

**CHANDIGARH ADMINISTRATION
(DEPARTMENT OF INFORMATION TECHNOLOGY)**

Notification

The 15th February, 2023

No. 181/IT/2023/2339.—The Administrator, Union Territory Chandigarh is pleased to notify the addenda and amendments in the existing Chandigarh Right of Way Policy for Telecom Infrastructure, 2021 of Chandigarh Administration to regulate underground infrastructure and overground infrastructure. The Policy is intended to amend any existing notifications, circulars, rules, bye-laws, regulations where ever necessary regarding obtaining permission for Telecom infrastructure from various authorities in the Chandigarh Administration or any board, corporation in Chandigarh. This policy supersedes all related orders, notification etc. including Chandigarh Right of Way Policy for Telecom Infrastructure, 2021 & Memo No. 26/6/22 UTFI (3) 2015/2140, dated 9th March 2015.

CHAPTER I

PRELIMINARY

1. Short title, extent, applicability and commencement :

- (a) This Policy may be called the 'Chandigarh Right of Way Policy for Telecom Infrastructure (Amendment), 2023'.
- (b) It shall extend to the whole of Chandigarh
- (c) It shall come into force from the date of its publication in the official Gazette of U.T. Chandigarh.
- (d) It shall be administered by the Department of Information Technology, Chandigarh Administration.

2. Definitions—

- (1) In this policy, unless the context otherwise requires,—
 - (a) "Act" means the Indian Telegraph Act, 1885 (13 of 1885);
 - (b) "Appropriate authority" means any authority designated by Chandigarh Administration from time to time for this policy;
 - (c) "State Government" means U.T. Chandigarh Administration;
 - (d) "Licensee" or "applicant" under this policy means any person holding a license issued under sub-section (1) of section 4 of the Act or an infrastructure provider-I registration certificate issued by the Department of Telecommunication;
 - (e) "Overground telegraph infrastructure" means a telegraph or a telegraph line/telecom tower 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, including movable communication infrastructure;
 - (f) "Rules" means the Indian Telegraph Right of Way Rules, 2016;
 - (g) "Underground telegraph infrastructure" means a telegraph line laid under the ground and includes manholes, inspection chambers, ducts, marker stones, appliances and apparatus for the purposes of establishment or maintenance of the telegraph line;
 - (h) "Schedule" means a Schedule appended to this policy;

- (i) "Mobile tower" means any above-ground contrivance for carrying, suspending or supporting a telegraph and does not include pole;
- (j) "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;
- (k) "Small cell" means a low powered cellular radio access node that has a coverage of distance from ten meters to two kilometers;
- (l) "Appropriate central authority" means the Central Government or the authority, body, company or institution, incorporated or established by the Central 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 Government, authority, body, company or institution;
- (m) "Annum" means financial year starting from 1st April;
- (n) "Street Furniture" includes "post/pole used for electricity, street light, traffic light, traffic sign, bus stop, tram stop, taxi stand, public lavatory, memorial, utility pole or any other structure or contrivance of such nature established over the property of an appropriate authority" as defined by DoT, GoI from time to time;

(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 designated by the Chandigarh Administration shall exercise the powers under this policy on an application for establishment and maintenance of underground or overground telegraph infrastructure by any licensee on whom the powers of the telegraph authority have been conferred by notification under section 19B of the Act, subject to any conditions and restrictions as may be imposed in such notification.

4. Nodal officer to be designated by local authority, etc.-

- (1) The Additional District Magistrate, Chandigarh shall be the designated appropriate authority to carry out the purposes and objects enshrined in the rules.
- (2) Every application for permission under this policy shall be made by the licensee on GatiShakti Sanchar Portal.
- (3) The designated nodal officers who shall be responsible for resolving the issue related to their domain of their department and would be single window interface for the applicants for street furniture exploration, infra readiness and facilitate licensee shall be: -1) ADC, UT, Chandigarh, 2) AEO, UT, Chandigarh, 3) C.E., UT, Chandigarh, 4) C.A, UT, Chandigarh, 5) C.E., MC Chandigarh and furthermore to be nominated by concern department and designated by the Secretary IT, Chandigarh Administration from time to time.

