

ક્રમાંક: જીઆઈડીસી/ઓએન્ડએમ/સીઆઈઆર/
પ્રિ-વિતરણ/પોલીસી/૧૮
જીઆઈડીસી, ઉદ્યોગભવન, ગાંધીનગર.
તા. ૧૧/૧૦/૨૦૨૪

// પરિપત્ર //

વિષય:- ગુજરાત સરકારના વિજ્ઞાન અને ટેકનોલોજી વિભાગની ટેલીકોમ ઇન્ફ્રાસ્ટ્રક્ચર પોલીસી-૨૦૨૨ લાગુ કરવા / અમલીકરણ અંગે.

- સંદર્ભ:- 1. Department of Science and Technology, G.R.No. PAN/10/2015/7266/IT Dt.25/05/2022
2. Department of Science and Technology, G.R.No.ICT/FGN/E-FILE/258/ 2023/0038/PROJECT MANAGEMENT UNIT dt.29/08/2024
3. GIDC/Post-allotment/CIR/Policy/MT/36 dt.30/09/2021

ગુજરાત સરકારના વિજ્ઞાન અને ટેકનોલોજી વિભાગની ટેલીકોમ ઇન્ફ્રાસ્ટ્રક્ચર પોલીસી-૨૦૨૨ લાગુ કરવા / અમલીકરણ અંગે નિગમના નિયામક મંડળની તા.૨૭/૦૮/૨૦૨૪ ના રોજ મળેલી ૫૨૦ મી સભા સમક્ષ કાર્યસૂચી ક્રમાંક:૪૨/પ્રિ-વિતરણ/૫૨૦ દરખાસ્ત રજુ કરવામાં આવેલ. જેનો ઠરાવ ક્રમાંક:૫૦/પ્રિ-વિતરણ/૫૨૦ થી પસાર કરવામાં આવેલ. જે અંતર્ગત નીચે મુજબનો પરિપત્ર જારી કરવામાં આવે છે.

ગુજરાત સરકારના વિજ્ઞાન અને ટેકનોલોજી વિભાગની ગુજરાત ટેલિકોમ ઇન્ફ્રાસ્ટ્રક્ચર પોલિસી-૨૦૨૨ ના 1.G.R.No.PAN/10/2015/7266/IT Dt.25/05/2022, 2.G.R.No.ICT/FGN/E-FILE/258/ 2023/0038/PROJECT MANAGEMENT UNIT Dt.29/08/2024 નિગમને લાગુ પડતા મુદ્દાઓ અપનાવવા તથા આ પોલીસી અંતર્ગત વખતોવખત લાગુ કરેલ સુધારાઓ નિગમમાં લાગુ પાડવા. નિગમની તા.૩૦/૦૮/૨૦૨૧ ની હયાત નીતિ પૈકી ગુજરાત ટેલિકોમ ઇન્ફ્રાસ્ટ્રક્ચર પોલિસી-૨૦૨૨ ના લાગુ પડતા મુદ્દા સિવાયના બાકી રહેતા મુદ્દાઓ યથાવત રાખવા પરિપત્ર જારી કરવામાં આવે છે.

સહી/-

(ડૉ. રાહુલ ગુપ્તા)

ઉપાધ્યક્ષ અને વહીવટી સંચાલક

જી.આઈ.ડી.સી., ગાંધીનગર

પ્રતિ,

નિગમના તમામ અધિકારીશ્રી તરફ જાણ સારું.

નકલ જયભારત સહ રવાના:-

- (૧) પ્રમુખશ્રી, ફેડરેશન ઓફ ઇન્ડસ્ટ્રીઝ એસોસિએશન, અમદાવાદ તરફ જાણ સારું.
- (૨) પ્રમુખશ્રી, તમામ માન્ય ઔદ્યોગિક વસાહત મંડળો તરફ જાણ સારું.
- (૩) જનરલ મેનેજરશ્રી (એસએન્ડએ), જીઆઈડીસી, ગાંધીનગર નિગમની વેબસાઇટ ઉપર મુકવા સારું.

રવાના કર્યું,

જનરલ મેનેજર(મહેકમ)

જી.આઈ.ડી.સી., ગાંધીનગર

Telecom Infrastructure Policy - 2022.

Process of granting permission for installation of Underground Telegraph Infrastructure (UTI) and Overground Telegraph infrastructure (OTI) for the State of Gujarat.

**Government of Gujarat
Department of Science and Technology,
G.R. No. PAN/10/2015/7266/IT,
Date: 25/05/2022.**

Read:

1. Urban Development & Urban Housing Department, Govt. of Gujarat, Gandhinagar's GR No: NPL/4512-3438-M, Dt.03/10/2012.
2. TRAI recommendations on Telecommunication Infrastructure Policy of Govt. of India.
3. Department of Science & Technology GR No: DST-102014/882683/IT, Dt.20/03/2015
4. Meeting held under Chairmanship of Hon'ble Chief Secretary Dt.16/09/2015, Dt.27/10/2015, Dt.15/01/2016, Dt.19/07/2016, Dt.11/08/2016, Dt.06/10/2016, Dt.01/01/2018, Dt.03/07/2018 & Dt.07/02/2022.
5. Department of Telecommunications, Ministry of Communications, Govt. of India, New Delhi's notification no: G.S.R. 1070 (E), Dt.15/11/2016.
6. Department of Telecommunication, Ministry of Communication, Govt. of India, New Delhi's Amendment notification no: G.S.R. 749(E), Dt. 21/10/2021
7. Meeting held under chairmanship of Hon'ble Chief Minister Dt. 24/05/2022.

Preamble:

Government has realized the need for creating a robust Information and Communication Technology infrastructure with adequate bandwidth at affordable rates in order to promote development and proliferation of Information Technology, eGovernance, eCommerce, Convergence of Information, Communication and Entertainment sectors so as to improve the state of economy, enhance the quality of life of the citizens and to ensure development of urban and rural areas with equity throughout the country. Digital India, an initiative of Government of India also lays emphasis on adoption of ICT for governance, employment generation, citizen empowerment and economic development.

2. The Government stresses the need for availability of a robust telecommunication infrastructure with adequate bandwidth across the length and breadth of the state. The globally accepted method of creating broad band networks is through laying of optical fiber as backbone. The optic fiber has to be laid underground. The optical fiber is laid along the roads like the National Highways, State Highways and other road networks and lands belonging to the State Government Departments Viz. R&B, Forests, Irrigation, Revenue, Agriculture etc. and local bodies/authorities like Panchayat, Municipal Corporations, Municipalities, Urban Development Authorities etc.

3. The data consumption and demand have gone up exponentially as the digital penetration has increased. However, the infrastructure and corresponding bandwidth is not keeping pace with the demand. This has resulted in congestion in network and deterioration in quality of service resulting in call drop, poor voice quality etc. The Government of India and TRAI have laid an emphasis on strengthening of Infrastructure at local level.

4. A number of companies have come forward to lay optical fiber network and install telecom towers in the State using state of the art technology to promote not only the growth of Information Technology Industry but also to effectively utilize Information Technology tools which would radically improve the quality of services and life of the citizens of the State and have requested to formulate a uniform policy for laying OFC and installation of telecom towers and have also requested a time bound process for approval. In this connection, the Urban Development and Urban Housing Department had issued a policy vide its GR dated 03.10.2012 referred to above for laying cable and installation of pole for 4G telecom services in urban areas. However, a need is felt for a policy across the state and in relation to the 2G, 3G, 4G LTE Services for cellular service providers and for infrastructure as a service provider as well. TRAI has also recommended to fix and notify the charges for Right of Way on priority basis and to ensure time bound availability of RoW to Telecom service providers or telecom infrastructure providers.

5. The Government of India has, vide its notification, Dt.15/11/2016, read above at Sr.No.5 notified rules to regulate underground infrastructure (optical Fibre) and overground infrastructure (Mobile Tower). Said rules in Rule 5 prescribe for fee as well as set a limit on the maximum fee that can be charged for laying optical fibre. Likewise, in rule 9(3), the rules provide for a fee to meet administrative expenses and set a limit on one-time fee to meet administrative expenses for mobile towers.

6. Mobile Towers are critical installations on which the backbone of mobile communication rests. Mobile towers in required numbers are essential for any mobile network and the lesser number of towers leads to gaps in the mobile signal coverage, leads to degradation of service, slow internet speed and call drops. In order to ensure seamless uninterrupted service and to meet the requirement of Quality of Services (QoS) parameters, the operators are practically required to install adequate nos. of mobile towers to extend quality of coverage and services. The State Government has issued notifications/GR/Guidelines from time to time for facilitating permission from the concerned authorities required for installation of mobile towers in urban areas. However, the issue has not been covered by a policy framework universally applicable across the state and applicants are required to approach different departments for issuing their department specific guidelines for installation of the mobile towers in urban areas.

