskirts of the Bangalore City was approved, to be undertaken by Karnataka Power Corporation Limited (KPCL), a State Government undertaking. Land in Sy.Ncs.22, 23, 24 & 68 of Billakempanahalli Village and Sy.Nos.236, 240 & 248 of Banandur village were notified and acquired in the year 1998 for KPCL project and the project is under implementation in collaboration with Power Grid Corporation of India Limited (PGCIL), which is a Government of India undertaking. All the construction and erecting activities of 400/220KV Bidadi Gas Insulated Sub-Station by PGCIL are completed, and testing of the station is under progress. The Gas Insulated Sub-station is programmed to be commissioned

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shortly. But the same survey numbers were also notified by KIADB for BMIC project in 1998. In this connection, the project company has been asked on 16.07.2011, to change this alignment of the Expressway or to take the road underground so as to avoid the overlapping. However, no understanding has been arrived at and the matter still remains unresolved.

C. ENTIRE AREA FALLING UNDER THE PROJECT IS YET TO BE DEMARCATED-

The area required for the entire project is yet to be demarcated with reference to each component of the project. As stated in the earlier paragraphs, the project has been divided into three sections and six phases. Though preliminary notifications have been issued in respect of all the three sections, joint measurement, demarcation & identification of lands and acquisition proceedings have been completed in

Section A of the project only. Acquisition of land is still to be completed in Sections B and C. Further the Division Bench of the High Court constituted as per the directions of this Hon'ble Court, in its order dated 15.6.2011, while disposing of the case of *K. Sukumaran & others -vs- State of Karnataka in Writ Petition No.3438 of 2010 & other connected matters*, has made

certain observations. For easy reference, the relevant portion of

the said judgment is extracted herein below:-

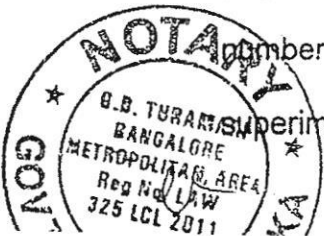


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"116. Xxx... If identification of these lands vis-à-vis with reference to different components of the project as envisaged under schedule-4 of the FWA is made i.e. whether it is required for toll road, express road, interchanges, toll plaza, service road, link road, township or the different infrastructural facilities envisaged under the schedule, there will be no uncertainty. As per the directions of the Apex Court, a Special Empowered Committee is constituted and the Hon'ble Chief Minister of State of Karnataka is the head of the Committee. As long as uncertainty remains, the litigation will not come to an end. The instrumentalities of the State have to take a firm stand and have a dialogue with the project proponent to work out the modalities how the various components of the project would be completed as envisaged in the FWA. This means identification of the lands with reference to different components of the project as envisaged in schedule-4."

In this background, it is pertinent to mention that the State Government has addressed letters to the Project Company from time to time seeking detailed report regarding the progress achieved so far in implementation of each component of the project, accurate details of lands required in each survey number clearly indicating the road alignment and duly superimposing the alignment on the latest revenue survey maps

2013-14-2014-15
 2014-15-2015-16
 2015-16-2016-17
 2016-17-2017-18
 2017-18-2018-19
 2018-19-2019-20
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showing the co-ordinates in each survey number, in respect of 20193 acres of land required for completion of the entire project. Copies of the letters No.PWD .110 CRM 09 dated 9.11.2009 and 9.08.2011 are produced as Annexure - R-1 and R-2 to this Affidavit. Information has also been sought from the Project Company on acre-wise utilization of the lands already received from the Government, lands needed to be handed over to the Company, action required to be taken for completion of the project and the time frame required for the completion of each component of the project, as directed in the judgments of this Hon'ble Court, High Court of Karnataka and also as per the clauses of Framework Agreement. But, the Project Company has declined to furnish the required particulars as per their reply dated 2.09.2011 copy of which is produced as Annexure- R-3 to this Affidavit and have threatened State Government of contempt of Court.

D. ALIGNMENT OF ROADS FALLING UNDER THE PROJECT IS UNDER CHALLENGE-

The project envisages formation of 111 kms of expressway from Bangalore to Mysore, 41 kms of Peripheral Road on Bangalore side, 9.8 kms of Link Road connecting Bangalore City to Expressway and Link Road on the Mysore.



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side. The alignment of these roads falling under the project had been initially indicated under the Theme Approval accorded by the Department of Public Works, Government of Karnataka in 2002. Thereafter an Outline Development Plan was prepared by the Bangalore-Mysore Infrastructure Corridor Area Planning Authority containing the alignment of roads falling under the project which was approved by the State Government on 12.02.2004.

The construction of the roads under the project has to be undertaken by the Project Company as per the approved alignment.

In this regard it is pertinent to mention the order of the Hon'ble High Court of Karnataka dated 3.5.2005 in WP No.45534/04 - All India Manufacturers Organization (AIMO) Vs State & others:-

"Writ petitions nos.45334 and 48981 of 2004 are allowed directing the State of Karnataka and all its instrumentalities including the board to forthwith execute the Project as conceived originally and upheld by this court in Somashekar Reddy's case and implement FWA in letter and spirit"



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Further, in the present Contempt Petition No.144/2006 and 96/2007 filed by the Project Company, this Hon'ble Court in the order dated 3.11.2009 has observed as follows :-

"....and the Advocate General of the State, who is present today in Court who submitted before us that the State has already taken all steps to implement the project and in fact, some lands have already been allotted to the applicants. Since the learned Advocate General of the State submitted that all possible steps have been taken to implement the project and to act in compliance with the judgment of this Court, we direct that the State Government shall.....

..... project shall be allowed to be completed as per the alignment specified in the outline Development plan dated 12th of February 2004 issued by the Bangalore Mysore Infrastructure Corridor Area Planning Authority as per the Town and Country Planning Act."

After this in the same contempt petition this Hon'ble Court has further observed in its order dated 18.1.2011 as follows :-

" In order to show its bona fides, Mr.Dushyant Dave, learned senior counsel appearing for the Contempt Petitioners makes a statement that the Contempt petitioners would not insist any change in the framework



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Contempt Petition No. 144/2006 & 96/2007

agreement, in a sense that it will not claim anything more or different than what is due in the frame work agreement.

Mr.Haranahalli also assures us that the frame work agreement shall be implemented in its true letter and spirit."

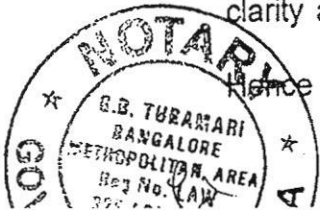
In the recent judgment of the Division Bench of High Court of Karnataka in para 61 of the order dated 15.6.2011 in WP No.3438/2010 and connected cases, the Hon'ble High Court has laid down as follows:-

"ODP has been considered and change of alignment has been accepted. Therefore, there is no merit in the contention that ODP has to be ignored and the project has to be implemented as per the terms of FWA and PTR ignoring ODP-2004. Accordingly, it is rejected."

This apart the said issue of alignment is yet to be adjudicated in one writ Appeal (W.A No4861-62/2010-Smt. Sujatha Vijay & H.V.Vijayaraghavan V/s State & others) pending before the High Court and in Special Leave Petitions filed against the judgement of the Division Bench (No.15431-42/2011- M/s NICE & others V/s Smt. Sujatha Vijay & others) before this Hon'ble Court. In the circumstances, there is lack of clarity among stakeholders about the alignment to be followed.

Hence the State Government is facing continuous hurdles to

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proceed with the demarcation, identification & acquisition of lands with reference to the alignment in ODP, as several petitions are being repeatedly submitted by the land owners.

7. Apart from the above impediments, various organizations and land owners have been agitating stating that the Project Company is seeking excess lands particularly close to Bangalore and the same are being handed over by the Government, to help the project company financially. It may be mentioned here that as per Framework Agreement and the Judgment in Somashekar Reddy's case, an extent of 2193 acres of land is to be given for peripheral road whereas the total extent of land already handed over for the same as on date is 2747 acres, that is an excess of 554 acres. Further, farmers whose lands are proposed to be acquired for Sections B & C of the project have started agitating against the acquisition of their lands. They are not permitting the Government officials to survey & demarcate the extent of land requirement, unless the indicative land price to be paid to them is disclosed first. The Project Company in its letter dated 19.03.2011 has stated that it is willing to pay land price based on rate prevalent in the year 1999-2000 i.e the year of preliminary notification. The present price near Bangalore is more than 10 times the price prevailing in 1999-2000 due to tremendous development opportunities.

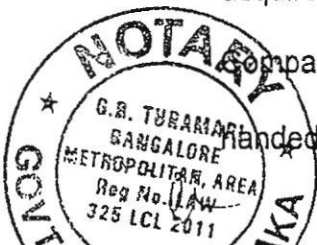


G. B. Turakari

Thus there has been delay in issuance of final notifications under section 28(4) of the KIAD Act, 1966.

8. Despite the said opposition and several contentious issues yet to be resolved between the State Government and the Project Company, the State Government has made considerable progress in implementation of the Project in general and implementation of the directions of this Hon'ble Court in particular. Preliminary notifications for private lands have been issued in respect of the lands required for the entire project. The actual extent of private land required for the entire project is 13237 acres and preliminary notification has been issued for 18218 acres. Despite the difficulties, final notifications has been issued for 4812 acres and land to the extent of 2156 acres has been handed over to the Project Company. The acquisition proceedings for the lands falling under Section A of the Project, is almost completed. Using the land already handed over the project company is already operating a toll road of about 50 kms. around Bangalore (from Electronic city to Tumkur road) and is collecting toll revenue from the commuters. Several sale deeds in respect of the acquired lands have also been executed in favour of the Project

company. Encroachments have been cleared on the lands handed over. The Project Company and its affiliates have been



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granted the benefit of reimbursement of Sales Tax / Value Added Tax / Works Contract Tax as per State Government Order No.FD 07 CET 2009 Dated : 07.12.2011 and exemption from the entry tax as per Notification No. Order No.FD 07 CET 2009 Dated : 07.12.2011.