CHAPTER II

ESTABLISHMENT AND MAINTENANCE OF UNDERGROUND TELEGRAPH INFRASTRUCTURE

5. Application by a licensee/applicant.—

- (1) A licensee/applicant shall, for the purposes of establishment of telegraph infrastructure under any immovable property vested in any private person or under the control of any Central Government, State Government or any other local authority, make an application, supported by such documents (as specified in Appendix C), to the Appropriate Authority, in such form and manner as may be specified by that appropriate authority.
- (2) The information along with supporting documents to be provided by the licensee/applicant in the application made under sub-rule (1) shall include—
 - (a) A copy of the license/registration certificate granted by the Department of Telecommunications, Government of India;
 - (b) The details of underground telegraph infrastructure proposed to be laid;
 - (c) The mode of and the time duration for, execution of the work; (as specified)
 - (d) The time of the day when the work is expected to be done in case the licensee/applicant expects the work to be done during specific time of the day;
 - (e) The specific measures proposed to be taken to ensure public safety during the execution of the work;
 - (f) Any other matter relevant, in the opinion of the licensee/applicant, connected with or related to the work proposed to be undertaken; and
 - (g) 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.
- (3) Every application under sub-rule (1) shall be accompanied with such fee to meet administrative expenses for examination of the application and the proposed work as per Appendix A.
 - (A) The application fee shall not be forfeited (Fully/Partially), in case of rejection of application on account of deficiency in the documents submitted by the applicant and the application fees paid shall be adjusted on re-submission of application after rectification for the same site.
- (4) Charge mentioned in clause 5(3) will not apply to M/s Bharat Broadband Network Limited (BBNL).

6. Grant of permission by appropriate authority—

- (1) The appropriate authority shall get the application examined 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 responsibility for restoration of any damage that the appropriate authority may necessarily be put in consequence of the work proposed to be undertaken;
- (e) 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/applicant;
- (f) Any other matter, consistent with the provisions of the Act and this policy, connected with or relative to the establishment or maintenance of underground telegraph infrastructure, through a general or special order, by the Central Government, State Government or the appropriate local authority.

(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 respective department/board/corporation/society shall be entitled to receive such compensation from the license, the amount specified in Part-III of the Schedule, for the use of their property under which the underground telegraph infrastructure is proposed to be established.
- (2) The appropriate authority shall within a period not exceeding forty days from the date of application made under rule 5-
 - (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 payment of restoration charge provide that where horizontal directional digging technology is used for establishing underground telegraph lines, restoration charges shall be levied as per Annexure-A: or
 - (b) Reject the application for reasons to be recorded in writing:

Provided that no application shall be rejected unless the applicant licensee/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 however, the incomplete application shall be reverted online and will not be considered under deemed approved category and may be rejected if the reply shall not be submitted by the applicant within the stipulated timeline provided in the online portal.
- (3) Where the appropriate authority accepts the undertaking by the licensee/applicant to discharge the responsibility to restore the damage that such appropriate authority shall necessarily be put in consequence of the work, the appropriate authority, while granting permission under clause (a) of sub-rule (2) 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 permissions for Right of Way for laying the communication & connectivity infrastructure and associated installations shall be granted for a period coterminous with the period of permission/ license/registration granted by the Department of Telecommunications, Government of India.
- (5) Permissions granted for laying of underground telecom infrastructure and installation of the associated infrastructure shall be provided to the applicant as per clause 6(2) on Non-Exclusive Basis under this policy.
- (6) The local authority may earmark a predefined route alignment along the internal road circulation network as per the required specifications (with or without a duct) as part of their development works for laying of the telecom infrastructure so as to avoid repeated digging and/or to facilitate the applicant seeking permissions to lay the cables in future. The concerned local authorities are encouraged to provide for common ducts. Modalities for this shall be worked out separately.
- (7) The fee and others for charges for underground infrastructure are prescribed in Appendix -A.