7. In this regard, consultation with concerned Departments was carried out under the Chairmanship of Hon'ble Chief Secretary and it was decided to formulate uniform Policy for standardized permission and charges for laying OFC in the state, except in forest areas and for setting up mobile tower in and premises owned by urban/panchayat local bodies across the state. It was also decided that the Department of Science and Technology will issue such a Policy in consultation with other concerned departments to obviate need for multiple policies.

8. It is felt necessary that a unified policy, overarching in setting administrative framework, applicable across all agencies within the state government's domain and across the urban and Panchayati raj local bodies be prescribed and notified.

9. Accordingly, the matter of formulation of uniform Policy and charges and time bound approval for Underground Telegraph Infrastructure (UTI) for the state of Gujarat and guidelines for Overground Telegraph Infrastructure (OTI) in lands and premises owned by Urban/Panchayat local bodies was under consideration of the Government.

Resolution:

After careful consideration, the State Government has decided to formulate following Telecom Infrastructure Policy 2022. Process of granting permission for installation of Underground Telegraph Infrastructure (UTI) and Overground Telegraph infrastructure (OTI) for the State of Gujarat

CHAPTER I
PRELIMINARY

1. Short title and commencement:

- a) This Policy may be called the Gujarat **Telecom Infrastructure Policy 2022** - Process for Right of Way (ROW) permission
- b) It shall extend to the whole of the State.
- c) It shall come into force from the date of issuance of this G.R.

2. Definitions:

1) In this Policy, unless the context otherwise requires: -

- a) "Act" means the Indian Telegraph Act 1885(13 of 1885).
- b) "Rules" means the Indian Telegraph ROW Rules, 2016
- c) "Appropriate Authority" means the State Government, local authority or such authority, body, company or institution incorporated or established by the central Government or the State Government, in respect of property, under, over, along across, in or upon which underground or overground telegraph infrastructure, is to be established or maintained, vested in, or under, the control or management of such appropriate authority.
- d) "State Government" means the Government of Gujarat having jurisdiction, and includes the administration.
- e) "Application" means the application for single window clearance for the establishment and maintenance of Telecom Infrastructure.
- f) "Licensee" means any person holding a license issued under section 4 of the Indian Telegraph Act, 1985.
- g) "Telecom Service Provider (TSP)" means a licensee providing telephony services, including, inter alia, mobile phone services, internet and data transfer services etc.
- h) "Infrastructure Provider (IP)" means Infrastructure providers registered with the Department of Telecommunications to set up Telecom Infrastructures in India.
- i) "Applicant" means any Infrastructure Provider (IP) or Telecom Service Provider (TSP) who makes an application seeking permission to establish and maintain the Telecom Infrastructure.
- j) "Overground Telecom Infrastructure" means overground infrastructure for telegraph or telegraph line established over the ground and includes the poles, posts, Telegraph/ Telecom Infrastructure and other above ground contrivances, appliances and apparatus for the purpose of establishment or maintenance of the telegraph or the telegraph line.
- k) "Policy" means this Gujarat Telecom Infrastructure policy process for Right of Way Permission" or interchangeably
- l) "Underground Telecom Infrastructure" means a telegraph line or Optical Fibre Cable (OFC) laid under the ground and includes manholes, marker stones, appliances and apparatus, for the purpose of establishment or maintenance of the telegraph or OFC line.

- m) "Dispute Resolution Officer" means Director (ICT), in Department of Science & Technology designated as Dispute Resolution Officer (DRO) for resolving the issues if any arises during the implementation of the guidelines
- n) "GoG" refers to the Government of Gujarat.
- o) "Nodal Officer " for the Appropriate Authority means the Nodal officer appointed by the respective Appropriate Authority. He / She will be responsible for granting the permit in his / her respective jurisdiction.
- p) Fees means administrative fees , permission charges, usage fees , utility fees as prescribed in these guidelines or any other tax or levy etc. that may be payable under any law; The fees or annual charges does not include Goods and Service Tax (GST), Labour cess and other applicable taxes.
- q) Telegraph/ Telecom Infrastructure includes, -
 - i. **Telecom Infrastructure** means the 'over-ground telegraph infrastructure' and 'under-ground telegraph infrastructure.
 - ii. **Over-ground telegraph infrastructure** means a telegraph, or a telegraph line established over the ground and includes posts or other above ground contrivances , appliances , and apparatus for the purpose of establishment or maintenance of the telegraph or the telegraph line.
 - iii. **Under-ground telegraph infrastructure** means a telegraph line laid under the ground and includes manholes, marker stones, appliances and apparatus for the purposes of establishment or maintenance of the telegraph line.
 - iv. **Micro Communications Equipment** means a Pico/ Micro/ Pole site which is small in size and light in weight, deployed on buildings, utility/ streets poles, street furniture, indoors in large buildings viz. malls, convention centres and in areas having space constraints , narrow streets , densely populated areas and open public spaces.
- r) Portal means centralized application processing portal developed by GoG for the purpose of application processing under the Policy.

2) Words and expressions used and not defined herein but defined in the Act shall have the meaning assigned to them in the Act.

3. **Applicability:**

The Appropriate Authority shall exercise the powers under this Policy on an application for establishment and maintenance of Underground or Overground Telegraph Infrastructure by any Applicant. This Government guidelines shall be applicable to all Appropriate Authorities within the state of Gujarat including the various Development authorities, Industrial development authorities' other Statutory Authorities and also the local bodies including municipal Corporations, municipalities, Nagar Palika, Gram panchayats, District Panchayat, etc. constituted by the State Legislature. The appropriate authority shall exercise the powers under this policy on an application for establishment and maintenance of underground or overground telegraph infrastructure by any Applicant.

4. **Validity of the permission granted:**

The permission /permit issued under this policy to any Applicant shall be co-terminus with validity of License/registration certificate concerned.

5. The Power of State Government:

The State Government through the concerned Administrative Department shall exercise the powers under this policy to define/appoint/reconstitute appropriate authority under its jurisdiction and any other matter relevant, concerned with or relative to the “Appropriate Authority” under its jurisdiction.

6. Nodal officer to be designated by Appropriate authority:

- 1) Every Appropriate Authority shall designate a nodal officer for the purpose of this Policy. The Role of the nodal officer shall be but not limited to the following:
 - Responsible for day to day activities & communication with the Applicant
 - Coordinate for timely approvals/NOCs
 - The entire infrastructure being raised in authority jurisdiction shall be monitored regularly.
- 2) GoG shall develop a centralized electronic application processing portal for submission of applications under this rule.
- 3) Nodal Officer as defined at Section 2 (1) (o) will receive and scrutinize the applications on portal for issue of permit in the respective jurisdiction for establishment of Telecom Infrastructure as defined at Section 2 (1) (q)

CHAPTER II

ESTABLISHMENT AND MAINTENANCE OF UNDERGROUND TELEGRAPH INFRASTRUCTURE

7. Application submitted by an Applicant:

1. The Applicant shall apply on online portal.
2. Till such portal is developed, the Applicant shall, for the purpose of establishment of telegraph infrastructure under any immovable property vested in or under the control or management of any Appropriate Authority, make an application to that Authority supported by documents prescribed by that authority.
3. The information along with supporting documents to be provided by the Applicant in the application made under sub-rule (1) shall include:
 - I. a copy of the licence granted by the Central Government;
 - II. the details of underground telegraph infrastructure proposed to be laid;
 - III. the mode of and the time duration for, execution of the work;
 - IV. the time of the day when the work is expected to be done in case the licensee expects the work to be done during specific time of the day;
 - V. the details of expenses that such appropriate authority will necessarily be put in consequence of the work proposed to be undertaken by the licensee;
 - VI. the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
 - VII. the specific measures proposed to be taken to ensure public safety during the execution of the work;
 - VIII. any other matter relevant, in the opinion of the licensee, connected with or

relative to the work proposed to be undertaken; and

- IX. any other matter connected with or related to the work as may be specified, through a general or special order, by the Central Government or appropriate State Government or appropriate local authority:

Provided that the licensee shall, while making the application, give a specific commitment on whether he undertakes to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken.

4. Every application under this policy shall be accompanied with a non-refundable fee of INR 1000 /kilometre to meet administrative expenses for evaluation of the application and the proposed work.

