

**Proceedings of the Principal Secretary to Government of Karnataka,  
Infrastructure Development Department, Vikasa Soudha, Bangalore**

**Dated 24<sup>th</sup> September 2010**

*Sub:* Application dated 30<sup>th</sup> June 2010 filed by Shri G.R. Mohan, Advocate on behalf of M/s Samarpana, a voluntary organisation

*Ref:* (i) Orders of Hon'ble High Court of Karnataka in W.P. No. 17088/10 dt. 3.6.2010  
(ii) Application dated 30.6.2010 of Samarpana with enclosure dated 17.6.2010 (Annexure M of WP No. 17088/10)

**Background**

1. The Hon'ble High Court of Karnataka in WP No. 17088/2010 have directed me to consider the representation of the petitioner dated 21.4.2010 (Annexure M of WP) as expeditiously as possible and not later than two months from the date of receipt of the copy of the orders passed by Hon'ble High Court or production of the certified copy of the order of Hon'ble HC whichever is earlier. A letter dt. 17.6.2010 from Samarpana (a voluntary organization) along with a copy of the order of Hon'ble HC of Karnataka was received in my office on 18.6.2010.
2. M/s Samarpana in their representation (Annexure M of the WP) have raised many issues connected with various organisations. Accordingly to proceed further, the comments of all the concerned organisations viz. Bangalore Airport Rail Link Ltd. (BARL), Delhi Metro Rail Corporation Ltd. (DMRCL), National Highway Authority of India (NHAI) and Lake Development Authority (LDA) were sought.
3. Pending receipt of the information sought from the concerned organisations a notice of hearing was issued to M/s Samarpana to appear before this Authority on 7.9.2010 at 11.30 Hrs. in Room No. 28, Vikasa Soudha. Notices

) were also issued to all the related organisations viz. BARL, DMRCL, NHAI, LDA to be present for the hearing.

4. On the date of hearing, representatives of BARL, DMRCL and LDA were present. However, a letter was received from M/s. Samarpana stating that they could not appear before this Authority in view of their filing a contempt of court case against this Authority for disobedience of not disposing the case within time.

5. As the matter involved in the petition is relating to public interest issues and public projects under process or procurement, it was decided to deal with the same. The views and responses from the agencies concerned present during hearing were obtained.

6. M/s. Samarpana in their petition dated 21.4.2010 have raised, inter-alia, the following issues:

- (a) The decision to undertake the project of High Speed Rail at a completion cost of Rs.5,767 crores is not warranted in view of the fact that aBIDe, a body set up by Govt. of Karnataka, had recommended for airport connectivity on west and east by road and railway access with the existing South Western Railway on Bangalore - Chickballapur route;
- (b) That the Delhi Metro Rail Corporation Ltd. (DMRCL) who prepared the study report have not done a proper traffic projection, and have not considered the problems that would be faced in taking up civil structures near Windsor Manor, BDA underpass, Mekhri Circle underpass, magic box as put up by BBMP at Sanjaynagar and CBI junction, Hebbal flyover etc. as the height of the elevated track will be too high;
- (c) That the High Speed Rail would come in the way of trainee aircrafts that fly at low height at Jakkur;

- (d) The acquisition of land that would be acquired for the project from the existing Hebbal lake in excess of 6 acres to provide a check-in station at Hebbal would be contrary to the judgment of the Hon'ble High Court in which directions had been issued to authorities including Lake Development Authority to preserve lakes in and around Bangalore;
- (e) That this Authority had decided in a meeting held on 14.12.2009 to provide Commuter Rail System and also to take action to provide connectivity to BIAL through South Western Railway services by 16<sup>th</sup> April 2010;
- (f) That the Govt had announced spending Rs.500 crores for development of local train facility and connectivity to BIAL by rail and bus, and that a new railway station would be constructed near and close to the airport trumpet interchange; and
- (g) That the fare that would be charged by the High Speed Rail would be too high when compared to the train fair from Yeswantpur to Devanahalli being Rs.6 per trip.

The petitioner, in view of the above, requested the Govt to take up the SWR route which is cost effective instead of the High Speed Rail; as the cost of the latter may go up to Rs.10,000 crores and also would disturb the Hebbal Lake.