9. Several tracts of Government lands have already been handed over in the entire stretch of the project corridor. As against 6956 acres of Government land to be made available, more than 5000 acres have already been handed over. The details regarding the acquisition of lands, notifications issued, extent of land handed over & such other relevant details are mentioned in the tabular form herein below:-

Details	Extent	
	Acre	Gunta
Land required for the project as per the FWA dated: 03.04.1997	20193	00.00
Details of Private Land		
Total Land notified u/s 3(1) KIAD Act	29267	23.00
Total Land notified u/s 1(3) KIAD Act	19414	01.50
Total Land notified u/s 28(1) KIAD Act	18218	08.50
Total Land notified u/s 28(4) KIAD Act	4810	28.50
Land Handed over by KIADB to Project Company.	2155	36.52
Amount deposited by Project Company.	Rs.151,78,23,000.00	
Total Compensation Disbursed	Rs.145,11,20,171.00	



[Signature]

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Details of Govt. Land			
1	Government Land Sanctioned vide G.O dt: 7-10-1999	5687	38
2	Government Land Sanctioned vide G.O dt: 27-8-2003	190	13
3	Government Land Sanctioned vide G.O dt: 23-10-2003	02	17
A	Total Government Land Sanctioned.	5880	28
	Less: Government Land withdrawn vide G.O. dt: 12-7-2002	49	00
	Less: Government Land withdrawn vide G.O. dt: 21-7-2003	307	16
B	Total Land withdrawn	356	16
C	Balance Government Land (A-B)	5524	12
D	Government land handed over to the company	5000	28
E	Forest land handed over to the Company	175	21
	Government land (including Forest land) handed over to the Company.	5176	09



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GOVERNMENT
SECRETARY

Component wise land details of the project.

	Components of the Project	Govt + Private lands in acres	Private Lands in acres			Govt. Lands in acres	Total land handed over to NICEL
		As per FWA & HC/ SC Judgement	Notified U/s 28(1)	Notified U/s 28(4)	Handed over to NICEL	Handed over to NICEL	(6) + (7) in acres
	1	2	3	4	5	6	7
A1.	Peripheral road- 41 kms.	2193	3880	2426	1651	1096	2747
A2.	Link Road - 9.8 kms.	278	354	219	213	49	262
A3a.	Expressway (Section-A) 0 to 13.2 km (Bangalore to Bidadi)	896	435	249	293	400	693
A3b.	Expressway (Sections-B and C) from 13.2 kms to 111 kms. (Bidadi to Mysore)	3632	3902	0	0	1084	1084
A3	Expressway 111 km	4528	4337	249	293	1484	1777
	Total Toll Road	6999	8571	2894	2156	2629	4785
B1.	Township-1 Corporate Center, Bidadi.	2775	2420	1916	0	481	481
B2.	Township-2 Commercial Center, Bidadi.	1836	1699	0	0	320	320
B3.	Township-3 Industrial Center, Ramanagaram	1615	1529	0	0	474	474



S. Chentia

B4.	Township-4 Heritage Center, Ramanagaram	2682	1335	0	0	901	901
B5.	Township-5 Eco-tourist Center, Srirangapattana	4286	2664	0	0	195	195
	Total Townships	13194	9647	1916	0	2371	2371
	Grand Total	20193	18218	4810	2156	5000 *	7156

* this does not include Forest Land

Thus it can be seen from the above table that Government has put in substantial efforts and considerable progress has been achieved in the implementation of the project. Substantial portion of Government lands have already been handed over to the Project Company. The tollways for the peripheral road and link road are already in operation. After issue of the final notification, price has been fixed for an extent of more than 1300 acres of land for Township-1 in Bidadi and the required compensation amount is awaited from the Project Company before the land can be handed over.

10. After the orders of this Hon'ble Court dated 03.11.2009, the High Level Committee constituted under the chairmanship of the Hon'ble Chief Minister of Karnataka deliberated twice on 10.11.2009 and 27.06.2010. The decisions of the said Committee are being scrupulously implemented in handing over



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WHEREFORE, it is prayed that this Hon'ble Court may be pleased to take the present Affidavit on record & drop further contempt proceedings, in the interest of justice.

Place: Bangalore

Date: 20.03.2012

S.C. Khuntia

DEPONENT

Identified by me,

As- [Signature]
Advocate General of

VERIFICATION

I, S.C. Khuntia, the deponent hereby verify that the contents of my affidavit are true to my knowledge, information and belief and I believe the same to be true and nothing is concealed therefrom.

S.C. Khuntia

DEPONENT

PLACE: BANGALORE

DATE: 20.03.2012

NO OF CORRECTIONS: 2



SWORN TO BEFORE ME
[Signature] 20-3-12
G.B. TURAMARI
ADVOCATE & NOTARY
No.46/1, Behind Binny Mill,
1st Main Road, Ganganagar Extn.
BANGALORE- 560 032.

RECORDED
20-3-12



Bangalore - Mysore
INFRASTRUCTURE CORRIDOR

NANDI INFRASTRUCTURE CORRIDOR ENTERPRISE LIMITED

No. 1, Midford House, Midford Garden, Off. M.G. Road, Bangalore - 560 001, INDIA
Telephone : (80) 2555 9819, 2559 5252 Fax : (80) 2555 9998
email : nandi@nicelimited.com CIN : U85110KA1996PLC019619

CCE-4094948/2022
13/5/2022

Ref : NICE/05/197
13th May 2022
(Without Prejudice)

1. The Chief Secretary
Government of Karnataka
Vidhana Soudha,
Bangalore 560 001
2. The Additional Chief Secretary to Government
Public Works Department
Government of Karnataka
Vikasa Soudha,
Bangalore 560001

Dear Sir,

Sub: Regarding implementation of BMIC Project and resolving of pending issues.

- Ref:**
- (i) Framework Agreement (FWA) dated 03.04.1997.
 - (ii) Our request letter Ref. No. NECE/02/77 dated 12-02-2020 addressed to your kindness.
 - (iii) Our request letter Ref. No. NECE/02/208 dated 06-07-2021 addressed to your kind self.
 - (iv) NICEL Proposal letter Ref No. NICE/09/229 dated 05-05-2020 submitted to the Hon'ble Chief Minister of Karnataka, regarding settlement of disputes pertaining to BMIC Project as provided under Framework Agreement.

With regard to the importance of implementation of BMIC Project, we would like to draw your kind self's attention to the following observations made by the Hon'ble Supreme Court of India in its Judgment dated 20.04.2006, made about the BMIC Project, that;

- i) There could hardly be a dispute that the Project is a mega project which is in the larger public interest of the State of Karnataka.
- ii) The acquisition of the entire land for the Project was carried out in consonance with the provisions of the KIAD Act for a public project of great importance for the development of the State of Karnataka.
- iii) A Project of this magnitude and urgency cannot be held up by individuals raising frivolous and untenable objections thereto.

Bangalore - Mysore
INFRASTRUCTURE CORRIDOR

Ref : NICE/05/197
13th May 2022
(Without Prejudice)

iv) The Project is intended to represent the larger public interest of the State and that is why it was entered into and implemented all along.

With regard to implementation of the BMIC Project and in continuation to our letter cited at ref.(iv) above submitted to the Hon'ble Chief Minister of Karnataka regarding settlement of disputes as provided under Framework Agreement in order to pave way for completion of implementation of the Project, further we would like to submit that, with an intention to settle the long-standing disputes between the parties involved in implementation of the Project, and in the larger interest of the public, we propose to release about 559 Acres 8.5 guntas of lands from Section-A of the Project. These lands can be utilised by the Govt. for its various schemes including popular Govt schemes like housing, health and education schemes for the general public. The list of lands that is proposed to be released from the Project is enclosed herewith at Annexure-A along with sketch showing the location of the land. This proposal of release of land is without prejudice to our rights under Framework Agreement (FWA), various other agreements related to Project and our contentions before various Courts in pending litigations concerning the Project. Further, this offer is not to be construed as indicating in manner that any excess land whatsoever has been handed over to the Company.

As the BMIC Project was a State Government project which was conceived in public interest with a view to promote industrial, commercial and economic growth between Bangalore and Mysore cities and to decongest the Bangalore city, any action taken towards expeditious implementation will result in huge economic benefit for the State and will immensely help in generation of employment to the general public.

With reference to the letters cited (ref: ii & iii) above, we request your kind self to resolve the pending issues as listed below on priority. The details of the concerned department connected with the issues are enclosed as Annexure - B.

1. Permission and approval from Government for Residential Layout Plans, Development Plans, Building Plans, Development of Sites and Developments permissible under Schedule 4 of Framework Agreement (FWA) for Project lands.

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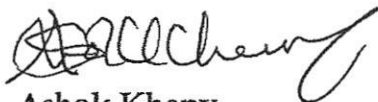
Ref : NICE/05/197
13th May 2022
(Without Prejudice)

2. Execution of sale deeds to the Project Company as per Article 3.2.4 of FWA for the lands acquired for the Project for which compensation has already been disbursed
3. Execution of Sale deed for Government lands leased to the Project Company as per Article 5.1.2 of FWA for which the Company is already deposited the required amount with KIADB
4. Transfer of Missing Link Lands to complete portion of Link Road and Peripheral Road
5. Completion of Acquisition proceedings for the acquired lands and transfer of lands to the Project Company
6. Stopping and Removal of Encroachments, dumping of garbage and illegal mining in the Project lands acquired under KIAD Act and Govt Lands handed over to the Project Company

We request your kind self to consider our proposal for release of lands from Section A of the Project and to issue directions to the concerned authorities to resolve the above said issues at the earliest in compliance of the obligations of the parties under FWA and the orders and judgements of the Hon'ble Courts.

Thanking you in anticipation.

Yours faithfully,
for **Nandi Infrastructure Corridor Enterprise Limited,**



Ashok Kheny
Managing Director

Encl.: As above.

Details of Project Lands Proposed to be released from Section-A of the BMIC Project