8. Grant of permission by Appropriate Authority

- (1) The appropriate authority shall examine the application with respect to the following parameters, namely:-

- (a) the route planned for the proposed underground telegraph infrastructure and the possible interference, either in the establishment or maintenance of such telegraph infrastructure, with any other public infrastructure that may have been laid along the proposed route;
- (b) the mode of execution;
- (c) the time duration for execution of the work and the time of the day that the work is proposed to be executed;
- (d) the estimation of expenses that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken;
- (e) the responsibility for restoration of any damage that the appropriate authority may necessarily be put in consequence of the work proposed to be undertaken;
- (f) assessment of measures to ensure public safety and inconvenience that the public is likely to be put to in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the licensee;
- (g) Any other matter, consistent with the provisions of the Act and these rules, connected with or relative to the establishment or maintenance of underground telegraph infrastructure, through a general or special order, by the Central Government, appropriate State Government or the appropriate local authority.

- (2) The Appropriate Authority shall within a period not exceeding sixty (60) days from the date of application made under this guidelines-

- a) Grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety and given a specific commitment on whether he undertakes to discharge the responsibility for restoration, to the extent reasonable and

prudent, of the damage that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken,

OR

b) Reject the application for reasons to be recorded in writing:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection.

Provided further that the permission shall be deemed to have been granted if the appropriate authority fails to either grant permission under (a) or reject the application under (b), and the same shall be communicated in writing to the applicant not later than five working days after permission is deemed to have been granted.

- (3)** Where the appropriate authority accepts the undertaking by the licensee to discharge the responsibility to restore the damage that such appropriate authority shall necessary be put in consequence of the work, the appropriate authority, while granting permission under clause (a) of (2) above, may seek a bank guarantee for an amount in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility.
- (4)** The Appropriate Authority, shall not charge any fee or taxes or rents other than that specified in Clause 7(4) of this Policy and restoration charges if applicant fails to restore (8(1)(e)) from the Applicant for establishing, maintaining, working, repairing underground telegraph infrastructure.

9. Obligations of Applicant in undertaking work:

- 1.** The licensee shall make the payment of expenses or submit the bank guarantee as determined by the appropriate authority within a period of thirty days from the date of grant of permission and prior to the commencement of work of laying the underground telegraph infrastructure:

Provided that the appropriate authority may, at its discretion, extend the said period for payment of expenses or submission of bank guarantee on an application made by the licensee seeking such extension.

- 2.** The licensee shall ensure that –

- (a) prior to the commencement of work of laying the underground telegraph infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented; and
- (b) The work of laying underground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.

- 3.** The licensee shall ensure provision of positional intelligence, through appropriate technology, of all underground telegraph infrastructures to enable the appropriate authority to obtain real time information on its location.

- (1) The applicant will be liable for the repair/ restoration of any damage caused to the property during implementation of the scheme. The applicant shall ensure making good the excavated trench for laying underground OFC by proper filling and compaction, so as to restore the land including roads, drain, water pipelines, stand posts, reservoirs, water treatment plants and any other damaged public infrastructure into the same condition as it was before digging the trench, clearing the debris/ loose earth produced due to the execution of trenching the portion for which RoW has been granted. Such repairs/ restoration works shall be carried out according to the instructions of the concerned competent/appropriate authority. The concerned officials may supervise the execution of work to ascertain if the conditions imposed in the grant of permission are observed by the applicant.
- (2) The applicant shall not claim exclusive right on the RoW and subsequent users will be allowed to use the RoW either above or below or by the side of the utilities laid by the first user, subject to technical requirements being fulfilled.

10. Powers of Appropriate Authority to Supervise the Work:

- (1) The appropriate authority may supervise the execution of work to ascertain if the conditions imposed in the grant of permission under clause (a) of sub-rule (2) of rule 6 are observed by the licensee.
- (2) The appropriate authority may, on the basis of such supervision, impose such other reasonable conditions as it may think fit.
- (3) If the appropriate authority comes to the conclusion that the licensee has wilfully violated any of the conditions for grant of permission under clause (a) of sub-rule(2) of rule 6 or has failed to restore its assets to their original condition immediately before OFC laying work was started, it may forfeit, in full or in part, the bank guarantee submitted by the licensee, or may carry out restoration work at risk and cost to the applicant agency by itself, and withdraw the permission granted to the licensee, for reasons to be recorded in writing:
Provided that no action shall be taken under this sub-rule unless the licensee has been given an opportunity of being heard.

CHAPTER III

ESTABLISHMENT AND MAINTENANCE OF OVERGROUND TELEGRAPH INFRASTRUCTURE

11. Application Submitted by an Applicant:

- (1) The Applicant shall apply on online Portal.
- (2) Till such portal is developed, the applicant shall, for the purpose of establishing overground telegraph infrastructure, upon any immoveable property vested in or under the control or management of any appropriate authority, make an application to that Authority supported by documents prescribed by that authority.

- (3) The information along with supporting documents to be provided by the licensee in the application made under sub-rule (1) shall include-
- i. a copy of the licence granted by the Central Government;
 - ii. the nature and location, including exact latitude and longitude, of post or other above ground contrivances proposed to be established;
 - iii. the extent of land required for establishment of the overground telegraph infrastructure;
 - iv. the details of the building or structure, where the establishment of the overground telegraph infrastructure, is proposed;
 - v. the copy of approval issued by the duly authorised officer of the Central Government for location of the above ground contrivances proposed to be used for the transmission of Radio waves or Hertzman waves;
 - vi. the mode of and the time duration for, execution of the work;
 - vii. the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
 - viii. the measures proposed to be taken to ensure public safety during the execution of the work;
 - ix. the detailed technical design and drawings of the post or other above ground contrivances;
 - x. certification of the technical design by a structural engineer attesting to the structural safety, of the overground telegraph infrastructure;
 - xi. certification, by a structural engineer, attesting to the structural safety of the building, where the post or other above ground contrivances is proposed to be established on a building;
 - xii. the names and contact details of the employees of the licensee for the purposes of communication in regard to the application made;
 - xiii. any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken; and
 - xiv. any other matter connected with or relevant to the work as may be specified, through a general or special order, by the Central Government or appropriate State Government or appropriate local authority.
 - xv. Provided that the documents mentioned in clauses (ii), (iii), (v), (ix), (x) and (xi) shall not be required in case of application made for establishment of overground telegraph line:-

Provided further that the documents related to route plan for establishment of overground telegraph line shall be required to be provided by the licensee with the application made for establishment of overground telegraph line.

- (4) Every application under these policy shall be accompanied with a one-time non-refundable fee of INR 10,000 to meet administrative expenses for examination of the application and the proposed work. Other charges would be as per Annexure-A.

12. Grant of Permission by Appropriate Authority:

- 1) The appropriate authority shall examine the application with respect to the following parameters, namely:-

- (a) the extent of land required for the overground telegraph infrastructure;
- (b) the location proposed;
- (c) the approval issued by the duly authorised officer of the Central Government for location of the above ground contrivances proposed to be used for transmission of Radio waves or Hertzian waves;
- (d) the mode of and time duration for execution of the work;
- (e) the estimation of expenses that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken;
- (f) assessment of the inconvenience that the public is likely to be put to in consequence of the establishment or maintenance of the overground telegraph infrastructure, and the measures to mitigate such inconvenience indicated by the licensee;
- (g) certification of the technical design by a structural engineer attesting to the structural safety of the overground telegraph infrastructure;
- (h) certification, by a structural engineer, of the structural safety of the building on which the post or other above ground contrivances is proposed to be established;
- (i) any other matter, consistent with the provision of the Act and these rules, connected with or related to the laying of overground telegraph infrastructure, through a general or special order or guidelines by the Central Government, appropriate State Government or the appropriate local authority;
- (j) Provided that the parameters mentioned in clause (a), (b), (c), (g) and (h) shall not be necessary for examination of the application made for establishment of overground telegraph line:

Provided further that the appropriate authority shall examine the route plan for the proposed overground telegraph line and the possible interference in regard to the establishment or maintenance of such overground telegraph line with regard to any other public infrastructure that may have been laid along the proposed route:-

- 2) Where the establishment of the overground telegraph infrastructure on government buildings renders the immoveable property, vested in the control or management of any Appropriate Authority over which such overground telegraph infrastructure is established, unlikely to be used for any other purpose, the Appropriate Authority shall be entitled to compensation for the value of the immoveable property, either once or annually, assessed on such rates as that Appropriate Authority may, by general order, specify.