7. I have considered the responses given by various agencies and authorities. In this context, it is necessary to state the genesis of the High Speed Rail Project. The Ramanathan Committee Report (June 1992) which examined five alternate locations for developing a green field international airport for Bangalore had suggested the present International Airport area (Devanahalli) as the most suitable location. The committee also observed :

".....Most of the airports of the world are connected with rail facilities and this results obviously in great savings in the expenditure that would otherwise be incurred on fuel etc. for the

movement of thousands of vehicles to and from the airport. Fortunately, the site recommended by the Committee can be conveniently provided with mass rapid transport rail links by converting the narrow gauge line from Yelahanka to the new site. The existing narrow gauge line runs in close proximity to the western boundary of the site abutting the NH-7. The Committee is anxious that Bangalore, if possible, be the first airport in India having direct rail facilities to the airport. If this is done, it should be possible to run feeder rail services connecting both the Bangalore city and Cantonment Railway stations....”

8. To examine the options available for removing traffic congestion in Bangalore City, the Government in the Urban Development Department had earlier appointed M/s RITES Ltd. to conduct a traffic study and propose options and they have submitted a report in December 2007. In Chapter 7 of the report submitted by M/s RITES Ltd. they proposed the implementation of following Mass Rapid Transport Systems, inter-alia with the development of road systems:

- (a) Metro Rail System of 137 KMs (including 33 KMs of direct approach to Airport between MG Road and the New Airport. It also suggested two check-in stations - one at City near MG Road and another at Hebbal and a third fill up station at Yelahanka;
- (b) Mono Rail / Light Rapid Transit (LRT) System for a distance of 60 KMs in four corridors;
- (c) Commuter Rail System over a distance of 204 KMs in 10 corridors; and
- (d) Bus Rapid Transit (BRT) System for a distance of 291.5 KMs in 14 corridors.

The Govt., having considered the connectivity issues to the International Airport, vide its Order No. IDD 40 DIA 2002 dated 2.11.2006 appointed the Delhi Metro Rail Corporation (DMRCL) through M/s iDeCK (a consultancy organization jointly owned by Govt of Karnataka and IDFC) to prepare a Detailed Project Report for a dedicated Rail Link from City Centre to Devanahalli Airport and accordingly,

M/s DMRCL proposed a High Speed Rail project starting from the Police Parade grounds at MG Road to the international airport at Devanahalli with two intermediate stations at Hebbal and Yelahanka. The proposed High Speed Rail which would have two lines is to have a design capacity of 160 kmph and the distance to airport would be covered in 25 minutes. The maximum capacity of the HSRL is to carry 11,500 passengers in each direction during peak hour. The DPR suggested a fare of Rs.200/- from MG Road to the Airport, Rs.150/- from Hebbal to Airport and Rs.100 from Yelahanka to Airport. There would be concessional fare for regular users. The Government of Karnataka accepted the DPR submitted by M/s DMRCL. The DMRCL was also appointed as Consultants for the preparation of procurement documents for implementing the project on Public Private Partnership (PPP) basis. The Bangalore Airport Rail Link Ltd was to be the Special Purpose Vehicle to deliver the project.

9. The Govt issued an Order No.IDD 40 DIA 2002, dated 26.12.2007. The relevant decisions are as follows :

- (a) To locate the City Airport Terminal (CAT) at the Police Parade Ground between MG Road and Cubbon Road as recommended by the Consultant DMRC and authorize the DMRC to finalise the DPR;
- (b) To shift the Police Parade Ground to Jakkarayanakere and to allow the Bangalore Metro Rail Corporation Ltd. (BMRCL) to temporarily use part of Jakkarayanakere for casting of pre-cast concrete structures till an alternative site is provided to BMRCL;
- (c) To appoint KSIIDC as the nodal agency of the State Govt for the HSRL project and to play a similar role that it has been playing in the implementation of the BIAL;
- (d) To advise DMRC to appoint a suitable consultant to study the impact of CAT on the traffic around MG Road and submit a report within 3-4 weeks based on which DMRC shall suggest the engineering solutions to tackle the traffic problems;

- (e) To constitute a Special Purpose Vehicle (SPV) to implement this project on PPP - BOT basis by inviting Expression of Interest (Eoi) and Request for Proposal (RFP);
- (f) To make an enabling provision in the Articles of Association to be framed for purposes of SPV to co-opt Gol/BIAL or such other Authority as may be necessary as equity partners for the effective functioning of the SPV;
- (g) To authorize KSIIDC to engage the services of DMRC on assignment basis as Project Consultants to assist the SPV in the implementation of this project, subject to obtaining the necessary exemption under the Karnataka Transparency in Public Procurements Act, 1999;
- (h) To authorize the Infrastructure Development Department to take all necessary steps to give effect to the decisions referred in (a) to (g) above....”

The KSIIDC formed a new SPV in the name of Bangalore Airport Rail Link Ltd. (BARL) for this purpose.