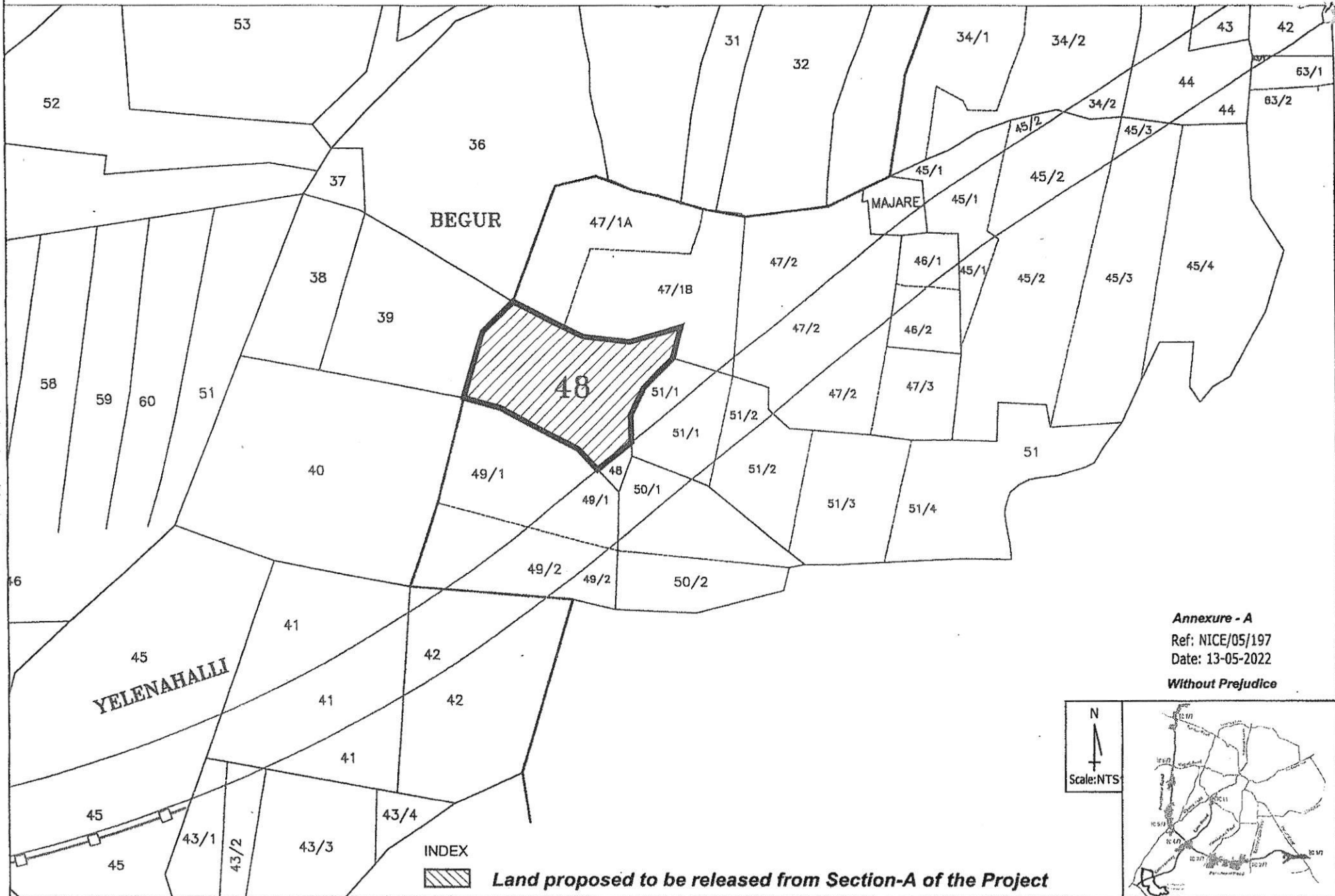
Sl. No.	Village	Survey No	Extent of Private Land		Extent of Govt. Land		Total Extent	
			Acres	Guntas	Acres	Guntas	Acre	Gunta
		10/4	1	4	0	0	1	4
	PILLAGANAHALLI	10/5	2	6	0	0	2	6
		10/6	2	24.5	0	0	2	24.5
		15/3	2	30	0	0	2	30
		15/4	0	18	0	0	0	18
		15/6	1	7	0	0	1	7
		TOTAL	76	11.5	100	30	177	1.5
8	GOTTIGERE	71 (P)			3	10	3	10
9	GOLLAHALLI	39			84	14	84	14
		58	7	2	0	0	7	2
		TOTAL	7	2	84	14	91	16
10	UM KAVAL	21 (P)	5	0	0	0	5	0
11	BM KAVAL	4 (P)			14	0	14	0
12	VARAHASANDRA	24 (P)			10	25	10	25
13	HEMMIGEPURA	4			4	11	4	11
14	KENGERI	121 (P)			41	10	41	10
		122 (P)			31	0	31	0
		125/1A	7	4	0	0	7	4
		125/1B	3	20	0	0	3	20
		128/1	0	39	0	0	0	39
		128/2	1	14	0	0	1	14
		168 (P)			2	0	2	0
		TOTAL	12	37	74	10	87	7
15	KOMMAGATTA	2			2	5	2	5
16	MANGANA HALLI	43 (P)			5	22	5	22
		48			4	0	4	0
		TOTAL	0	0	9	22	9	22
17	KODIGEHALLI	31			13	20	13	20
		86 (P)			8	0	8	0
		TOTAL	0	0	21	20	21	20
18	MADAVARA	66/3C (P)	1	0	0	0	1	0
		66/3B (P)	0	10	0	0	0	10
		TOTAL	1	10	0	0	1	10
18	THOTADAGUDDADAHALLI	1 (P)			19	31	19	31
GRAND TOTAL			113	21.5	445	27	559	8.5

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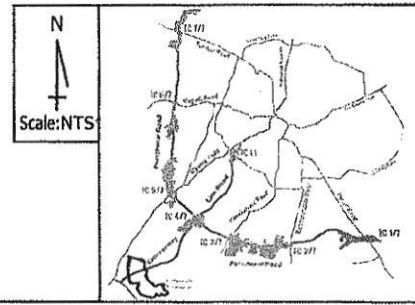
Details of Project Lands Proposed to be released from Section-A of the BMIC Project

Sl. No.	Village	Survey No	Extent of Private Land		Extent of Govt. Land		Total Extent	
			Acres	Guntas	Acres	Guntas	Acre	Gunta
1	PANTHARAPALYA	55/1	1	8	0	0	1	8
		55/2	1	15	0	0	1	15
		57/1	1	31	0	0	1	31
		57/2	0	23	0	0	0	23
		58	0	27	0	0	0	27
		TOTAL	5	24	0	0	5	24
2	PATTANAGERE	10			10	17	10	17
		11			2	2	2	2
		TOTAL	0	0	12	19	12	19
3	KONAPPANA AGRAHARA	51			28	10	28	10
		63			0	14	0	14
		72/1	1	7	0	0	1	7
		72/2A	0	20	0	0	0	20
		86/2	1	12	0	0	1	12
		86/3	1	20	0	0	1	20
		87	0	38	0	0	0	38
		TOTAL	5	17	28	24	34	1
4	DODDATHOGUR	13 (P)			36	31	36	31
		113			12	39	12	39
		TOTAL	0	0	49	30	49	30
5	BERATENA AGRAHARA	43			4	21	4	21
6	BEGUR	48 (P)			5	35	5	35
7	PILLAGANAHALLI	1 (P)	42	0	100	30	142	30
		2 (P)	0	10	0	0	0	10
		4 (P)	0	8	0	0	0	8
		5/1	1	5	0	0	1	5
		5/2	1	3	0	0	1	3
		5/3	1	14	0	0	1	14
		5/4	1	5	0	0	1	5
		5/5	0	37	0	0	0	37
		5/6 (P)	0	10	0	0	0	10
		5/7 (P)	0	16	0	0	0	16
		5/8 (P)	0	15	0	0	0	15
		5/9 (P)	2	10	0	0	2	10
		5/10 (P)	1	10	0	0	1	10
		6	2	18	0	0	2	18
7/1B	0	15	0	0	0	15		
7/2	3	36	0	0	3	36		
8/1A (P)	1	39	0	0	1	39		
8/2A	2	31	0	0	2	31		
8/2B	2	0	0	0	2	0		

Village: Beguru, Hobli: Beguru, Taluk: Bangalore South



Annexure - A
Ref: NICE/05/197
Date: 13-05-2022
Without Prejudice

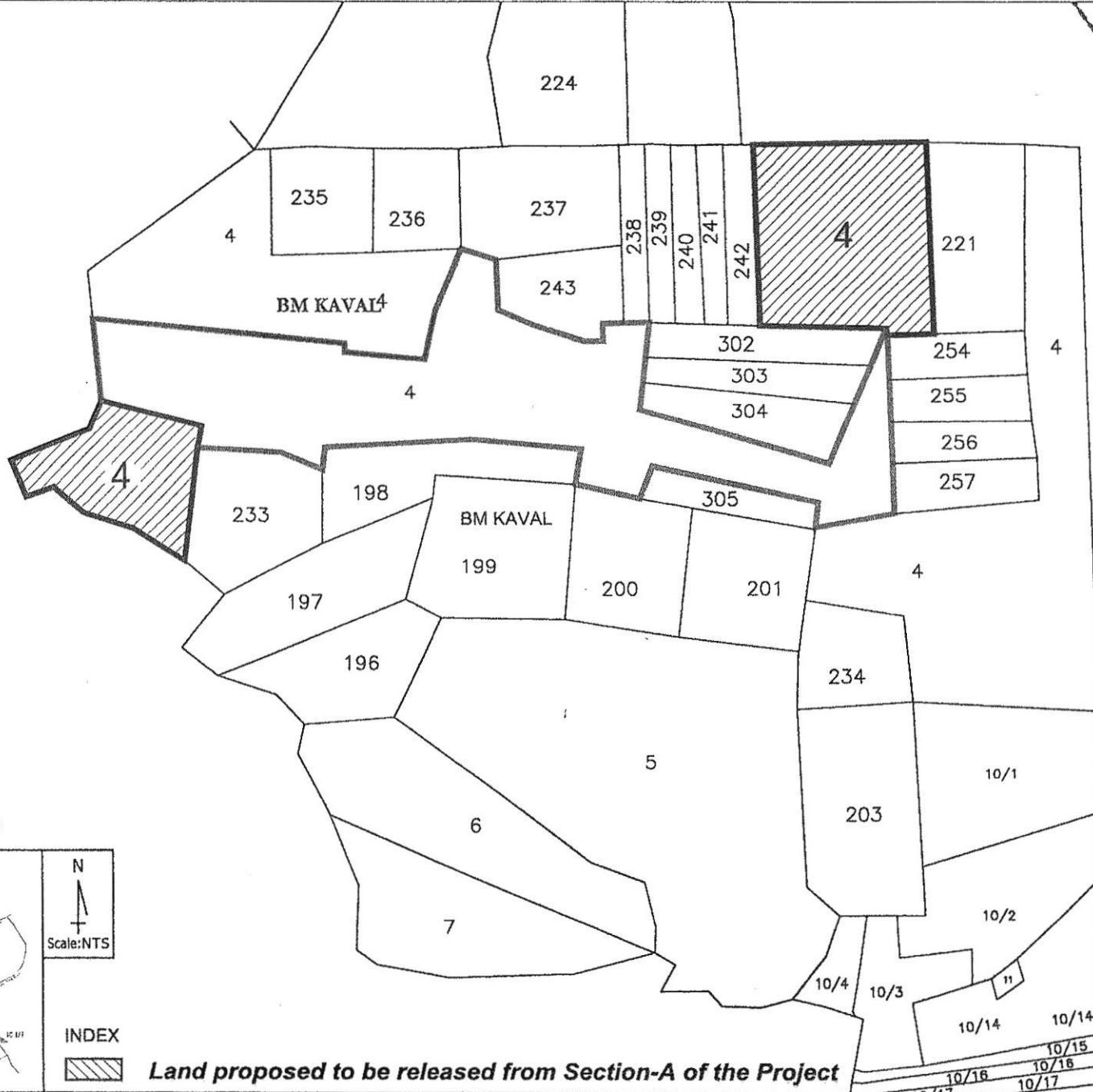


INDEX
 Land proposed to be released from Section-A of the Project

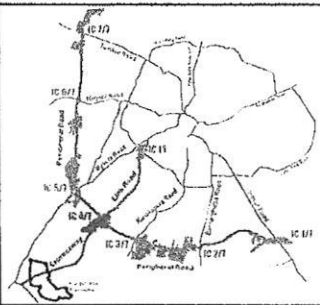
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Village: BM Kaval, Hobli: Kengeri, Taluk: Bangalore South