Provided that in cases where the overground telegraph line is established over the immovable property, vested in the control or management of any appropriate authority, then in such cases, one time compensation shall be payable for the value of the immovable property, not exceeding one thousand rupees per kilometre of the overground telegraph line established:-

- 3) The **Appropriate Authority** shall within a period not exceeding sixty days from the date of application made under this guidelines:
- a) Grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety or structural safety, subject to the provisions of the Act and these rules, or
 - b) Reject the application for reasons to be recorded in writing.
 - a. Provided that no application shall be rejected unless the Applicant has been given an opportunity of being heard on the reasons for such rejection
 - b. Provided further that the permission shall be deemed to have been granted if the Appropriate Authority fails to either grant permission under clause (a) or reject the application under clause (b) and the same shall be communicated in writing to the applicant not later than five working days after permission is deemed to have been granted.
- 4) The **Appropriate Authority** shall not charge any fee other than those mentioned under Indian Telegraph ROW 2016 (Except Charges/Fee as per Annexure-A) from the Applicant for establishing, maintaining, working, repairing, transferring or shifting overground telegraph infrastructure.
- 5) Urban Local Bodies and Gram Panchayats will take Annual Permission Fee in lieu of Property Tax for Towers erected in their jurisdiction at rates specified in Annexure-A.

13. Obligations of Applicant in undertaking work:

- (1) The licensee shall ensure that –
- a) prior to the commencement of establishment and maintenance of overground telegraph infrastructure and at all times, the measures to mitigate public inconvenience and ensure public safety, including structural safety of such overground telegraph infrastructure are implemented;
 - b) the work of establishment and maintenance of overground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.
 - c) Sharing of tower between multiple Mobile Tower Companies shall be adhered and the towers can be shared between any numbers of operator companies.
 - d) Prior to commencement of establishment and maintenance of overground telegraph infrastructure and at all times, the measures to mitigate public inconvenience and ensure public safety, including structural safety of such overground telegraph infrastructure are implemented
 - e) The work of establishment and maintenance of overground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the Appropriate Authority.
 - f) The Tower establishment should be in accordance with these policy and with the advisory guidelines dated 1st August 2013 by the DoT & RoW Rules, 2016 notified by GOI as amendment from time to time. The Applicant shall be required to abide by it, failing which suitable actions as deemed necessary shall be taken in this regard.
 - g) If any damage is caused to any person or property because of the tower, machine room, battery equipment etc., erected by the Applicant, the

Applicant shall be solely responsible for paying all kinds of compensations and damages to the concerned and will be liable to face any civil or criminal proceedings.

- h) In case of violation of any statutory requirement, a show cause notice of 30 days will be issued to the Applicant on which Applicant has to revert with the clarification. In case the clarification is not satisfactory the tower shall be removed/sealed forthwith besides imposing of penalty.

14. Powers of Appropriate Authority to Supervise the Work:

- a) The appropriate authority may supervise the establishment and maintenance of overground telegraph infrastructure to ascertain if the conditions imposed in the grant of permission under clause (a) of sub-rule (3) of rule 10 are observed by the licensee.
- b) The appropriate authority may, on the basis of such supervision, impose such other reasonable conditions, as it may think fit.
- c) If the appropriate authority comes to the conclusion that the licensee has wilfully violated any of the conditions for grant of permission under clause (a) of sub-rule (3) of rule 10, it may withdraw, for reasons to be recorded in writing, the permission granted to the licensee:

Provided that no action shall be taken under this sub-rule unless the licensee has been given an opportunity of being heard.

CHAPTER IV

RIGHT OF APPROPRIATE AUTHORITY TO SEEK REMOVAL OF UNDERGROUND OR OVERGROUND TELEGRAPH INFRASTRUCTURE

15. Right of Appropriate Authority to seek removal, etc.

- 1) Where the Appropriate Authority, having regard to circumstances which have arisen since the establishment of any underground or overground telegraph infrastructure under, over, along, across, in or upon, any immovable property vested in or under the control or management of that Appropriate Authority, considers that it is necessary and expedient to remove or alter such telegraph infrastructure, it shall issue a notice to the Applicant, being the owner of such telegraph infrastructure, to remove or alter its location.
- 2) On receipt of the notice under Indian Telegraph Rules, 2016 sub-rule (1), the Applicant shall, forthwith and within a period of 30 days, proceed to submit, to the Appropriate Authority, a detailed plan for removal or alteration of such telegraph infrastructure
- 3) The Appropriate Authority shall, after examination of the detailed plan submitted by the Applicant under Indian Telegraph Rules, 2016 sub-rule (2), pass such orders as it deems fit.

Provided that, the Appropriate Authority shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telegraph infrastructure, give a reasonable time of not less than ninety days (90) to the Applicant for removal or alteration of such telegraph infrastructure.

Provided further that, the responsibility and liability, including the cost thereof, for removal or alteration of such telegraph infrastructure shall be borne by the Applicant.

CHAPTER-V

DISPUTE RESOLUTION

16. Dispute between Applicant and Appropriate Authority:

- 1) Director (ICT), in Department of Science & Technology shall be the Dispute Resolution Officer (DRO) for whole of the State in consequence of this Policy.
- 2) Dispute Resolution Officer (DRO) shall decide every dispute brought to him by applicant or Appropriate Authority within 60 days of filing of dispute.

17. Portal:

One of the agency under DST, GOG shall develop and maintain an online portal for centralized application processing. The online applications shall be routed to Appropriate Authorities for requisite approval through the portal.

18. Miscellaneous

- 1) **The provisions of the Forest Conservation Act, 1980 and Rules made there under and the guidelines issued by Government of India (GOI) from time to time under the Forest Conservation Act, 1980 shall be applicable wherever the concerned Appropriate Authority is under the jurisdiction of Forest Department, Government of Gujarat.**
- 2) In line with the above policy, the respective Department will instruct appropriate authority under their jurisdiction to operationalize the guidelines.
- 3) The agency undertaking work for installing Pole/Tower will be responsible for structural stability of the Pole/Tower as well as of the building if it is setup on roof or adjoining to such a building. During the installation/trenching work safety related precautions will have to be undertaken by the agency.

19. Changes in the Guidelines:

This Guidelines shall be suitably adjusted to accommodate changes that may be necessitated on account of any technology or regulatory changes which may be introduced by the Department of Telecommunications, Government of India or any other Competent Authority in order to keep this policy dynamically responsive to changing technology, regulatory regime or any other unforeseen development.

By order and in the name of the Governor of Gujarat,



(N.H.Gadhavi)

Deputy Secretary (IT),
Department of Science & Technology,
Government of Gujarat.

To,
The Principal Secretary to the Hon'ble Governor, Raj Bhavan, Gandhinagar.

The Chief Principal Secretary to the Hon'ble Chief Minister, Sachivalaya, Gandhinagar.
 The Principal Secretary to the Hon'ble Chief Minister, Sachivalaya, Gandhinagar.
 The Secretary to the Hon'ble Chief Minister, Sachivalaya, Gandhinagar.
 The Personal Secretaries to all Ministers/Ministers of State, Sachivalaya, Gandhinagar.
 The Personal Secretary to the Leader of Opposition Party, Gujarat Vidhansabha, Gandhinagar.
 The Deputy Secretary to Chief Secretary, Gujarat, Sachivalaya, Gandhinagar.
 All Secretariat Departments.
 The Secretary, Gujarat Vigilance Commission, Gandhinagar.
 The Secretary, Gujarat Public Service Commission, Gandhinagar.
 The Secretary, Gujarat Legislature Secretariat, Gandhinagar.
 The Registrar, Gujarat High Court, Sola, Ahmedabad.
 The Secretary, Gujarat Civil Services Tribunal, Gandhinagar.
 The Vice Chancellor, All Universities of Gujarat State.
 The Vice Chairman and Managing Director, GIDC, Udhyog Bhavan, Gandhinagar.
 The Vice Chairman and Managing Director, GSRTC, Ahmedabad.
 The Managing Director, Gujarat Urja Vikas Nigam Limited, Vadodara.
 The DDG, TERM Cell, Department of Telecommunications, 1st floor, P&T Administrative Building, Khanpur, Ahmedabad, Gujarat-380 001
 The Municipal Commissioner, Municipal Corporations, Ahmedabad/Vadodara/Gandhinagar/Junagadh/Surat/Jamnagar/Rajkot/Bhavnagar.
 All Collector and District Magistrates.
 All District Development Officers.
 The Accountant General (A&E), Gujarat, Post Box no. 220, Rajkot.
 The Accountant General (A&E), Gujarat, Ahmedabad Branch, Ahmedabad.
 The Accountant General (Audit-1), Gujarat, MS Building, Gandhinagar.
 Pay and Accounts Officers, Ahmedabad/Rajkot.
 All District Treasury Officers.
 Resident Audit Officer, Ahmedabad/Gandhinagar.
 Select file, Department of Science and Technology, Sachivalaya, Gandhinagar.