**10.** Meanwhile, the Govt., vide Order No.UDD 156 BMR 2008, dated 29.8.2008 appointed aBIDe, an organization with the task of, inter-alia, giving “suggestions and guidance” to the Government on providing basic infrastructure facilities. In respect of airport connectivity, the aBIDe suggested, as stated by the petitioner, road access on west side between Tumkur Road and Bellary Road an eastern road side access between Old Madras Road and airport, in addition to “exploring” rail connectivity in South Western Railway track on Chickballapur route.

**11.** A presentation was done by the Managing Director of the BARL before the aBIDe on details of the High Speed Rail Link in September 2008. The aBIDe had not communicated any decision in this regard.

12. Meanwhile, in view of discussions in the media about the project and its costs etc., the Govt. of Karnataka re-examined the matter and after having considered the matter at the highest level (Cabinet) issued an Order vide GO No. IDD 40 DIA 2002 dated 28.02.2009. The following sanctions are accorded in the said Government Order:

- (i) To pursue with the project of High Speed Rail Link with alignment from MG Road (Parade Grounds – CAT) to Bangalore International Airport via Cubbon Road, Chowdaiah Road, Raman Maharishi Road and Bellary Road and the corridor after Hebbal to be positioned 22.5 Mtrs. from the median of the existing National Highway – 7;
- (ii) Revised cost of the project of Rs. 4313 crores (current cost excluding cost of the Government and BBMP Lands) and resultant completion cost of 5767 cores;
- (iii) To reckon the land required as mentioned below:

1	<b>Government Land</b>	
	BBMP Land	0.96 Hectares
	Other Government Land	12.20 Hectares
2.	<b>Private Lands</b>	
	NHAI Lands	8.61 Hectares
	Other Private Lands	44.19 Hectares
<b>Total</b>		<b>65.96 Hectares</b>

and to meet the cost of Rs.532 crores for acquisition of private and NHAI lands. The lands of BBMP and Government to be transferred free of cost to the project;

- (iv) To extend the BBMP area to cover Bangalore International Airport (BIA) area;
- (v) Amend the Mysore Tramway Act 1905, as required in respect of determination of fare, safety certification, the items that could be carried by passengers in the HSRL, etc.; and
- (vi) To execute HSRL on PPP basis with necessary Viability Gap Funding (VGF) by Government of India – VGF of 20% is (Rs.

1047.00 crores) through the Special Purpose Vehicle, Bangalore Airport Rail Link Ltd. (BARL).....”

13. Earlier to this, the then implementing agency, viz., Karnataka State Industrial Investment & Development Corporation had, meanwhile, based on the orders of Govt in December 2007, issued a Request for Qualification (RFQ) which was followed up by BARL later. Meanwhile, an application was moved before the Govt of India to support this project with Viability Gap Funding. The Govt of India (Ministry of Finance), vide their letter dated 9<sup>th</sup> March 2009 endorsed as below:

“....I am directed to refer to your letter No.IDD 154 DIA dated 29<sup>th</sup> January, 2009 forwarding proposal for grant of Viability Gap Funding for High Speed Rail Link (HSRL) from the City centre to the Airport and to convey that Govt of Karnataka may proceed with the issue of the RFQ for the projects subject to the condition that the State Govt would agree with the modifications to the RFQ document (if any), as subsequently suggested by Empowered Institution and issue them as an addendum to the RFQ.....”

After completing the RFQ process, the following five firms have been shortlisted on 23<sup>rd</sup> June 2010 as having technically qualified for participating in further procurement process for quoting financial bids:

1. Reliance Infrastructure Ltd. & CSR Nanjing PUzhen Rolling Stock Co. Ltd;
2. L&T Transco Ltd.
3. Italian Thai Development Public Co. Ltd. & SOMA Enterprises Ltd. (ITD – SOMA)
4. Pioneer Infratech Pvt. Ltd. and Siemens Project Venture GmbH
5. Lanco Infratech Ltd. and OHL Concessionones S.L.

The procurement documents were prepared based on the model suggested by Govt of India.

Meanwhile, the DMRC as consultants prepared the draft Request For Proposal (RFP), the draft Concession Agreement, the Manual of Specifications & Standards (MSS) and a revised DPR and submitted to the implementing agency,



viz., BARL. The draft documents were approved by the Board of Directors of BARL and also by the Govt. and have been submitted to the Govt. of India for approval. The Govt. of India is expected to clear these documents for issue to the shortlisted applicants who would then respond to the RFP with their financial proposals.

14. A re-appraisal of the cost has been done by M/s DMRCL and M/s iDecK (Infrastructure Development Corporation (Karnataka) Ltd) and it has been concluded that the project would have an IRR of 15.47% if 20% viability gap funding is given by Govt of India and fares increased by Rs.50/-.