Annexure - A
 Ref: NICE/05/197
 Date: 13-05-2022
 Without Prejudice

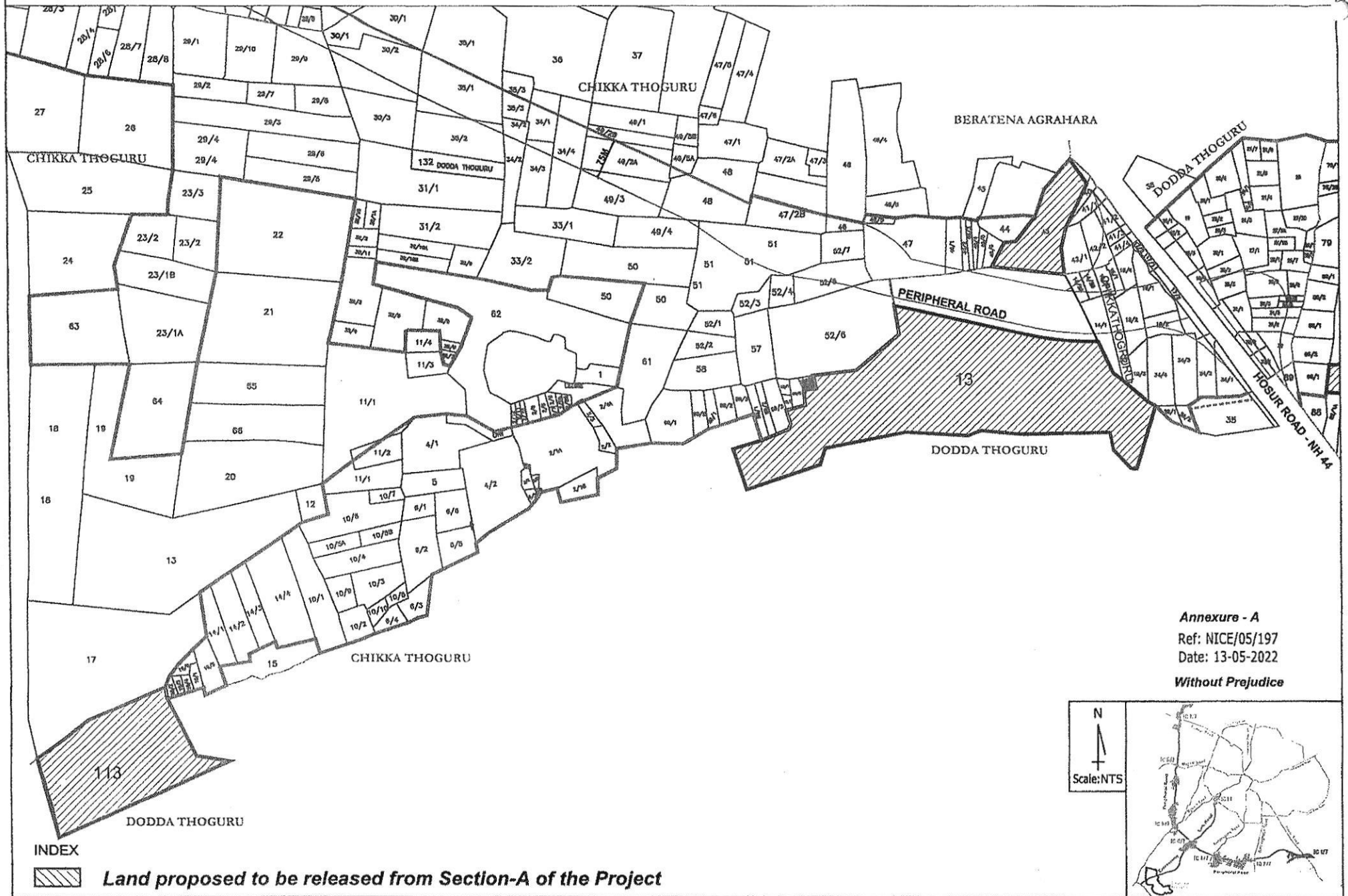


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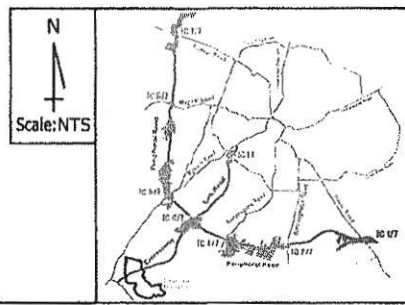
(96)

10/17

Village: Doddathoguru & Beratena Agrahara Hobli: Beguru, Taluk: Bangalore South



Annexure - A
 Ref: NICE/05/197
 Date: 13-05-2022
 Without Prejudice



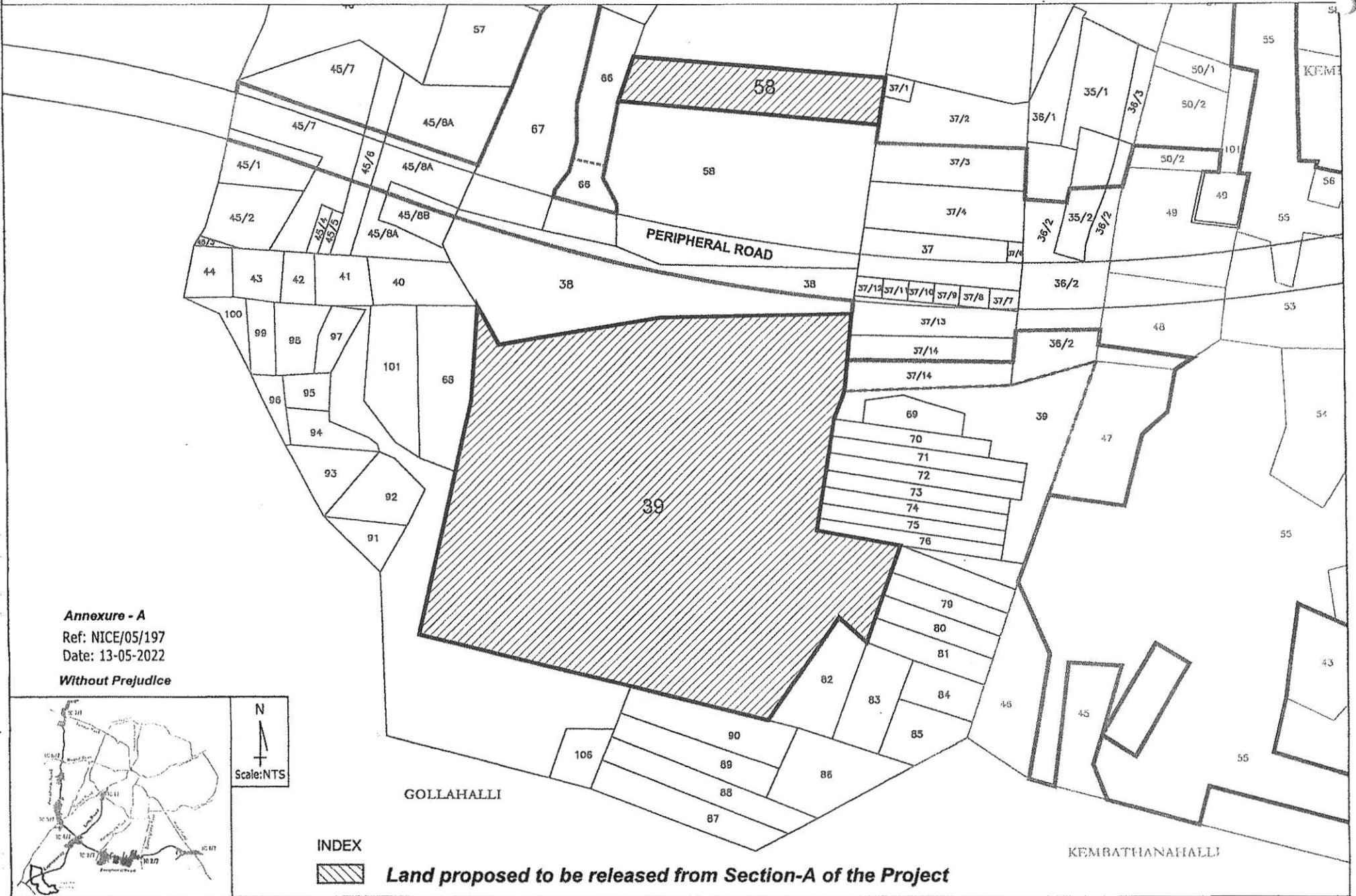
INDEX
 Land proposed to be released from Section-A of the Project

Alok

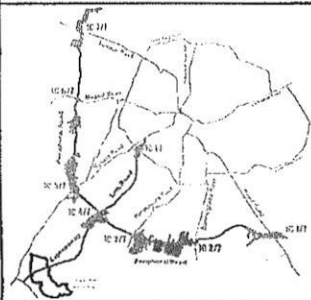
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Village: Gollahalli, Hobli: Uttarahalli, Taluk: Bangalore South



Annexure - A
Ref: NICE/05/197
Date: 13-05-2022
Without Prejudice



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 Land proposed to be released from Section-A of the Project

APC

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Village: Gottigere and Pillaganahalli, Hobli: Uttarahalli, Taluk: Bangalore South