Annexure –A

Application fee structure

1. Fee structure for underground Telegraph Infrastructures

One Time Fee:

- 1.1. A fee of INR 1,000/- per km shall be levied as one-time fee to meet administrative expenses for examination of the application and the proposed work for underground OFC infrastructure , irrespective of urban or rural area.
- 1.2. The above charges are exclusive of GST, Labour cess and other applicable taxes.
- 1.3. No other Charges, fees or taxes shall be leviable, except restoration charges if applicant fails to restore to satisfaction of Local Authority.

2. Fee Structure for Overground Telegraph Infrastructures

One Time Fee:

- 2.1. A fee of INR 10,000/- per application shall be levied as one-time fee to meet administrative expenses for examination of the application and the proposed work for Overground Telegraph infrastructure , irrespective of urban or rural area.
- 2.2. In cases where the overground telegraph line is established over the immovable property, vested in the control or management of any appropriate authority, then in such cases, one time compensation shall be payable for the value of immovable property, not exceeding one thousand rupees per kilometer of the overground telegraph line established.
- 2.3. Annual Fees and other charges as applicable as per below:

(1)	(2)	(3)
Item No.	Details	Charges/Fees to be levied
1	Annual rental for the Usage of Property /Land under jurisdiction of the Government/Appropriate Authority	15% of the Jantri rate as per the area occupied (Footprint) by the Overground Telecom Infrastructure For the Government Land/Property under Jurisdiction of the Government/Appropriate Authority When there is no Jantri rate available that nearest Government land value jantri rate may be considered
2	Annual Permission Fee in lieu of Property Tax for the erected tower by Urban Local Body	Rs. 500 per meter for length of tower above ground
3	Annual Permission Fee in lieu of Property Tax for the erected tower by Gram Panchayat	Rs. 100 per meter for length of tower above ground

- 2.4. The above charges are exclusive of GST, labour cess and other applicable taxes.

Government of Gujarat
Department of Science and Technology
G.R. No: ICT/FGN/e-file/258/2023/0038/Project Management Unit
Date:29/08/2024

Read:

- 1) Telecom Infrastructure Policy – 2022 issued vide GR No. PAN/10/2015/7266/IT dated 25/05/2022
- 2) Department of Telecommunication, Ministry of Communication, Govt. of India, New Delhi's Amendment notification no: G.S.R. 635(E), Dt. 17/08/2022

Preamble:

The Government of Gujarat has issued Telecom Infrastructure Policy – 2022 dated 25/05/2022 referred (1) above.

During the implementation few queries were raised as well as for aligning the policy with “Indian Telegraph Right of Way (Amendment) Rules, 2022” dated 17/08/2022 and “Indian Telegraph Right of Way (Amendment) Rules, 2023” dated 07/08/2023, notified by the Government of India in relation to the rollout of 5G network by leveraging street furniture, consultation was held with Urban Development & Urban Housing Department, Revenue Department, Energy & Petrochemicals Department, Road & Building Department and Office of Development Commissioner.

Resolution:

After careful consideration, the State Government has decided to issue the following modification, amendments and clarification provisions to the Telecom Infrastructure Policy – 2022 vide GR read (1) above.

1. Chapter-II [In clause 7 (2)] and Chapter-II [In clause 11 (2), the following sub-clause shall be substituted, namely: -

“Every application for permission under this policy shall be made by the licensee on an electronic portal developed by the State Government or the Central Government.”

2. Chapter-II [In clause 8 of the said policy], -

(a) After sub-clause (1), the following sub-clauses shall be inserted, namely: -

“(1A) The area of the underground telegraph infrastructure proposed to be established shall be the length of duct multiplied by the diameter of the duct multiplied by the number of the ducts.

Explanation: - “duct” means a pipe, permanently lubricated or of any other kind, used as underground cable conduit for telegraph line.

(1B) The appropriate authority shall be entitled to receive such compensation from the licensee, not exceeding the amount specified in Part-III of the Annexure-A, for the use of the property under which the underground telegraph infrastructure is proposed to be established, as may be determined by the appropriate authority.”

(b) In sub-clause (2), in sub-clause (a), -

(i) The words “or payment of restoration charges not exceeding the amount specified in Part-II of the Annexure-A” shall be added;

(ii) The following proviso shall be inserted, namely: -



“Provided that where horizontal directional digging technology is used for establishing underground telegraph lines, restoration charges shall be levied for pits only.”;

(c) In sub-clause (2), the sub-clause (b) shall be amended to following –

b) Reject the application for reasons to be recorded in writing:

“Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection.

(d) In sub-clause (3),

(i) after the words “an amount”, the words “not exceeding the amount specified in Part-II of the Annexure-A” shall be inserted;

(ii) following proviso shall be inserted;

the licensee shall also provide an undertaking for the rectification of the damage to other existing utilities that may be affected as a consequence of the work.

(e) In sub-clause (4), -

(i) After the word “fee”, the words “or compensation” shall be inserted;

(ii) After the word and figure “Clause 7(4)”, the words, brackets and figure “, sub-clause (1B) of Clause 8” shall be inserted.

3. Chapter-III [In clause 12 of the said policy], the following sub-clauses shall be inserted, namely:-

“The area of the overground telegraph infrastructure (mobile tower) proposed to be established shall be the area occupied by the mobile tower and the supporting infrastructures, such as base transceiver station, engine alternator, etc. at the ground.”

“For the purposes of this policy and the Annexure, the expression, -

(a) “Mobile tower” means any above-ground contrivance for carrying, suspending or supporting a telegraph and does not include pole;

(b) “pole” means any above-ground contrivance of height not exceeding eight meters for carrying, suspending or supporting a telegraph and does not include mobile tower;

(c) “small cell” means a low powered cellular radio access node that has a coverage of distance from ten meters to two kilometers.”.

(d) “street furniture” means post or pole used for electricity, street light, traffic light, traffic sign, bus stop, tram stop, taxi stand, public lavatory, memorial, public sculpture, utility pole or any other structure or contrivance of such nature established over the property of an appropriate authority.”.

4. Chapter-III [In clause 12 of the said policy], -

(a) In sub-clause (2), the following proviso shall be inserted, namely: -

“Provided that the compensation payable for the immovable property for the establishment of poles for installation of small cells and telegraph line shall not exceed the amount specified in Part-III of the Annexure - A.”.

(b) The sub-clause 3(a), shall be substituted to the following, namely:-

“Grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety or structural safety and payment of restoration charge, not exceeding the amount specified in Part-II of the Annexure - A, or compensation, as specified in sub-clause (2) subject to the provisions of the Act and these rules, or”.

5. Chapter-III [In clause 12, sub-clause 3(b) shall be amended to following :-



b) Reject the application for reasons to be recorded in writing.

a) Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection.

6. After clause 12 of the said policy, the following clauses shall be inserted, namely : –

“12A. Usage of street furniture for installation of small cells and telegraph line. -

(1) A licensee shall for the purpose of installation of small cell and telegraph line submit an application, along with details of street furniture and a copy of certification by a structural engineer authorised by appropriate authority, attesting to the structural safety of the street furniture where installation of small cells and telegraph line is proposed to be deployed, to the appropriate authority for permission to use street furniture for installation of small cells and telegraph line.

(1a) The licensee shall have the option of submitting single application for multiple sites and appropriate authority shall make due provisions for accepting such applications and issuing single permission for multiple sites accordingly for establishment of small cells.

(2) The application under sub-clause (1), shall be accompanied with such fee as may be determined by the appropriate authority to meet administrative expenses for examination of the application, which shall not exceed the amount specified in Part-I of the Annexure-A.

(3) The appropriate authority shall, within a period not exceeding sixty days from the date of application made, grant permission or reject the application for reasons to be recorded in writing:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection:

(4) The appropriate authority shall be entitled to receive such compensation from the licensee, not exceeding the amount specified in Part-III of the Annexure-A, for use of street furniture for installation of small cells and telegraph line, as may be determined by the appropriate authority.

12B. Establishment of telegraph infrastructure over private property. – Where the licensee proposes the establishment of overground telegraph infrastructure over any private property, the licensee shall:

1) In the case of the installation of small cells, shall only submit an intimation, in writing, to the appropriate authority prior to commencement of such installation.