15. Meanwhile, the Infrastructure Development Department had assigned the task of preparing a pre-Feasibility Report in respect of developments that are likely to happen in and around Bangalore International Airport to M/s iDecK. They concluded in their report that investment to an extent of Rs. 1,50,000 lakh Crores is likely to happen in the area around Bangalore International Airport. In gist, the developments proposed around Bangalore International Airport are categorized as below:

- Information Technology / Information Technology enabled services & Biotechnology;
- Special Economic Zones;
- Residential complexes such as real estate development;
- Hospitality and entertainment;
- Aero Industry;
- Medical Hub; and
- Finance and Business Districts.

The assessment of iDecK is that at least one million persons would be employed in these investments around the airport; further there would be visitors to the facilities in large numbers. It is estimated that the staff and workers who would work in these areas have to find cheap accommodation in the west and south of Bangalore, considered to be middle and lower middle class areas. A web of Metro, Mono, High Speed Rail seamlessly integrated with the Bus system,

Intermediate public transport(IPT)systems and Commuter Rail system would be in a position to ferry these persons and the visitors to the airport and the BIAL city area in fairly definite time as the HSRL is integrated with Metro (Phase-I) station at Minsq Square and with Mono rail at Hebbal. The new developments relating to investments around Airport City that have taken place in the context of the Global Investors Meet held on 4<sup>th</sup> and 5<sup>th</sup> June 2010 where a number of MoUs have been signed happened much after the aBIDe has put in its recommendations.

**16.** The Govt is planning for all round access development to the airport from all directions. The DPR prepared by the DMRCL has shown that a large percentage of the air passengers are likely to come from the south and south-east. They could access the Airport through the Metro/Mono Rail and HSRL linked at MG Road Station of HSRL or at Hebbal Station of HSRL; similarly the staff and visitors to the facilities in the Airport city. It is absolutely required that the Govt provides for adequate number of multiple access to the airport. The National Highway authority is developing the present NH-7 by putting up Road under bridges and flyovers and also creating an elevated 6-lane high way from ch 534.720 km. to ch 556.84 km.

**17.** Meanwhile, the Govt. of Karnataka have also approved the undertaking of Mono Rail project of 40 KMs. which would connect the south of Bangalore i.e., south and west of Bangalore to Hebbal at the High Speed Rail station. The Mono Rail would traverse through JP Nagar, Banashankari, Katriguppe Mysore Road, Bangalore University, Magadi Road area at Beggars Colony and cross Tumkur Road to join at Hebbal Station of HSRL. Enroute the mono rail would integrate with metro stations at Banashankari, Mysore Road and result in traffic hubs.

**18.** The BMRCL in the meanwhile, has undertaken preparation of DPR for Phase-II Metro to connect East and South East of Bangalore with new lines. Its

Phase-I Metro project for about 42 kms. (East-West and North-South) is under implementation.

**19.** The Airport is to develop to have a capacity of 50 million passengers per year. This would mean an average of 1.5 lakh passengers going into and out of the Airport every day.

**20.** In spite of developments by the National Highways or the road authorities, a good percentage of passengers and persons visiting the BIAL area would need alternate conveyance systems. The High Speed Rail system is designed for 11,500 phpdt (peak hour peak direction traffic). This would mean that HSRL could carry about 2 lakh passengers per day over a 19-hour period. Thus, the HSRL would carry only a portion of the visitors, staff and passengers to the Airport City. The balance trips have to be handled by the Road system and Commuter Rail system. The State Govt is also making efforts to develop Commuter Rail system to connect Bangalore-Whitefield, Bangalore-Anekal, Bangalore-Kengeri, Bangalore-Tumkur and Bangalore-Devanahalli. However, for the Commuter rail system, the project reports are yet to be prepared and commuter rail systems would be connected to new traffic hubs that would be created in Yelahanka, Peenya, Mysore Road, Hebbal, Byappanahalli, etc., such that persons can reach these traffic hubs and get transferred to mass rapid transport system like Metro, Mono and HSR from outskirts.

**21.** The advantages of HSR system is that it creates far less carbon foot print compared to the bus system and the running cost of the system per passenger is about 1/6<sup>th</sup> of that of the road vehicles' on an average.