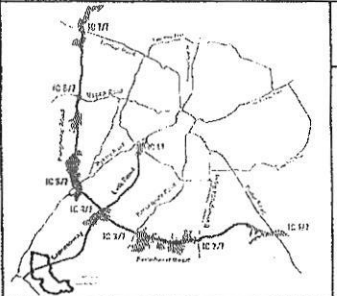


Area

153

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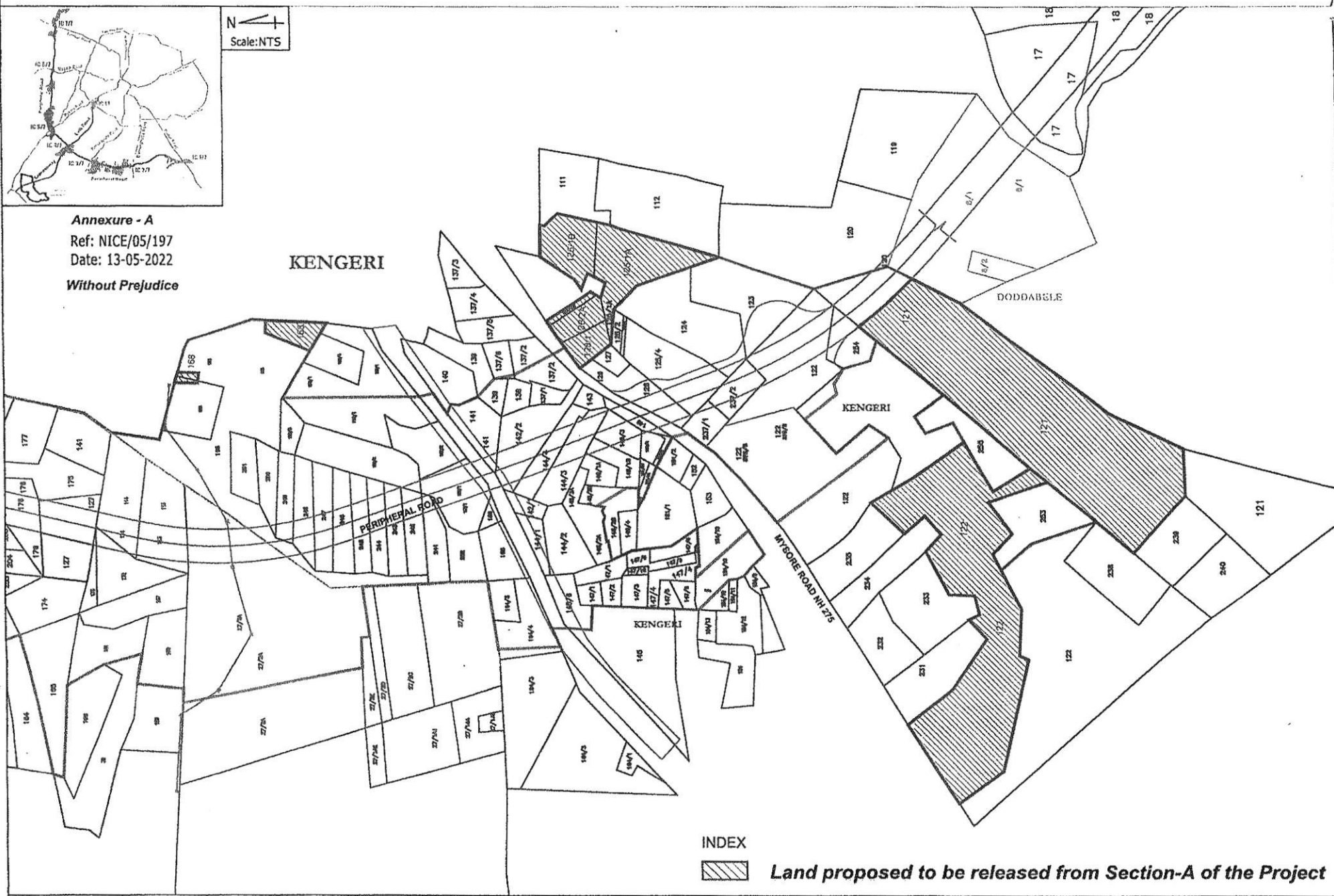
Village: Kengeri, Hobli: Kengeri, Taluk: Bangalore South



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Scale: NTS

Annexure - A
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Without Prejudice

KENGERI



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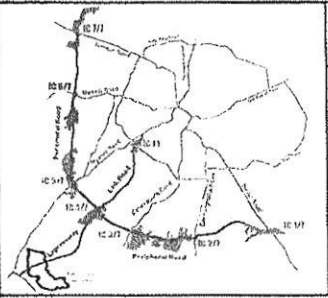
Land proposed to be released from Section-A of the Project

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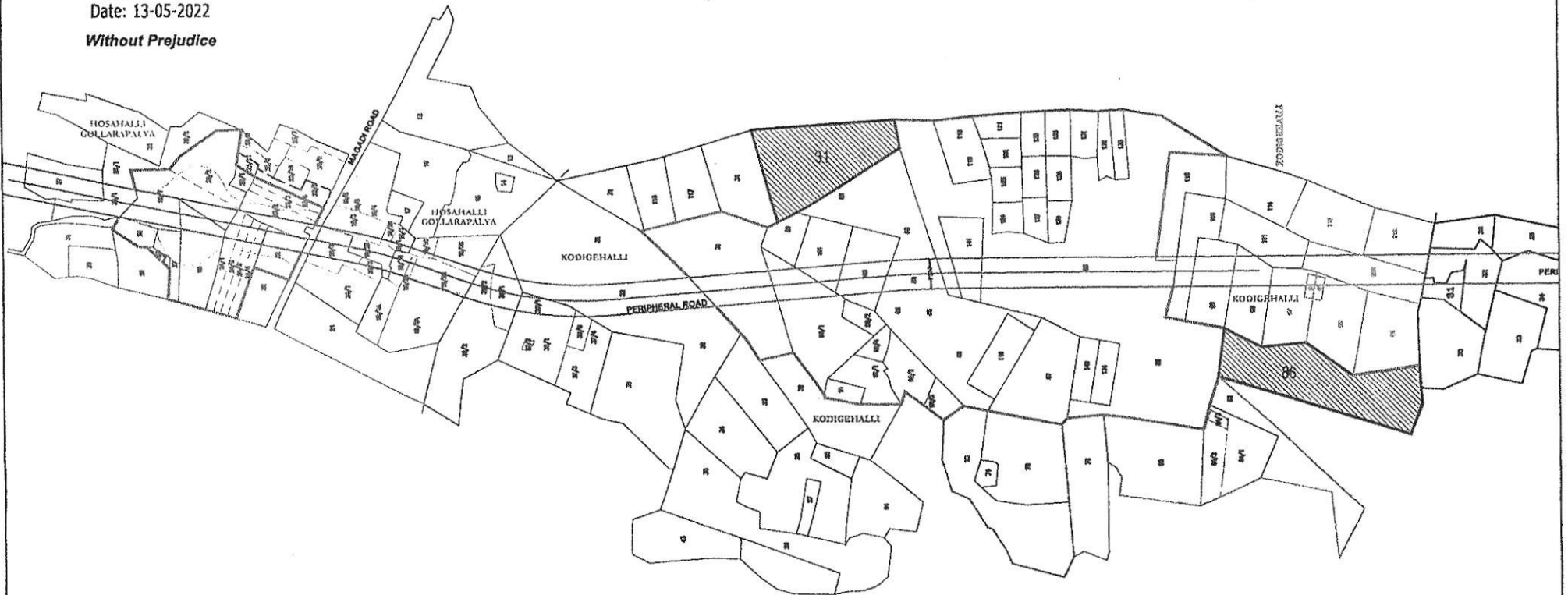
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Village:Kodigehalli, Hobli: Yeshwanthapura, Taluk: Bangalore North



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Annexure - A
Ref: NICE/05/197
Date: 13-05-2022
Without Prejudice



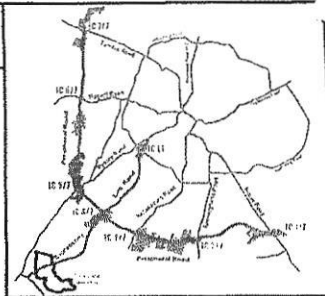
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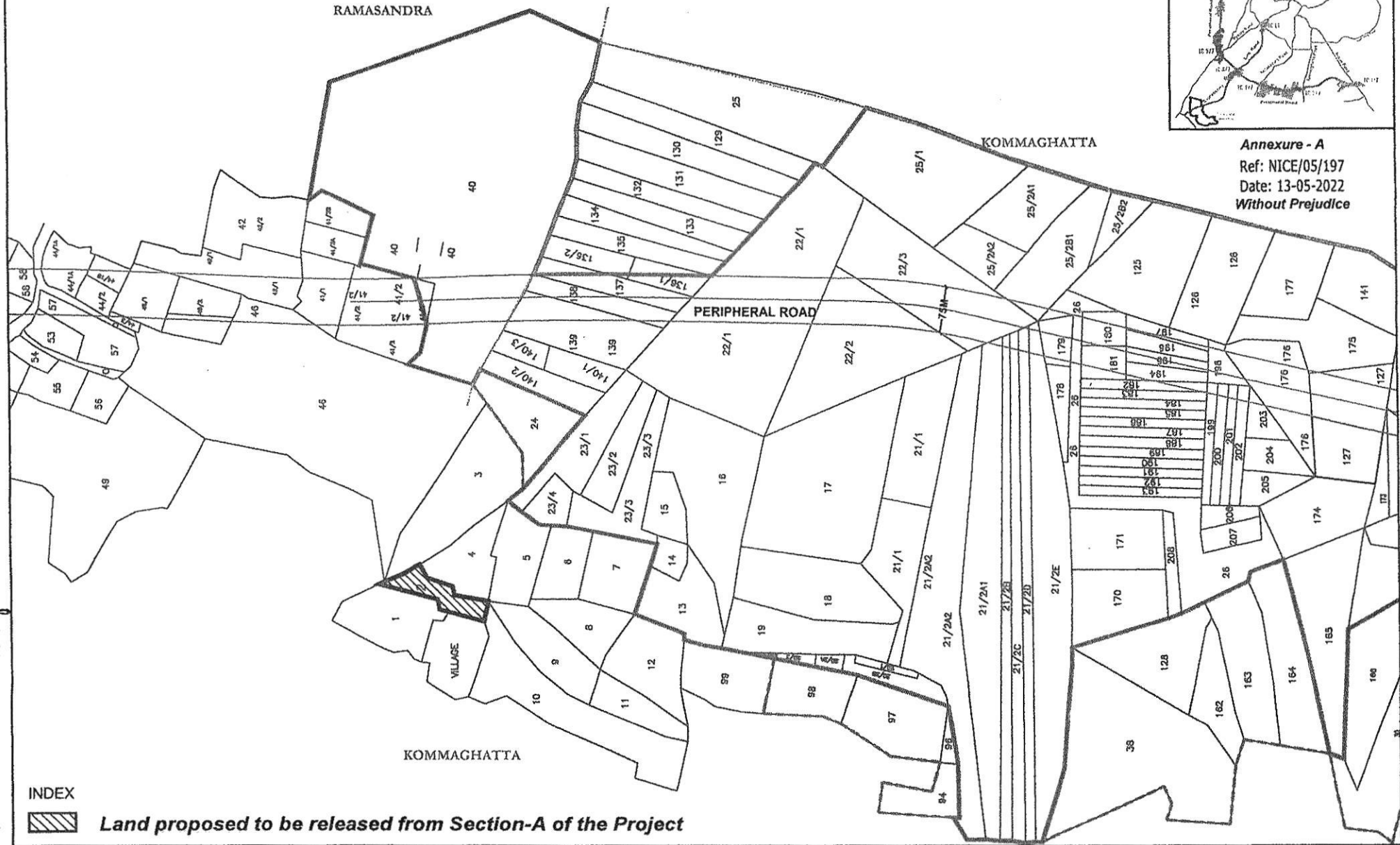
 Land proposed to be released from Section-A of the Project