2) In the case of the establishment of mobile towers or pole over a private building or structure, the licensee shall have to obtain permission from the appropriate authority. Along with the permission request, the licensee shall also submit the details of the building or structure where the mobile tower is proposed, and a copy of certification by a structural engineer, authorized by the appropriate authority, attesting to the structural safety of the building or structure where the mobile tower/pole is proposed to be established.”

7. After sub clause 4 of clause 11 of the said policy, the following clauses shall be inserted, namely : -

“ Establishment of temporary overground telegraph infrastructure.

1) In case of damage of any existing underground telegraph infrastructure for any reason, the licensee, whose existing underground telegraph infrastructure is damaged, may temporarily establish the overground telegraph infrastructure, in lieu of the damaged underground telegraph infrastructure, to restore the telegraph service for the period of sixty days from the date of reporting of damage of the infrastructure to the appropriate authority.

Provided such temporary overhead telecom infrastructure should be created only if it is technically feasible,

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Approved By: Principal Secretary,DST

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satisfies all safety norms in force and not intervene existing overhead electricity network or any existing structure of the concerned authorities/power utility companies.

The concerned licensee is required to provide written notification to the respective authority.

- 2) No fee or compensation shall be charged by the appropriate authority for the establishment of temporary overground telegraph infrastructure under this rule”.

8. After clause 19 of the policy, Annexure-A will be replaced with the following: -

“Annexure - A
Application fee structure

Telecom Infrastructure Policy Amendment		
Clause	Item	Amount
(1)	(2)	(3)
Part – I Fee		
7(4)	For establishment of underground telegraph infrastructure	One thousand rupees per kilometre
11(4), 12(2), 12A	For establishment of overground telegraph infrastructure	(i) Ten thousand rupees for establishment of mobile towers (ii) One thousand rupees per kilometre for establishment of overground telegraph line. (iii) Nil for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate central authority (iv) One thousand rupees per pole for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate authority, other than appropriate central authority.
12A	For installation of small cells and telegraph line using the street furniture	Nil
Part-II Charges for restoration		
8(4)	Establishment of underground telegraph infrastructure where undertaking is not given by the licensee to discharge the responsibility to restore the damages	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.



8(3)	Bank guarantee as security for performance in case of establishment of underground telegraph infrastructure where undertaking is given by the licensee to discharge the responsibility to restore the damages	40% of the sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.
12(3)(a)	Establishment of overground telegraph infrastructure	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area. Further, licensee shall restore the damage incurred in case of establishment of poles for installation of Small Cells and telegraph line.
Part-III Compensation		
7(4)	Establishment of underground telegraph infrastructure	Nil
11(4)	Overground Telegraph Infrastructure: - Annual Rent for the usage of Property/Land under jurisdiction of the Government/Appropriate Authority	15% of Jantri rate as per the area occupied(footprint) by the Overground Telecom Infrastructure for the Government Land/Property under jurisdiction of the Government/Appropriate Authority When there is no Jantri rate available than nearest Government land value jantri rate may be considered.
	Annual Permission fee in lieu of Property Tax for the erected Tower by urban local body	₹500 per meter for length of tower above ground
	Annual Permission fee in lieu of Property Tax for the erected Tower by Gram Panchayat	₹100 per meter for length of tower above ground
12(2)	Establishment of poles for installation of small cells and telegraph line	₹100 per annum per street furniture
12A	Usage of street furniture for installation of small cells and telegraph line	(i) For installation of small cells: Three hundred rupees per annum for urban area and one hundred and fifty rupees per annum for rural areas per street furniture. (ii) For installation of telegraph line: One hundred rupees per annum per street furniture.

”

By order and in the name of Governor of Gujarat.

(Apexa Patelia)
Deputy Secretary (Telecom)
Department of Science and Technology

File No: ICT/FGN/e-file/258/2023/0038/Project Management Unit
Approved By: Principal Secretary,DST

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Government of Gujarat

To,

- The Principal Secretary to the Hon'ble Governor, Raj Bhavan, Gandhinagar.
- The Chief Principal Secretary to the Hon'ble Chief Minister, Sachivalaya, Gandhinagar.
- The Principal Secretary to the Hon'ble Chief Minister, Sachivalaya, Gandhinagar.
- The Secretary to the Hon'ble Chief Minister, Sachivalaya, Gandhinagar.
- The Personal Secretaries to all Ministers/Ministers of State, Sachivalaya, Gandhinagar.
- The Personal Secretary to the Leader of Opposition Party, Gujarat Vidhansabha, Gandhinagar.
- The Deputy Secretary to Chief Secretary, Gujarat, Sachivalaya, Gandhinagar.
- All Secretariat Departments.
- The Secretary, Gujarat Vigilance Commission, Gandhinagar.
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- The Vice Chancellor, All Universities of Gujarat State.
- The Vice Chairman and Managing Director, GIDC, Udhyog Bhavan, Gandhinagar.
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- The Managing Director, Gujarat Urja Vikas Nigam Limited, Vadodara.
- The DDG, TERM Cell, Department of Telecommunications, 1st floor, P&T Administrative Building, Khanpur, Ahmedabad, Gujarat-380 001
- The Municipal Commissioner, Municipal Corporations, Ahmedabad/ Vadodara/ Gandhinagar/ Junagadh/ Surat/ Jamnagar/ Rajkot/ Bhavnagar.
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- The Accountant General (A&E), Gujarat, Post Box no. 220, Rajkot.
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- Pay and Accounts Officers, Ahmedabad/Rajkot.
- Resident Audit Officer, Ahmedabad/Gandhinagar.
- All District Treasury Officers.
- Select file, Department of Science and Technology, Sachivalaya, Gandhinagar.



No: GIDC/Post-allotment/CIR/Policy/MT/36

GIDC Udhyogbhavan, Gandhinagar

Date: 30/9/2021

CIRCULAR

Sub: Guidelines for Installation and Regularization of Mobile Towers in GIDC Estates

- Ref: (1) Circular No.GIDC/O&M/CIR/Vitran/Policy/64/31 dtd: 10.09.2007
(2) Circular No.GIDC/O&M/CIR/Vitran/Policy/64/50 dtd: 09.12.2009
(3) Circular No.GIDC/O&M/CIR/Vitran/Policy/64/13 dtd: 21.04.2012
(4) Circular No.GIDC/O&M/CIR/Alt/Policy/Mobile Tower/65 dtd: 27.12.2016
(5) Circular No.GIDC/O&M/CIR/Post-vitran/Policy/72 dtd: 18.02.2017
(6) Circular No.GIDC/O&M/CIR/Post-vitran/Policy/001 dtd: 08.01.2020

To widen the ambit of existing guidelines issued for land allotment for mobile tower installation, prior approval, regularization; all previous circulars dtd: 10.09.2007, 09.12.2009, 21.04.2012, 27.12.2016, 18.02.2017, 08.01.2020 and other related circulars regarding subject of mobile tower will stand cancelled.

From now onwards, Land allotment for mobile tower, matters for Installation, prior approval & Regularization of Mobile Towers in GIDC estates shall be processed with new guidelines as mentioned below.

1) Identification of land for installation of mobile towers

Telecom operators may provide location of the tower as per technical requirement for providing network. GIDC shall scrutinize the feasibility of providing location. Minimum distance between two towers shall be 50 mtrs. Maximum land area for installation of mobile towers is 30 Sq.mtrs. In case of area falling in Road and Median for installation then the same shall be sent for technical opinion of DEE & Executive Engineer.

2) Land allotment for Mobile Towers

- a. Land should be available with GIDC
- b. Maximum 30 Sq. mtr. area will be allotted for mobile tower installation.
- c. The space available in Utility plots, COP, Un-planned areas & Road offset are offered at present. Divider, road margin, roundabouts, building premises will also be considered for the purpose of allotment for mobile tower installation.
- d. The land will be provided on lease basis for a maximum 20 years. Ownership of the land shall remain with the GIDC. Corporation may further grant lease for 20 years or as decided by VC&MD.