7. Obligations of licensee 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.
 - (c) The licensee/applicant will be liable for repair/restoration of any damage caused to the property or to essential services during implementation of the scheme. The licensee/applicant shall ensure making good the excavated trench for laying underground Optical Fibre Cable by proper filling and compaction, so as to restore the land into the same condition as it was before digging the trench. Clearing debris/loose earth produced due to execution of trenching the portion for which Right of Way has been granted.
- (3) The licensee/ applicant shall ensure provision of positional intelligence, through appropriate technology, of all underground telegraph infrastructure to enable the appropriate authority to obtain real time information on its location.

8. 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/ applicant.
- (2) If the appropriate authority comes to the conclusion that the licensee/ applicant has willfully violated any of the conditions for grant of permission under clause (a) of sub-rule (2) of rule 6, it may forfeit, in full or in part, the bank guarantee submitted by the licensee/ applicant and cancel the permission granted to the licensee/ applicant, 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.

- (3) In case the licensee/ applicant is unable to complete the work in the given time frame, an application for extension of time may be submitted to the appropriate authority. The appropriate authority will examine the reasons for delay and may grant extension of time allowed for execution of work.
- (4) Where the appropriate authority is compelled to revoke or cancel the permission, the licensee/ Applicant shall not be entitled for any compensation or any loss caused to it by such cancellation.
- (5) The permission if granted for installation of Mobile Tower/telegraph infrastructure/ pole shall be valid for a period of 3 months only. In case the applicant fails to install the same within stipulated period of 3 months, then penal rent @12% will be imposed. If in case the applicant fails to pay the penal rent, the permission shall be deemed to be cancelled and imposed all the charges/advance rent/fee deposited by applicant shall be forfeited. Further concerned Department/ Board/Corporation/competent authority will be at liberty to again allot the same to an applicant.

CHAPTER III

ESTABLISHMENT OF OVERGROUND TELEGRAPH INFRASTRUCTURE

9. Application by a licensee/ applicant.—

- (1) A licensee/ applicant shall, for the purposes of establishing overground telegraph infrastructure, upon any immovable property vested in private person or under the control of any Central Government, State Government or any other local authority, make an application, supported by such documents (as specified in Appendix C), to the Appropriate Authority, Chandigarh in such form and manner as may be specified by that appropriate authority.
- (2) The information alongwith supporting documents to be provided by the licensee/applicant in the application made under sub-rule (1) shall include-
 - (a) A copy of the license/registration certificate granted by the Department of Telecommunications, Government of India;
 - (b) The details of the building or structure, where the establishment of the overground telegraph infrastructure, is proposed;
 - (c) The mode of and the time duration for, execution of the work;
 - (d) The inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
 - (e) The measures proposed to be taken to ensure public safety during the execution of the work;
 - (f) The detailed technical design and drawings of the post or other above ground contrivances;
 - (g) Certification of the technical/structural design and stability certificate certified by PEC University of Technology, Chandigarh or NITTTR Chandigarh or a structural engineer from the empanel list of Engineering Department, Chandigarh Administration from time to time, attesting to the structural safety of the overground telegraph infrastructure and of the building, where the post or other above ground contrivances is proposed to be established on a building.
 - (h) Any other matter relevant, in the opinion of the licensee/ applicant, connected with or relative to the work proposed to be undertaken; and

- (i) 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.
- (j) Consent of the land owner, government or private, where the tower is proposed to be installed.
- (k) Clearance from Air Force/Airport Authorities, where needed
- (2A) The application fee shall not be forfeited (Fully/Partially), in case of rejection of application on account of deficiency in the documents submitted by the applicant and the application fees paid shall be adjusted on re-submission of application after rectification for the same site.