Village: Kommaghatta, Hobli: Kengeri, Taluk: Bangalore South

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Scale: NTS



Annexure - A
Ref: NICE/05/197
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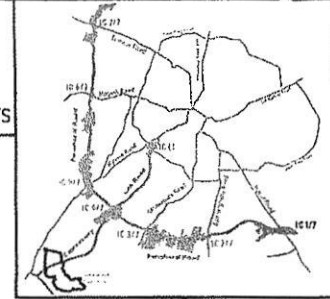
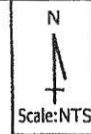


Land proposed to be released from Section-A of the Project

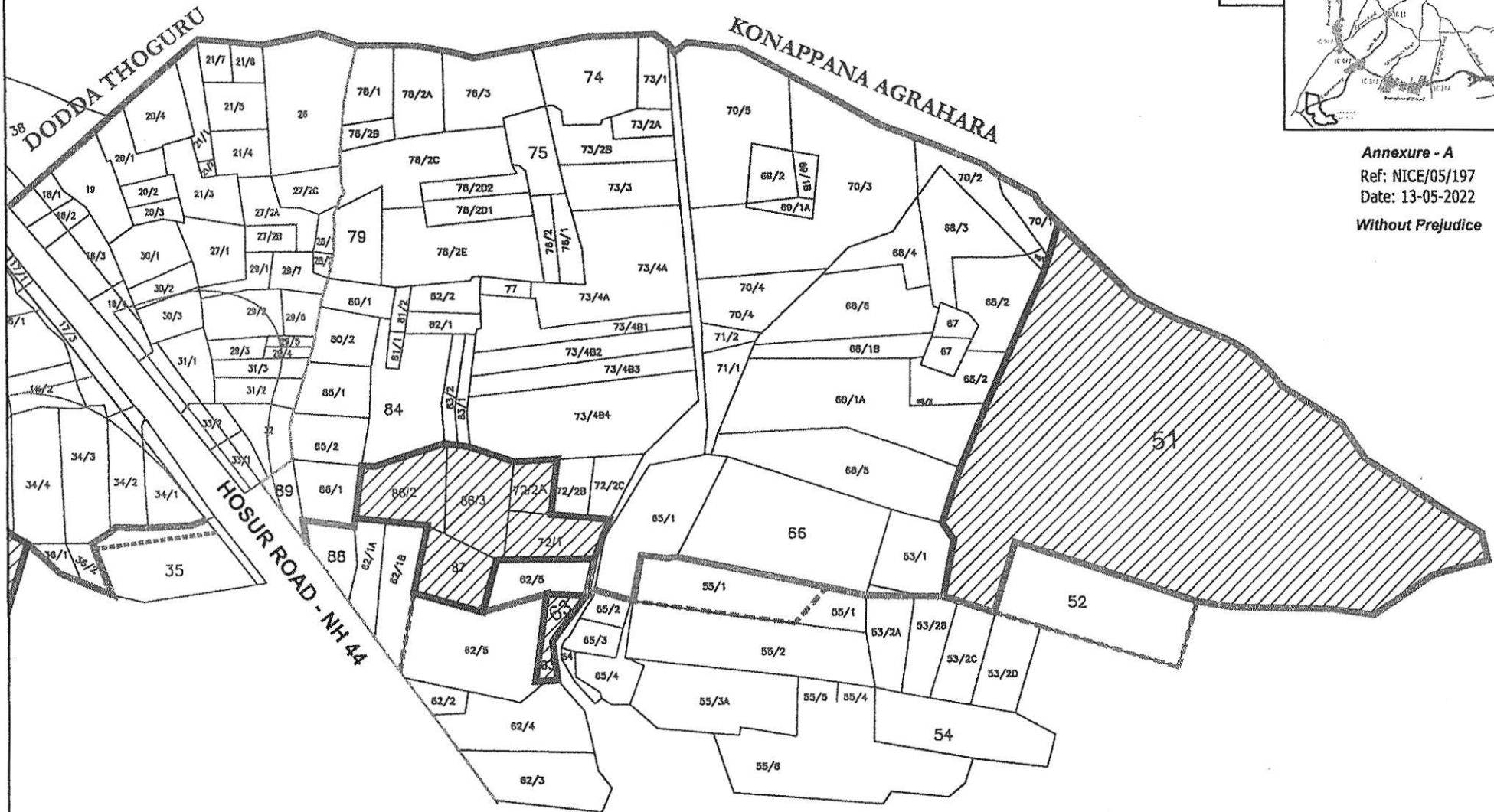
ADP

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Village: Konappana Agrahara, Hobli: Beguru, Taluk: Bangalore South



Annexure - A
Ref: NICE/05/197
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Without Prejudice



Area

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Land proposed to be released from Section-A of the Project

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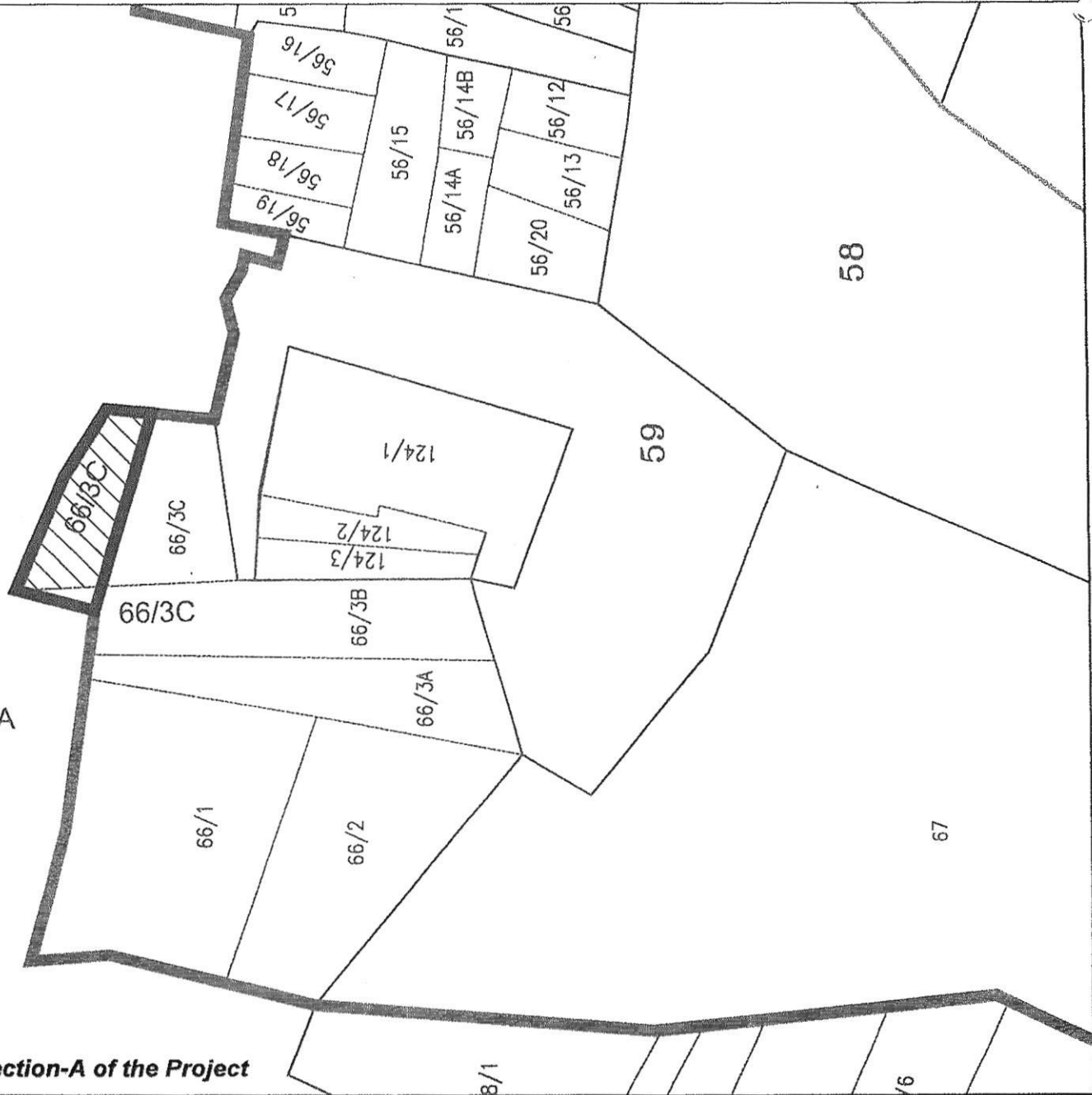
Village: Madavara, , Hobli: Dasanapura, Taluk: Bangalore North



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Scale: NTS

Annexure - A
Ref: NICE/05/197
Date: 13-05-2022
Without Prejudice

MADAVARA



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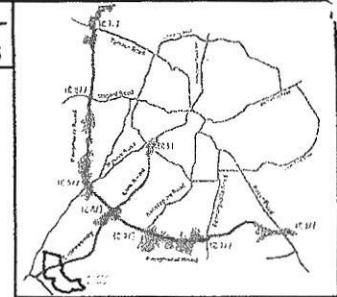
Land proposed to be released from Section-A of the Project

Area

(29)