- e. Land will be allotted at the rate of 7 times of prevailing commercial A.P of estate or Percentage increase in base price to last mobile tower auction price x commercial A.P of estate(Whichever is higher)
For ascertaining percentage increase; for E.g : If average base price of 10 land parcels in a particular estate for setting up mobile tower auctioned is Rs. 100/- and average auction price received for those 10 land parcels was Rs. 1000/- then percentage increase from base price offered to auction price recovered is 10 times which is further to be multiplied by prevailing commercial A.P)(Last Mobile Tower Auction to be considered)
- f. In estates wherein no auction are conducted then land will be offered at 7 times of commercial A.P
- g. Land,property charges,duties , taxes for the area allotted for mobile tower shall be collected on commercial rate.
- h. One time non-refundable installation fees of ₹ 25,000/- to be paid at the time of seeking permission
- i. Annual fees per metre height of pole to be calculated from ground: ₹ 500 /metre to be collected at once for 5 years. Rs.500/- per metre with 5% increase every year to be recovered in advance.
- j. Land will be allotted on first come first serve basis. If in any case 2 or more bids/applications are received for the same land, then auction process will be conducted. The land offered rate as mentioned above (Higher of the two attributes mentioned in point (e)) will be base price for auction.
- k. Time limit for land allotment from date of application is 45 days
- l. Land for Tower cannot be allotted where underground services like drainage line, water supply line, SWD, Electric line, Gas line, other service line are passing.
- m. Land allotted for the purpose of mobile tower installation cannot be sublet, lease or given further by any other means to anyone.
- n. Delegation of power for land allotment are
 - a. land allotment in allotable area is with VC&MD
 - b. Land allotment in non allotable area (divider, roundabout, road offset etc.) with committee of DM and SE

(2) Space available from the plot holder in GIDC estate – (Sub-let permission - Prior approval)

- a. Telecom operators may obtain space for mobile tower installation from the plot holder in GIDC estate
- b. Plot holder of Industrial /Commercial properties may sublet the portion of the plot not more than 30 Sq. mtr area for mobile tower installation purpose.
- c. Sublet approval from GIDC is mandatory for new mobile tower application.

- d. Only utilised properties can be allowed to sub-let for Mobile Tower installation. Utilization proofs shall be obtained for maximum 10 years as per policy dtd: 06.07.2017. Non-utilization penalty will be ascertained based on utilization proofs i.e. Permanent power release certificate, Electricity bills for last 10 years and 20% minimum ground coverage construction. (Exemption in 20% Ground coverage as per policy is allowed)
- e. One time non-refundable installation fees of ₹ 25,000/- to be paid at the time of seeking permission
- f. Annual fees per metre height of pole to be calculated from ground: ₹ 500 /metre to be collected at once for 5 years. Rs.500/- per metre with 5% increase every year to be recovered in advance..
- g. For plotholders; Sublet fees @ 6 % per annum of prevailing commercial A.P (2 X industrial AP or 1.5 x Residential AP; whichever is higher) for 5 years in advance– To be paid by the plot holder seeking sublet permission for mobile tower installation. Post 5 years of sub-let on receipt of application, the same may be extended further in slab of 5 years. Applicant (plot holder) will apply for renewal of sub-let permission to corporation before end of 5 years, if the plot holder fails to do so then the further usage will be considered unauthorised and will invite eviction proceedings.
- h. Applicant (plot holder) has to clear all outstanding dues including Non utilization penalty, water,draining charges, Notified tax etc. for obtaining sublet permission.
- i. Land/property charges,duties , taxes for the area allotted for mobile tower shall be collected on commercial rate.
- j. Sub-let permission can only be given if the construction is as per approved building plan.
- k. No prior sublet permission can be given in margin area.
- l. Delegation of power for sub-let permission is with committee of DM and SE.

(3) Mobile tower installation-Regularization & Unauthorised use

- a. Any existing mobile tower without approval of GIDC shall be regularized if meets the criteria as mentioned in the policy. Area for tower installation in case of regularization should not exceed 250 Sq. mtrs.
- b. Regularization penalty of Rs. 50,000/- per tower is to be collected over and above non-refundable installation fees Rs. 25,000/-,
- c. Annual fees per metre height of pole to be calculated from ground: ₹ 500 /mtr shall be collected at once for 5 years. Rs.500/- per metre with 5% increase every year to be recovered in advance.

- d. For plottolders; Sublet fees @ 6 % per annum of prevailing commercial A.P (2 X industrial AP or 1.5 x Residential AP; whichever is higher) for 5 years in advance.
- e. If regularization application is approved alongwith sub-let permission thenafter applicant (plot holder) will apply for renewal of permission to corporation before end of 5 years, if the plot holder fails to do so then the further usage will be considered unauthorised and will invite eviction proceedings.
- f. Land/property charges, duties, notified taxes for the area regularized for mobile tower shall be collected on commercial rate.
- g. If existing tower does not meet the qualifying criteria and required to be removed, then telecom operators and plot holders who has done sublet shall have to pay the sub-let fees for utilized duration.
- h. In case the existing mobile tower meets the criteria to regularize then also sub-let fees for unauthorised duration shall be levied.
- i. Mobile towers not meeting the criteria as per policy shall be removed within 30 days of rejection of regularization permission by corporation (OR in case no application submitted for regularization within 60 days of issuance of circular thenafter completion of 60 days tower need to be removed by applicant within 30 days). Post that eviction proceedings shall be initiated.
- j. An application for regularization shall be made to the respective field office within 60 days from the date of issuance of circular. FO shall decide on such applications within 45 days from receipt of such applications.
- k. If the plot holder fails to remove the unauthorised mobile tower then GIDC will remove at the cost of telecom operator.
- l. Regularization of mobile towers shall not be permitted on nonutilised properties & properties with unauthorised construction.
- m. Only utilised properties can be allowed to Regularize Mobile Tower installation. Utilization proofs shall be obtained for maximum 10 years as per policy dtd: 06.07.2017. Non-utilization penalty will be ascertained based on utilization proofs i.e. Permanent power release certificate, Electricity bills for last 10 years and 20% minimum ground coverage construction. (Exemption in 20% Ground coverage as per policy is allowed)
- n. Applicant (plot holder) has to clear all outstanding dues including Non utilization penalty, water/draining charges, Notified tax etc. for obtaining regularization permission.

- o. Delegation of power for approval of mobile tower Regularization other than the margin area is with committee of DM and SE.
- p. Delegation of power for mobile tower regularization in margin area vests with VC&MD

(4) Permission for Roof Tower Installation

- a. Permission for mobile tower installation on Roof Top is permitted. Maximum area 30 Sq. mtrs.
- b. One-time non-refundable installation fees of Rs. 25,000/- to be paid at the time of seeking such permission.
- c. Annual fees per metre height of pole to be calculated from ground: ₹ 500 /metre shall be collected at once for 5 years. Rs.500/- per metre with 5% increase every year to be recovered in advance.
- d. For plot holders; Sublet fees @ 6 % per annum of prevailing commercial A.P (2 X industrial AP or 1.5 x Residential AP; whichever is higher) for 5 years in advance— To be paid by the plot holder seeking sublet permission for mobile tower installation. Applicant (plot holder) will apply for renewal of Roof Top Tower installation permission to corporation before end of 5 years, if the plot holder fails to do so then the further usage will be considered unauthorised and will invite eviction proceedings.
- e. Only utilised properties can be allowed to sub-let for Roof top Mobile Tower installation. Utilization proofs shall be obtained for 10 years as per policy dtd: 06.07.2017. Non-utilization penalty will be ascertained based on utilization proofs i.e. Permanent power release certificate, Electricity bills for last 10 years and 20% minimum ground coverage construction. (Exemption in 20% Ground coverage as per policy is allowed)
- f. Applicant (plot holder) has to clear all outstanding dues including Non utilization penalty, water/draining charges, notified tax etc. for obtaining sublet permission for Roof tower installation.
- g. Applicant shall have to submit structural stability certificate for existing structure and estimated load bearing capacity after roof tower installation to be obtained from registered/license holder structural Engineer.
- h. Land/property charges, duties , taxes for the area allotted for mobile tower shall be collected on commercial rate.
- i. Construction should be as per approved building plan.
- j. Powers for Permission for Roof tower installation vests with committee of DM and SE.

(5) Cell on Wheels (C.O.W)

- a. Placement of Movable Communication Tower or Cell on Wheel and any other related temporary infrastructure for managing events/festivals/fairs and to restore the connectivity in case of disaster is permitted.
- b. Permissions granted for moveable communication Towers/Cell on Wheels or any other related temporary infrastructure for managing the events/festivals/fairs shall be coterminous with the period of that event or maximum 30 days against a specific requirement to provide communication facility to public at large.
- c. Prior permission from GIDC to be obtained for said installation. Such permission will be provided without any fees.
- d. Before installation of moveable communication Towers/Cell on Wheels, a formal request shall be required to be submitted along with the reason to the GIDC office.
- e. In case moveable communication towers/Cell on wheels are installed in lieu of permanent infrastructure to cover the blank areas, a formal permission will be required to be obtained by the "Applicant". The period of such moveable tower will be extended till the time permission for the site to set up a permanent infrastructure is granted as per provisions of this policy. Fees for such installation will be Rs. 10,000/- for 15 days followed by Rs. 2000/day.
- f. No permission of Cell on Wheels (COW) tower will be given in the plots available for allotment or on allotted plots.
- g. Powers for Permission for cell on wheels vests with committee of DM and SE.

