

No.: GIDC/O&M/CIR/Post-Allotment/
Policy/72
GIDC, Udhyogbhavan, Gandhinagar
Date: 18/02/2017

CIRCULAR

Sub: Regularization of unauthorized mobile telecommunication towers installed in the industrial / commercial / residential properties of different estates without taking prior permission of GIDC.

Ref: (1) Circular No. GIDC/O&M/CIR/Allotment/Policy/64/31 dated 10/9/2007.
(2) Circular No. GIDC/O&M/CIR/Allotment/Policy/64/50 dated 9/12/2009.
(3) Circular No. GIDC/O&M/CIR/Allotment/Policy/64/13 dated 21/4/2012.
(4) Circular No. GIDC/O&M/CIR/Allotment/Policy/36 dated 30/7/2015.

The circulars mentioned at reference no. (1) and (2) were issued by the Corporation for policy related to sub – let permission for installation of mobile telecommunication towers in the different estates of the Corporation. Also, circulars mentioned at reference no. (3) and (4) were issued by the Corporation for policy related to regularization of unauthorized mobile telecommunication towers installed in the different estates without prior permission of the Corporation.

The Agenda no. 24/Post-Allotment/494 dated 2/2/2017 was put up before the Board in its 494th meeting. In view of which, Resolution No. 23/Post-Allotment/494/2017 dated 2/2/2017 has been passed by the Board of the Corporation. As per which, the policy as mentioned below shall be implemented for regularization of unauthorized mobile telecommunication towers installed in the industrial/ commercial/ residential properties of different estates without taking prior permission of GIDC.

The policy has been categorised into two parts as under:

Category 1: Regularization of unauthorized non-violative mobile telecommunication towers installed in the industrial/ commercial/ residential properties of different estates without taking prior permission of GIDC.

(A) The documents required for regularization of unauthorized non-violative mobile telecommunication towers are mentioned as under:

1. The copy of agreement executed between allottee and cellular company or with its authorized agent

2. Copy of relevant license / infrastructure provider registration certificate from department of telecommunications.
3. Data sheet:
 - (a) Name of Service / Infrastructure provider.
 - (b) Location
 - (c) Tower reference:
 - (i) Height, (ii) weight, (iii) Ground / Roof Top, (iv) Pole / Wall mounted, (v) Number of antennae
4. The map showing location and height of B.T.S. tower signed by Executive Engineer and Regional Manager.
5. Approval letter issued by "Standing Advisory Committee on Radio Frequency Allocation" (SACFA), which is approved by Ministry of Telecommunication.
6. Copy of structural stability certificate for ground based tower. In case of roof top BTS tower, structural stability certificate for the building and tower based on written approval of any authorized structural engineer of state / local bodies / central building research institute (CBRI), Roorkee / IIT / NIT or any other agency authorized by local body.
7. "No Objection Certificate" issued by nearby airport authority, wherever necessary.
8. Undertaking on Rs. 100/- stamp paper shall be submitted by the cellular provider company which includes the following matters:
 - (i) The tower has been installed under the supervision of concerned structure engineer.
 - (ii) Construction has been carried out as per the rules of G.D.C.R. of the GIDC.
 - (iii) Projection shall not be allowed outside the built up area.
 - (iv) The company has made necessary arrangements for fire safety.
 - (v) If in future, it is found that the structure is being utilized for the unauthorized purpose, then the same shall be removed at the risk and cost of the Company and company will not be entitled for any refund.
 - (vi) If any private / Government / Semi- government property is damaged or casualties are caused by the tower in future, then the complete responsibilities will be borne by the company.

(B) The charges / fees for regularization of unauthorized non-violative mobile telecommunication towers shall be levied as under:

1. As mobile telecommunication service is commercial activity, sub – let fee for the area that is to be utilized for mobile tower shall be charged @ 3 % p.a. of prevailing commercial rate (2 times of industrial rate or 1.5 times residential rate, whichever is higher) of the concerned estate. The said sub – let fees shall be collected together at once for 5 years in advance. If company wishes to extend sub – let period after 5 years, party will again have to seek permission of the Corporation.
2. Rs. 25,000/- per mobile telecommunication tower shall be charged as a one-time installation fee.
3. Regularisation penalty of Rs. 50,000/- per mobile tower installed shall be charged.
4. Land / property charges / duties / taxes shall be collected based on the type of land / property on which the mobile tower has been erected. But, land / property charges / duties / taxes for the area that is utilized for erection of mobile tower shall be collected on commercial rate.

Category 2: Regularisation / Removal of unauthorized violative mobile telecommunication towers installed in the different properties of GIDC estates.

In case of unauthorized violative mobile telecommunication towers installed in the different properties of GIDC estates, necessary decision for regularisation may be taken in view of time – bound policy circular for regularisation of unauthorised violative construction issued by ATP branch after verification of documents mentioned at (A) of category -1 and charges / fees mentioned at (B) of category 1 shall be collected over and above penalty charged under time – bound policy for regularisation of unauthorised violative construction.

In case, unauthorized violative mobile telecommunication tower cannot be regularised under time – bound policy for regularisation of unauthorised violative construction, necessary actions for removal of such mobile towers shall be undertaken. Also, if required, police protection shall be availed.

General conditions:

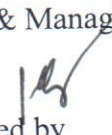
1. The unauthorized mobile telecommunication towers already installed in the industrial/ commercial/ residential properties of different estates within the maximum area of 250 sq. mt. can be regularised.
2. O/s. dues / charges / fees / N. U. Penalty, etc. if any, shall be recovered as per the policy of the Corporation.
3. The unauthorized mobile telecommunication towers already installed in the industrial/ commercial/ residential properties of different estates before issuance of this circular can only be considered for regularisation.
4. The applicant will have to apply within 3 months from the date of issuance of the circular.

Powers: The powers for regularization of unauthorized non-violative mobile telecommunication towers installed in the industrial/ commercial/ residential properties of different estates without taking prior permission of GIDC shall vest with the Regional Manager and Executive Engineer.

Further, all the circulars issued earlier regarding regularization / removal of unauthorized mobile telecommunication towers installed in the GIDC estate shall stand cancelled.

All the Officers of the Corporation shall strictly implement the instructions mentioned above and acknowledge Executive Director (Post – Allotment) on receipt of the circular.

Sd/-
Vice Chairman & Managing Director


Issued by
Executive Director (E&A)

To:

All Officers of the Corporation.....for information and necessary action please.

Copy to:

- (1) President, Federation and Industries Association, A'bad.....for information please.
- (2) President, All recognized Industrial Estate Association.....for information please.