10. Grant of permission by appropriate authority.—

- (1) The appropriate authority shall examine the application with respect to the following parameters, namely :—
 - (a) The location proposed;
 - (b) The mode of and time duration for execution of the work;
 - (c) The estimation of expenses that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken;
 - (d) 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/ applicant;
 - (e) Certification of the technical design by a structural engineer attesting to the structural safety of the overground telegraph infrastructure;
 - (f) 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;
 - (g) Any other matter, consistent with the provision of the Act and the 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.
- (1A) 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 infrastructure, such as base transceiver station, engine alternator, etc. at the ground.
- (2) Where establishment of the overground telegraph infrastructure renders the immovable 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 immovable property, either once or annually, assessed on such rates as that appropriate authority may, by general order, specify;

The compensation payable for the immovable property for the establishment of poles for installation of small cells and telegraph line is specified in Part-III of the Schedule.

- (3) The permissions for Right of Way for laying the communication & connectivity infrastructure and associated installations shall be granted for a period coterminous with the period of

permission/ license/ registration granted by the Department of Telecommunications, Government of India;

- (4) The appropriate authority shall, within a period not exceeding forty days from the date of application made under rule 9
 - (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 and payment of restoration charge, or compensation, as specified in sub-rule(2); or
 - (b) Reject the application for reasons to be recorded in writing, provided that no application shall be rejected unless the applicant licensee/ 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 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 however, the incomplete application shall be reverted online and will not be considered under deemed approved category and may be rejected if the reply shall not be submitted by the applicant within the stipulated timeline provided in the online portal.

- (5) The permission if granted for installation of Mobile Tower/telegraph infrastructure/ pole shall be valid for a period of 3 months only. In case the applicant fails to install the same within stipulated period of 3 months, then penal rent @12% will be imposed. If in case the applicant fails to pay the penal rent, the permission shall be deemed to be cancelled and imposed all the charges/advance rent/fee deposited by applicant shall be forfeited. Further concerned Department/ Board/Corporation/competent authority will be at liberty to again allot the same to an applicant.

10A. 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 PEC University of Technology, Chandigarh or NITTTR, Chandigarh or a structural engineer from the empanel list of Engineering Department, Chandigarh Administration, 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.
- (2) The application under sub-rule (1), shall be accompanied with such fee to meet administrative expenses for examination of the application, as specified in Part-1 of the Schedule.
- (3) The appropriate authority shall, within a period not exceeding forty 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, provided further that the permission shall be deemed to have been granted if the appropriate authority fails to either grant permission or reject the application however, the incomplete application shall be reverted online and will not be considered under deemed approved category and may be rejected if the reply shall not be submitted by the applicant within the stipulated timeline provided in the online portal.

- (4) The respective department/board/corporation/society shall be entitled to receive such compensation from the licensee, the amount specified in Part-III of the Schedule, for use of street furniture for installation of small cells and telegraph line.
- (5) The appropriate central authority may permit installation of small cells on their buildings and structures

10B. Establishment of infrastructure over private property. - Where the licensee proposes the establishment of Poles/small cell at private property, the licensee shall not require any permission from the appropriate authority, however the licensee shall submit an intimation, in writing, to the appropriate authority, prior to commencement of such establishment: Provided further that along with the intimation, he shall also submit the details of the building or structure and a copy of certification by PEC University of Technology, Chandigarh or NITTTR Chandigarh or a structural engineer from the empanel list of Engineering Department, Chandigarh Administration, attesting to the structural safety of the building or structure, where the pole or small cell is proposed to be established.

11. Obligations of licensee/ applicant in undertaking work.—

- (1) The licensee/ applicant 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.