Village:Manganahalli, Hobli: Yeshwanthapura, Taluk: Bangalore North

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Scale:NTS

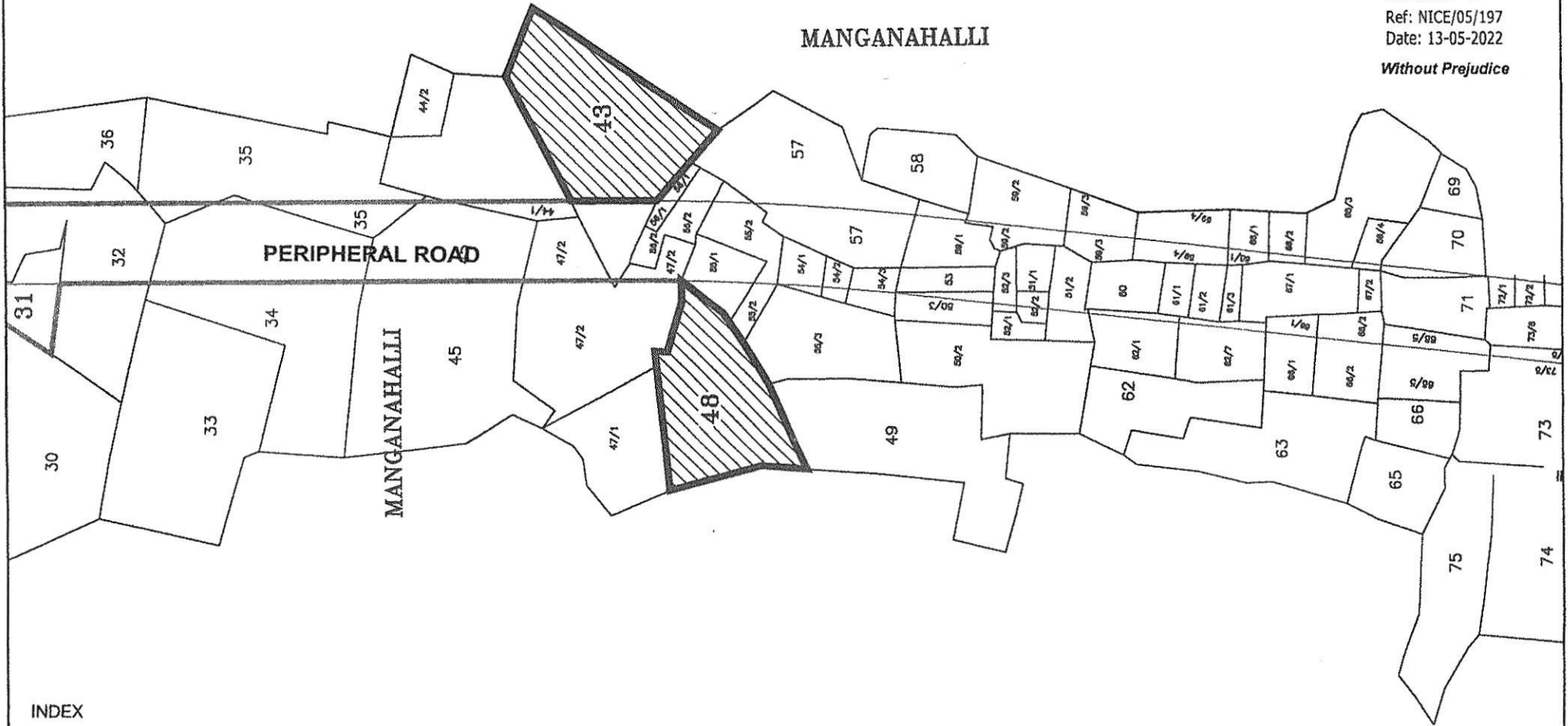


Annexure - A
Ref: NICE/05/197
Date: 13-05-2022
Without Prejudice

MANGANAHALLI

PERIPHERAL ROAD

MANGANAHALLI



APR

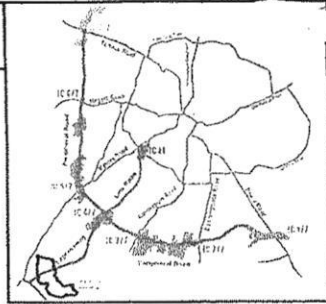
INDEX

 Land proposed to be released from Section-A of the Project

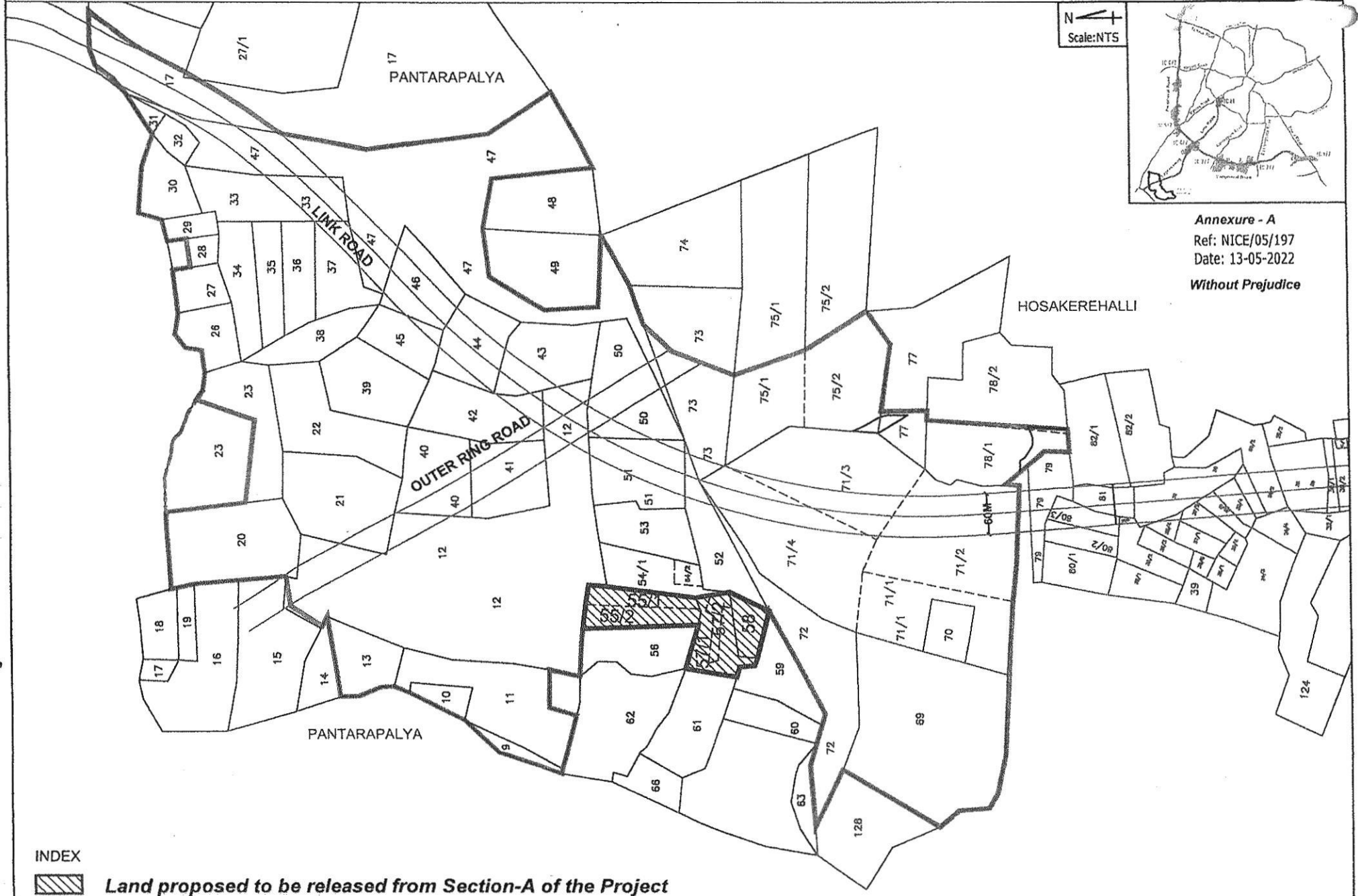
19
60

Village: Pantharapalya, Hobli: Kengeri, Taluk: Bangalore South

N
Scale:NTS



Annexure - A
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 Land proposed to be released from Section-A of the Project

Area

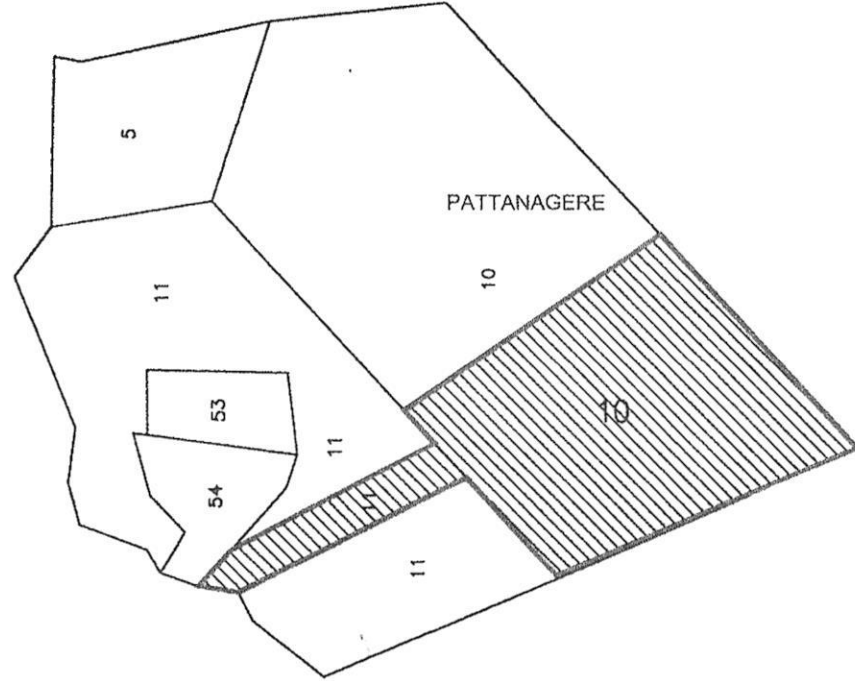
80 / 99

Village: Pattanagere, Hobli: Kengeri, Taluk: Bangalore South

N
Scale: NTS



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ACW

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Land proposed to be released from Section-A of the Project