**22.** The Infrastructure Development Department is in the process of procuring consultants to prepare a comprehensive report on multi modal access to the airport considering various projects now undertaken in addition to at least 50 million air passengers beyond 2026. Based on projections of investment in the

area as stated earlier, it is expected that a million persons would be employed in the area around the airport. It requires a seamlessly integrated system of mass rapid transport - Metro, Mono, Commuter Rail Systems, Buses and IPTs to ferry the persons to Airport City and back. The seamlessly integrated web of metro and mono rail, commuter rail system and High Speed Rail supported by bus system and intermediate public transport systems (IPTs) would facilitate easy transfer of passengers and work-force from all parts of the city in about an hour or a bit more. The High Speed Rail, therefore, is safe and reliable vehicle for access to the airport and surrounding Airport city of future.

**23.** The DPR has been formulated by the DMRC who are competent in designing civil structures that would carry the High Speed Rail on elevated structures. However, in the case of High Speed Rail, as the project is being taken up on PPP, the detailed design of the structures would be done by the selected firm i.e. one of the firms / consortiums as mentioned in Para 13 (who are already technically qualified); who have the capability of designing such civil structures. In fact, many countries have developed elevated rail and other systems one above the other at heights going upto 35 meters above. This concern of Samarpana would be addressed by expert civil engineers who are competent to design such structures. (M/s DMRCL have already proved their Civil Engineering Expertise in building Delhi Metro Project).

**24.** The detailed alignment of High Speed Rail has been submitted to the Commerce & Industries Dept vide letter IDD 154 dated 17.12.2009 to initiate land acquisition process. This has the details of the survey numbers that would be acquired.

**25.** The Lake Development Authority, vide their letter dated 14.09.2010 have stated as below:

“Hebbal Lake falls in survey Nos. 37 of Kodigehalli Village and 38 of Hebbal Village. As per the letter the proposed HSRL alignment runs in Sy. Nos. 107, 108, 109, 110, 111, 112, 113 and 144 of Hebbal

Village. These Sy. Nos. are adjacent to Lake Survey No. 38 of Hebbal. However, matter would be more clear if the Bangalore Airport Rail Link Project is marked on the ground. We request them a buffer of 30 mtrs. from the lake survey numbers while finishing the alignment of HSRL”.

26. The BARL, in response to the above reported that the alignment of the HSRL is marked on the ground and does not touch any portion of Hebbal Lake and in fact would be situated at a minimum distance of 50 meters from the edge of Hebbal Lake. BARL also submitted in their objections filed on 7<sup>th</sup> September 2010 that it is wrong on the part of the petitioner to claim that 6 acres of Hebbal Lake land is utilized for check-in station at Hebbal. Hebbal Lake consists of two survey numbers viz. Survey No. 37 of Kodigehalli to an extent of 99 acres & 33 guntas and Survey No. 38 of Hebbal consists of 92 acres and 26 guntas. No area in these survey numbers are utilized for the constructing Check In Station at Hebbal. The claim made by the petitioner in letter dt. 21.4.2010 is not correct. The proposed HSRL corridor passes through survey numbers other than Hebbal Lake.

In support of the above, the BARL enclosed the copies of the Village maps of Kodigehalli and Hebbal along with RTCs of Survey Nos. 37 and 38.

27. The aBIDe is an organization constituted as earlier stated, to advise the Govt on various systems of transport that could be taken up in the city. However, it should be made clear that it is an advisory body to the Govt. and the Govt. having considered all the technical inputs in the form of technical reports from the competent organizations like RITES, DMRC, iDeck, aBIDe etc. have decided to undertake the High Speed Rail project. (In fact, a city like Bangkok, similar to Bangalore has many elevated Metro and High Speed Rail systems). The outflow from State Govt. would be the cost of land (now estimated at Rs.532 crores) and in case of requirement of grant, the Gol would give 20% of project cost (excluding cost of land) as Viability Gap Funding (VGF) if required; the balance

amount required for the project would be put in by the PPP partner who is finally selected.

28. A city of the size of Bangalore and growing at over 3% and with a per capita daily trip of nearly 0.90, requires integrated systems of seamlessly linked mass rapid transport. In the above background, it is to be concluded that the fears expressed by M/s. Samarpana is misplaced and not based on facts. In fact, a number of systems would contribute to the transfer of passengers, visitors and staff to the airport city as discussed earlier. The decision taken in implementing this project is a policy decision of the Govt. of Karnataka and the Govt. is committed to achieve the same.

### CONCLUSION

In the above circumstances, it has to be concluded that the applicant's concerns are misplaced and suffers from lack of knowledge of facts. The request of the applicant to drop the implementation of the High Speed Rail system cannot be accepted to. The Govt is making sincere efforts to put up Commuter Rail system too using the Railway corridors available or with new corridors and Hubs, in addition to having decided to construct High Speed Rail, Mono Rail and Metro Rail systems.

With the above observations, the representation is disposed of.



(V. MADHU)

Principal Secretary to Government  
Infrastructure Development Department