12. Powers of appropriate authority to supervise the work.—

- (1) The appropriate authority may supervise the establishment and maintenance of overground telegraph infrastructure, including movable infrastructure to ascertain if the conditions imposed in the grant of permission under clause (a) of sub-rule (4) of rule 10 are observed by the licensee/ applicant.
- (2) If the appropriate authority comes to the conclusion that the licensee/ applicant has willfully violated any of the conditions for grant of permission under clause (a) of sub-rule (4) of rule 10, it may cancel, 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/ applicant has been given an opportunity of being heard.

Where the appropriate authority is compelled to revoke or cancel the permission, the "Licensee/ Applicant" shall not be entitled for any compensation or any loss caused to it by such cancellation.

- (3) In case the licensee is unable to complete the work in the given time frame, an application for extension of time may be submitted to the appropriate authority. The appropriate authority will examine the reasons for delay and may grant extension of time allowed for execution of work.

13. Restrictions of Location, Footprint and Height.—

- (1) The height of the Mobile/Communication Tower shall be approved/ certified by Standing Advisory Committee on Radio Frequency Allocation (SACFA) and shall be subject to the norms and mechanism laid down by Department of Telecommunications, Government of India, from time to time.

- (2) The EMF radiation from active equipment installed by Telecom Infrastructure Provider on the mobile communication Towers shall be subject to the norms & mechanism lay down by DoT GoI from time to time. TERM cell (License Service Area) unit of the Department of Telecommunication, Govt. of India is the competent agency to tender advice, monitoring and ensuring the control on EMF radiation related matters. The respective TERM cell (License Service Area) unit can audit for EMF radiation at any time as per the Department of Telecommunications Guidelines.
- (3) The terms and conditions/guidelines issued/ notified by the Department of Telecommunications, Government of India in respect of any conditions applicable to the Infrastructure provider or licensees, as amended from time to time, shall be applicable and will be the binding in all cases. Distance from nearby building and height of antennas should be governed as per latest Department of Telecommunication Guidelines amended for time to time.
- (4) A tower, shall be located only in open areas, (such as unused spots in parkings, incidents open areas including open area of institutions, in such a manner that the functionality of the place is not hindered in any manner)/ or atop commercial or institutional buildings. In case of ground based towers the footprint of the tower shall not exceed 7.5 mtrs X 7.5 mtrs (including all the infrastructure). Further the guidelines issued by CPCC from time to time shall be adhered by all the concerned. Provided that in case licensee wishes to install the mobile tower at any other location the same may be decided by the State Broadband Committee.

14. Permission for movable communication infrastructure.—

- (1) Permissions granted for moveable communication Towers/Cell on Wheels (CoW) or any other temporary infrastructure for managing the events/festivals/ fairs shall be co-terminus with the period of that event or against a specific requirement to provide communication facility to public at large. Before installation of moveable communication Towers/Cell on Wheels, a formal application shall be required to be submitted alongwith the reason to the concerned Appropriate Authority and the permission shall be granted by the concerned nodal officer within 10 days from the date of receipt of said formal request. In case the permission is not granted within 10 days from the date of receipt of a formal request by the Applicant to the concerned Appropriate Authority, the same shall be deemed granted. No fee/charge shall be charged for such cases. In the event of any Disaster, the permission to set up Cell on Wheels may be sought from the Appropriate Authority.
- (2) 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 Licensee/ applicant after paying the requisite fee/charges as mentioned in Appendix B along with all documents as specified in Appendix C. The period will be extended till the time the permission for the site to set up a permanent infrastructure is granted as per the provisions of this policy.
- (3) Permission(s) granted to the licensee/ applicant under this policy will not be transferable and will be applicable only for the period for which it has been granted. The permission granted under the Policy shall not, in any manner, be deemed to convey to the 'licensee/applicant' any ownership or perpetual rights in respect of the land or structures used for laying the underground/ overhead cables or other installations e.g. any Towers/ Masts etc.

15. In Build Solutions (IBS).—This policy intends to promote installation of In Build Solution (IBS), where there is a poor connectivity in terms of weak signal strength inside the office, shopping mall, hospitals, multi-storey building, education institutions and objective is to strengthen quality of service of mobile network.