(B)
107

Village: Thotadaguddadahalli, Hobli: Dasanapura, Taluk: Bangalore North



N
Scale:NTS

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TOTADAGUDDADAHALLI



TOTADAGUDDADAHALLI

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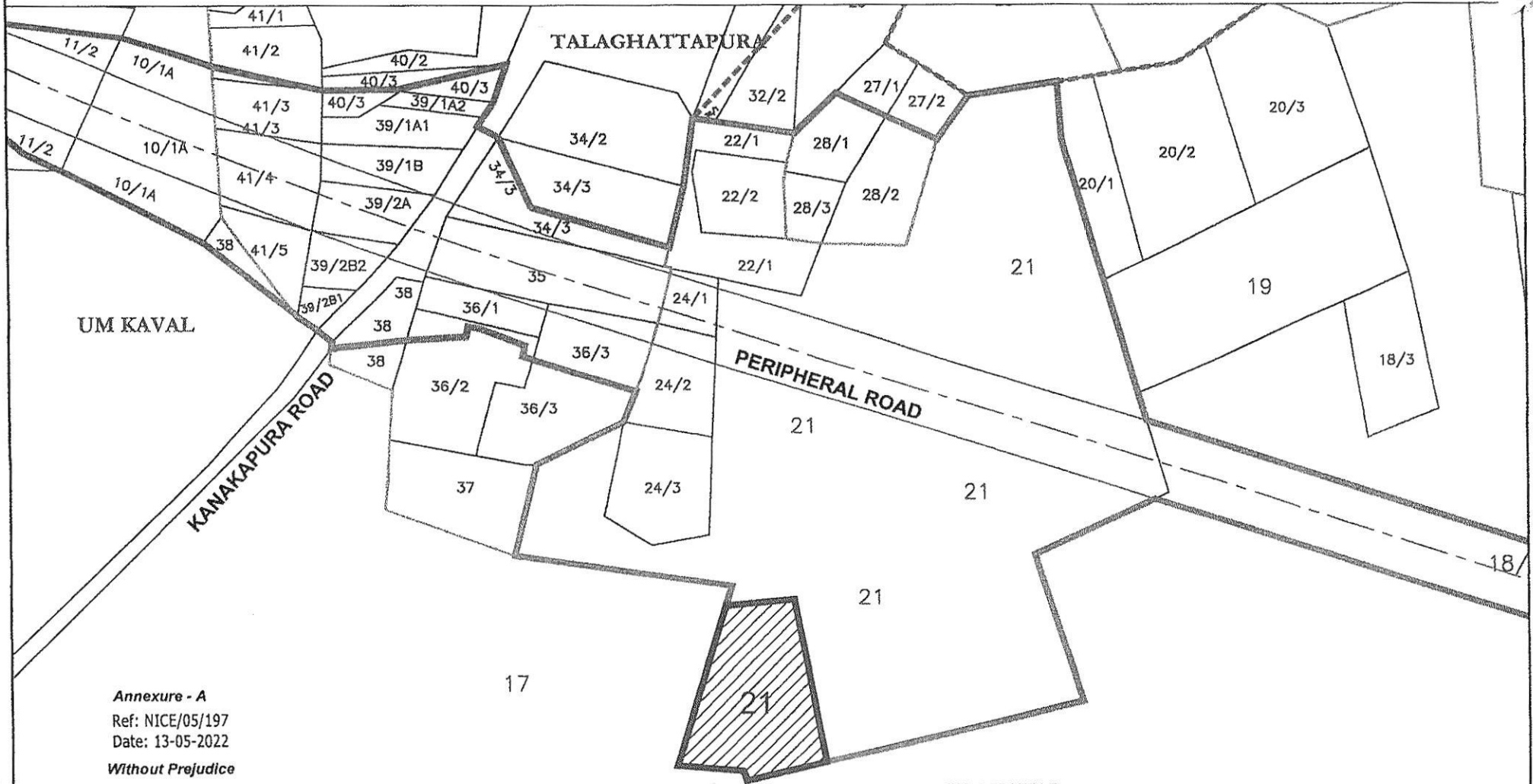
Land proposed to be released from Section-A of the Project

SRIKANTAPURA
(ANCHEPALYA)

ACR

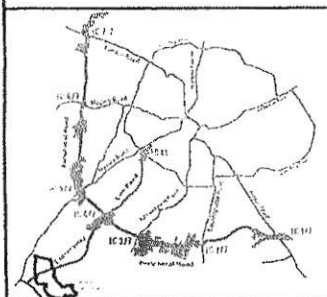
158
-90

Village: UM-Kaval, Hobli: Uttharahalli, Taluk: Bangalore South



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Land proposed to be released from Section-A of the Project

3

Village: Varahasandra & Hemmigeपुरa, Hobli: Kengeri, Taluk: Bangalore South



N
Scale: NTS

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Land proposed to be released from Section-A of the Project

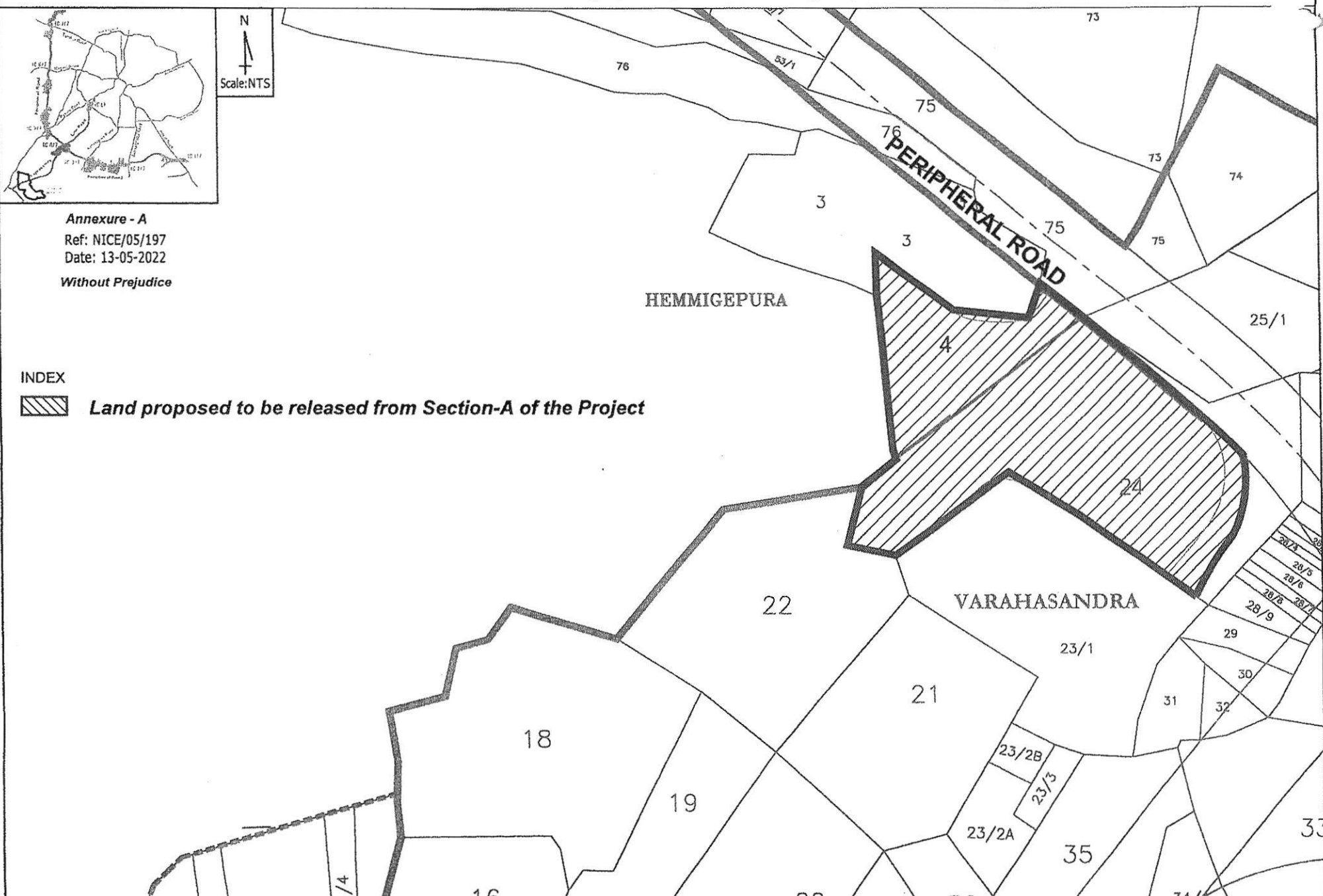
HEMMIGEपुरA

VARAHASANDRA

PERIPHERAL ROAD

ACCE

69/04



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(Without Prejudice)

BMIC Project
Pending issues to be resolved on Priority

1. Permission and approval from Government for Development in Project lands

- As per Hon'ble Supreme Court order Project Company has to approach State for permission for Development in project lands and then the Authority may take appropriate decision.
- Site to be allotted to Land losers who have consented for acquisition of land and taken compensation since year 2003
- The Government to accord Permission and approval for Residential Layout Plans, Development Plans, Building Plans, Development of Sites and Developments permissible under Schedule 4 of Framework Agreement (FWA) for Project lands and accordingly directions to be issued to BMIC Area Planning Authority to approve the Proposed Plans and subsequent plans in respect of development of land.

Concerned Department: PWD/UDD/BMICAPA

2. Execution of sale deeds to the Project company for the lands acquired for the Project and compensation disbursed

- Execution of sale deeds to the Project Company as per Article 3.2.4 of FWA for the lands acquired for the Project for which compensation has already been disbursed
- As per Article 5.1.1.2, All acquired land shall be transferred to the Company. The lands to be transferred without any Encumbrances
- Transfer of the lands on priority for which compensation already disbursed by KIADB - 367 Acres

Concerned Department: KIADB

3. Execution of Sale deed for Government lands leased to the Project Company

- Execution of Sale deed for Government lands leased to the Project Company as per Article 5.1.2 of FWA
- Company has deposited the required amount as per the GO dated 29.01.2001 with KIADB on 16.03.2012. In the absence of Title, Company unable to protect the land.
- KIADB to execute Sale deeds in respect of Govt. Lands Leased to Project Company-2090 Acres

AKC
Concerned Department: KIADB

(60) - 02

Annexure - B

Ref: NICE/05/197
13th May 2022
(Without Prejudice)

4. Transfer of Missing Link Lands to complete portion of Link Road and Peripheral Road

a) Land to complete 50 Meters of portion of Link Road

Handing over of land to an extent of 265.85 Sq. meters at City Sy. No. 629 of Byatarayanapura village to connect Link Road to Mysore Road at BHEL junction. Awaiting the release of the order from Hon'ble High Court in WP No 32991/2016.

Concerned Department: KIADB

b) Land to complete portion of Ramp at Magadi Road Interchange

Letter to be written to Revenue Department for handing over of land for an extent of 1 Acre 26 Guntas in Sy No 27 of Hosahalli Gollarapalya village

Concerned Department: Revenue Dept. and KIADB

c) Land to complete portion of Ramp to connect Link Road to Outer Ring Road

Handing over of acquired land to an extent of 2 Acres 1 Guntas in Sy No 73 of Hosakerehalli village

Concerned Department: KIADB

d) Transfer of Land to complete 400 meters of portion of Link Road

- Extent required 24 Acres 37 Guntas in Sy. No. 47 of Pantarapalya Village,
- Letter to Police and Revenue Department to stop and removal of debris being dumped at Link Road Right-of-Way and complete the handing over process to complete the Link Road.

Concerned Department: Revenue Dept. and KIADB

5. Completion of Acquisition proceedings for the acquired lands and transfer of lands to the Project Company

- Lands acquired under section 28(4) of KIAD Act and vest with Govt. for which acquisition proceedings to be completed and to be transferred to the Project company.

Concerned Department: KIADB

All

Annexure - B

Ref: NICE/05/197
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(Without Prejudice)

6. **Stopping and Removal of Encroachments, dumping of garbage and illegal mining in the Project lands acquired under KIAD Act and Govt Lands handed over to the Project Company**

- Encroachments in the Acquired lands and Govt Lands, dumping of garbage, illegal mining activities in the Project lands which are being rampantly carried out by some miscreants and vested interests.
- Concerned authorities to take action for removal of encroachments in the Project lands.

Concerned Department: KIADB / Revenue Dept./ BMICAPA

Atcc