(6) Site sharing guidelines

- a. Site allotted to one operator may be shared with another operator with prior approval of GIDC subject to submission of structural stability certificate and One-time charges for sharing of site is 25% of the amount paid by applicant at the time of approval. (per sharing)
- b. If sharing is done without permission of corporation then the same shall attract a levy penalty of 10,00,000/- per sharing followed with removal if it is not meeting the existing technical and other criteria and guidelines issued from time to time.
- c. For providing any such site sharing permission, the plot holder shall clear all dues, Non-utilization penalty if any.
- d. Permission for approval of site sharing vests with committee of DM and SE.

(7) Surrender of properties

It has been observed that properties, spaces allotted for installation of mobile towers have not attained its objective and thus such landholders can surrender the land. Following points shall be considered for the surrender of land allotted for mobile tower installation:

- a. Refund amount will be calculated after deducting 10 % of land allotment rate total amount paid alongwith outstanding dues including service charges, NAA, Lease Rent, water and drainage charges, notified tax, administration charges, any other arrears .
- b. Applicant has to surrender the plot after removing all construction/ equipment in bare condition. All expenses for removal to be borne by the applicant. GIDC is not liable to pay any compensation for any equipment or structure.
- c. Applicant has to surrender the land with no liabilities. An undertaking to be submitted mentioning the land is liability free and no dispute will arise in future.
- d. Powers for approval of surrender of land allotted for mobile towers vests with VC&MD

(8) Technical Guidelines & Regulatory requirements for installation, prior-approval and regularization of mobile towers

- a. Location of Mobile tower must be avoided within 300 Mtr radius of Residence, Educational institute/ School, Hospital, etc. and within 200 Mtr from Defence & 100 Mtr away from Railway line.
- b. Accessory rooms such as equipment room, shelter or generator room (insulated sound proof cabin), having maximum area of 15.00 Sq. Mtr. (As per D.O.T guideline) shall be permitted considering GDCR.
- c. Standard layout for mobile tower installation within the space allotted /permitted shall have to be got approved from GIDC
- d. The roads having width more than or equal to 24.00 Mtrs. shall be allowed for installation of towers in road shoulders / footpaths. For road width less than 24.00 Mts. the file shall be referred to Head Office for technical scrutiny.
- e. For installation of towers in road medians is permitted such that installation is within the width of the median. (mode of restoration of road/median after installation to be finalized)
- f. The top most alignment of the structure shall not be more than 40.0 Mts., in case the height of the structure is more than 40.0 Mts. the applicant shall have to obtain necessary structural certificate (to be obtained and certified from Registered/License Holder Structural Engineer) and NOC from relevant authorities. For roof top towers maximum height of the tower shall not exceed 15.00 mts.
- g. The necessary drawing as per CGDCR for approval shall have to be submitted through the Registered / License Holder Engineer and Structural Engineer.

- h. The necessary installation shall have to be under the guidance of the Registered / License Holder Structural Engineer.
- i. Necessary "Structural Stability" Certificate for both towers on ground and roof tops shall have to be submitted through the Registered / License Holder Structural Engineer.
- j. Permission of Airport authority is compulsory where location is within 8 km radial distance from Airport location / site.
- k. Clearance / NOC from power supply authority is required for condition of Indian Electricity act / Indian Electricity rule.
- l. Mobile tower application for permission over building / in terrace can be considered only on building having authorised construction after obtaining Structural Stability Certificate from registered Structural Engineer.
- m. Separate permission of Right of Use (RoUs) is required for cable laying up to tower location, as per the policy of the Corporation. No vertical alignment be given; only horizontal laying be allowed.
- n. An Undertaking regarding the Radio Frequency Rays emitted by the installed Equipment not endangering the health shall have to be submitted by the Telecom Company to corporation and the same shall have to be maintained by the Telecom Company as per the regulations.
- o. Plot with any unauthorised construction cannot be considered for sub-let, Regularization, roof tower installation.
- p. For regularization / sublet/roof tower installation on plot for Mobile Towers, the entire construction within the plot shall be as per the approved plan
- q. Provision of Night Indicator as per the requirement of Warning Signal shall have to be made. The provision of Lightning Conductor and Structural Safety shall have to be made as per the regulations.
- r. Any death or damage caused due to the Pole / Structure shall be the sole responsibility of the Telecom Company / Allottee.
- s. All the necessary and required approvals / NOC shall have to be obtained by the Telecom Company / Allottee.
- t. In case the Corporation requires the land provided for the purpose of mobile tower installation, telecom operator will have to remove the installation within the notice period of 3 months at their own cost and resources. No compensation will be given for such cases.
- u. Regularization is permitted in margin if approval/NOC of concerned fire safety authority is obtained.(In case of regularization of mobile towers only)
- v. Installation shall not hamper movement of vehicle and create hindrance to the adjacent plot holders
- w. Insurance of damage cover due to damage caused by catastrophic failure of tower shall be obtained by applicant and submit after issuance of provisional order for sublet
- x. Responsibility of cleaning and maintaining hygiene in the land is the responsibility of the applicant

- y. No billboard or any hoarding is permitted for installation on the mobile tower for marketing purpose
- z. The Pole / Structure shall not be hindrance to any existing service lines, Movement of Fire Safety equipment, Entry and Approach to any existing site, Movement of Traffic.
- aa. The necessary maintenance activity of the Pole / Structure shall be done regularly and shall not be hindrance, problematic or damaging to surrounding neighbourhood and passers-by.
- bb. The land presently used / demarcated for Pole / Structure shall not be used for any other purpose nor shall be subletted further.
- cc. The Company / Allottee shall have to display the Number and Name of the Company / Allottee at the cost of the Telecom Company / Allottee
- dd. Necessary provisions for Fire safety along with the movement and reachability of the fire safety vehicles as per fire safety norms shall have to be maintained.
- ee. If it is necessary to install CCTV camera or any other surveillance equipment for public safety on the tower structure by GIDC or any government agency; it shall be permitted without any charges.

(9) Documentation:

For mobile tower prior approval/regularization following documents has to be submitted

- a. Approved copy of layout plan from competent authority in case of sub-let, roof tower installation & Regularization
- b. NOC of airport authority if tower is installed within 8 km radius from airport
- c. Necessary "Structural Stability" Certificate for both towers on ground and roof tops shall have to be submitted through the Registered / License Holder Structural Engineer.
- d. Clearance / NOC from power supply authority is required for fulfilment of conditions of Indian Electricity act / Indian Electricity rule.
- e. A notarized Undertaking on Rs. 300 stamp regarding the Radio Frequency Rays emitted by the installed Equipment not endangering the health shall have to be submitted by the Telecom Company and the same shall have to be maintained by the Telecom Company as per the regulations
- f. A notarized Undertaking on Rs. 300 stamp stating "rules and regulations set by Gujarat Industrial Development Corporation (GIDC) time to time for mobile tower installation are understood and we abide by the same. We understand that failure of non-fulfilment of rules and regulations will result in to cancellation of the mobile tower installation permission and we will remove the tower with our own resources and cost and provide the land back to the GIDC in such circumstances."
- g. The notarized undertaking should further include that we shall obtain necessary certificate from SACFA "Standard Advisory committee on Radio Frequency allocation" within 6 months.

- h. Copy of notarized agreement executed between allottee & Telecom Company shall have to be submitted at the time of application.
- i. Insurance of damage cover due to damage caused by catastrophic failure of tower shall be obtained by applicant. The same should be included in conditions of PTO.

Proposal related to allotment of land for mobile towers, technical scrutiny shall be dealt by concerned branches alongwith any amendments to be incorporated in future for such aspects.

Sd/-

Vice Chairman & Managing Director
Gujarat Industrial Development Corporation

To,
All officers of the Corporation.....for necessary action please

Copy to:
President, Federation of Industries Association.....for information please.
All recognised Industries associations.....for information please.
Manager (S&A) GIDC HO.....for uploading circular on website.

Issue by,


Deputy Manager (Est.)