- (1) In Build Solution component being a small equipment can be installed on any type of land/ building/ utility pole and there is no requirement of getting the permission for installation of these components from the Appropriate Authority but it is required to get permission from the Administrative Authority of the concerned building, applicable only for Government buildings.
- (2) There shall be no fee to be charged for IBS. However, charges can be levied for provision of power, fixtures, etc. if taken by the licensee/applicant.

16. Micro Communication Equipment/Pole.—This policy intends to promote installation of Micro Communication Equipment/ Pole, where installation of Mobile towers may not be feasible. The licensee/ applicant, shall submit a filled up application with all the relevant information and documents to the Appropriate Authority, who shall issue permit/ permission to the Licensee/Applicant. The following documents may be sought from the Licensee/ Applicant:-

- (1) Copy of relevant license/Infrastructure Provider Registration Certificate from Department of Telecommunications, Government of India;
- (2) Copy of clearance from Fire Safety Department only in case for high rise buildings where fire clearance is mandatory;
- (3) Indemnity Bond (Original) to take care of any loss or injury to accident cause by the tower (including a declaration to the effect that the Applicant will take necessary precautions for fire safety and lightning and it shall be solely responsible for paying all kinds of compensation and damages and would be responsible for case arising there from) ;
- (4) Copy of No objection Certificate from building /land owner which mobile tower is proposed to be installed & authorized person in case of Government premises;
- (5) Any other document that appropriate authority deems fit;
 - (a) The rejection of application, appeal procedure shall be same as for other overground infrastructure as stated in this policy;
 - (b) One time permission charge of Rs.3000 shall be applicable for establishment of Micro Communication Equipment throughout UT, Chandigarh.

CHAPTER IV

SUBMISSION AND PROCESSING OF APPLICATIONS

17. Time-lines for decisions on the Applications.-The Chandigarh Administration will adhere to the following time-lines for grant of the relevant permissions:

| S. No. | Event | No. of working days |
|--------|---|---|
| 1. | All applications for seeking permission to lay the telegraph infrastructure Above Ground or Under Ground, shall be submitted by the Applicant to the Appropriate Authority and the same will be automatically forwarded to the concerned nodal officer(s) (Level 1) | T (0 day) |
| 2. | The Level 1 officer will scrutinize the application and document attached. Any discrepancy in the application will be reverted to the applicant with remarks or forward to the Level 2 officer for further processing. | T+10 days |
| 3. | <p>The level 2 nodal officer of the department shall process the applications and submit its recommendation to the Appropriate Authority. Each concerned department/authority will process the application concurrently and not sequentially.</p> <p>The property owing/occupying department(s)/board/Cooperation shall be allowed to furnish non-consent for installation of telegraph infrastructure only if the said infrastructure hinders the functionality of the said property with justification / reason in writing.</p> | <p>(Within (10 days) T + 20 days)</p> |
| 4. | <p>The appropriate authority will convey in writing to the applicant:</p> <p>(i) Approval /rejection (with reasons)</p> <p>(ii) Letter of Intent (LoI)</p> <p>(iii) Demand Notice for various charges including the performance Bank Guarantee as per the rates decided.</p> | (within 5 days) T + 25 days |
| 5. | Compliance of the LoI conditions by the applicant and deposit of various charges. The LoI may be cancelled if no compliance is received. | (within 10 days) T + 35 days |
| 6. | As soon as the LoI holder completes the documentation and deposits all the relevant charges, including the performance Bank Guarantee, the Appropriate Authority shall issue a formal permission in favour of the applicant so as to enable the "Applicant"to commence executionof related infrastructure works. | (within 5 days) T + 40 days |

18. Electrical power to Licensee/ Applicant.—The power distribution department/company/agency shall provide power/electric connection to the applicant within the time-lines defined under the Electricity Supply Board Regulation notified by the Joint Electricity Regulatory Commission (JERC) as applicable in UT Chandigarh; after submission of complete application and relevant documents.

