

National Highway Authority

(Revenue - ROW Section)

No. 9(1)/NHA/ROW/2019/1135

February 26th, 2020

Subject: **Guidelines for Processing and Issuance of NOC's for Commercialization of Right of Way (ROW) on NHA Network.**

It has been noticed that, on receipt of request for issuance of NOC, the concerned Deputy Directors (Maint)/PDs issue demand notice to the applicant for payment of NOC fee, approach rental, Security/ Supervision charges etc applicable at that point of time or partial amount of dues. In certain cases, demand notices are issued without determining the suitability of request, completion of requisite formalities, documentations and total area of the proposed amenity. Whereas, full and final amount of dues is calculated / applied taking in to account the revised rates, **(If any)** by ROW Section, HQ at the time of processing the case for grant of Principle approval for issuance of Letter of Acceptance (LOA). LOA is issued after completion of requisite formalities as per SOP & Checklist-1. The detail of requisite formalities, documentation and exact amount of payable dues is conveyed to the applicant in the LOA which is pre-requisite for issuance of formal NOC.

2. In most of the cases the amount of dues demanded by Deputy Directors as well as amount applied and mentioned in LOA is different. Due to this disparity, the applicants claim that they have already paid applicable dues on the demand notice of concerned Deputy Directors (Maint)/PDs and resist payment of full and final dues as per LOA. This situation is creating legal and administrative complications and in some cases litigation in the Courts of Law.

3. In order to address and avoid the above situation, The following guidelines shall be followed and adhered to forthwith:

- i. The applicants, as per existing policy, shall address and submit their request in the office of concerned General Manager or Deputy Director (Maint) / PDs through formal application.
- ii. The concerned DD(Maint)/PDs shall determine the suitability of proposal, complete requisite formalities, documentations, attestations as per SOP and Checklist-I and forward the case to ROW Section, HQ complete in all respect for acceptance / rejection with the specific recommendation of respective GM within prescribed time line.
- iii. The demand notice, if issued, to the applicant at the time of receipt of request, for payment of dues or partial amount of dues by concerned DD shall explicitly clarify that this is estimated and provisional amount of dues and that full and final amount of payable amount of dues shall be applied after grant of in-principle approval and conveyed in the Letter of Acceptance (LOA) to be issued by ROW Section, HQ.
- iv. The ROW Section, HQ shall check that all requisite formalities documentations, attestation complete as per SOP & Checklist-1 and issue Letter of Acceptance (LOA) clearly mentioning requisite formalities, documentations and amount of NOC fee, rental, Security/ Supervision charges etc for issuance of formal NOC within stipulated period.

- v. On issuance of LOA, concerned DD (Maint)/PDs shall be responsible to coordinate with the owner, complete requisite formalities, documentation, on prescribed specimens, attestation, recover/ deposit requisite amount of dues in the prescribed Head of Accounts of NHA and forward to ROW Section, HQ for issuance of formal NOC within defined timeline.
- vi. The ROW Section, HQ shall check that all requisite formalities are complete as per SOP & Checklist-II, all dues are deposited in NHA RMA Account and issue formal NOC with the approval of competent Authority within stipulated time.
- vii. After issuance of formal NOCs, concerned DD shall monitor and ensure implementation of terms and conditions of NOC as per NHA SOP.
- viii. The concerned DDs/PDs shall also be responsible and ensure that annual rental charges are recovered from the NOC holders and deposited in the prescribed Head of Account on or before the due date.
- ix. The concerned DDs/PDs shall prepare, maintain / update detailed inventory list of all amenities without NOC indicating name of amenity, name of owner, name of road, location with KMs, total area of amenity and date of establishment and ensure their regularization.
- x. The concerned DD (Maint)/PDs shall also maintain, update record and data of all NOC holders under their jurisdiction both in hard and soft form. They shall also formally forward one copy of updated list of NOC holders with status of payment of NHA dues to Concerned Member and General Manager in the first week of each month.

4. The above guidelines are circulated for information, dissemination and strict implementation by all concerned.

5. This issues with the approval of Chairman, NHA please


(BARKAT ALI)
Director (Rev-Row)

Distribution:-

All Members (Zones/MWs)

All GMs (Regions/MWs)

All DDs (Maint)/PDs

DD/AD (ROW), HQ

Copy to:-

Member (Finance), NHA HQ

GM (Rev - ROW), NHA HQ

SPS to Chairman

✓ DD (MIS), HQ

→ **For uploading on NHA website**