The power distribution department/company/agency will not disconnect the power/electric connection (if required) as per provision under Electricity Act 2003 and measure related to Safety and Electric Supply Regulation, 2010, amended from time to time.

CHAPTER V

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

19. 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, considers that it is necessary and expedient to remove or alter such telegraph infrastructure, it shall issue a notice to the licensee/ applicant, being the owner of such telegraph infrastructure, to remove or alter its location.
2. On receipt of the notice under sub-rule (1), the licensee/ applicant shall, forthwith and within a period of thirty days, proceed to submit, to the appropriate authority, a detailed plan for removal, repair or alteration of such telegraph infrastructure.
3. The appropriate authority shall, after examination of the detailed plan submitted by the licensee/ applicant under 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 to the licensee/ 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 licensee/ applicant.

CHAPTER VI

DISPUTE RESOLUTION

20. Disputes between licensee and appropriate authority: - Secretary Information Technology, Chandigarh Administration, shall be the Appellate Authority against the orders of the Appropriate Authority. Appeal against the order of the Secretary Information Technology, Chandigarh Administration shall lie with the Advisor to the Administrator of U.T.Chandigarh.

Chandigarh :
The 15th February, 2023.

(Sd.) . . .,
Director, Information Technology,
Chandigarh Administration.

Appendix-A**Schedule of Charges for underground infrastructure**

| S. N. Description | Restoration Charges |
|--|---|
| 1. RoW/One Time Charges | Rs. 1000/- Kilometer. For underground telegraph Infrastructure |
| 2. Annual User Fee | <p>Rs. 100/- per pit/manhole</p> <p>Rs. 10/-per Mtr for OFC</p> <p>Rs. 10/- per Mtr for cables using poles.</p> <p>The above annual charges will be taken for 5 years at the time of grant of permission. These annual charges will be re-fixed after a period of 5 years (2018-2023) for another block of 5 years and so on.</p> <p>In cases where telecom cables such as optical fiber cables etc. have to be laid underground by any method such as duct & conduits, tunneling core, etc. the service provider will be expected to conduct the entire operation of laying the cable fiber and restoring the site and all related infrastructure to its original and useable condition at their own cost. In case, the service provider/ infrastructure provider chooses not to rehabilitate the site/infrastructure or is unable to do so within a period of 30 days after laying the infrastructure, the Municipal Corporation shall execute the rehabilitation of the site/road by levying the restoration charges as at Sr. No. 3.</p> <p>However, in case the service/infrastructure provider chooses to rehabilitate the site infrastructure at his own to the entire satisfaction of concerned Govt. Deptt. The agency shall deposit security amount Rs.300/- per mtr. The deposit security amount will be utilized/forfeited by concerned department. In case the agency fails to carry out the restoration work to its original condition as per entire satisfaction of department within 30 days.</p> |
| 3. Restoration Charges including 15% Supervision Charges | <p>V-3, V-4, V-5 Road : Rs. 970.70/Mtr</p> <p>V-6 Road & Parkings : Rs. 528.54/Mtr</p> <p>Paver Blocks : Rs. 764.26/Mtr</p> <p>Road Berm : Rs. 158.12/Mtr</p> <p>Inspection Chamber/Manhole : Rs. 15753.72</p> <p>Pit on Kutcha : Rs. 632.49/-each</p> <p>Pit on Pavers : Rs. 3017.38/-each</p> <p>Pit on Road : Rs. 3817.08/-each</p> <p>The above Charges will be 50% for laying by HDD method with a maximum dia of duct as 120mm.</p> <p>The restoration road cut charges will increase 10% annually from 01st April of every year.</p> |

| | | |
|----|---|--|
| 4. | Performance Bank Guarantee (Amount of PBG to be reviewed after every 5 years) | A Performance Bank Guarantee @ Rs. 73.21/- per mtr. length with a validity of one year initially as a security against improper filling, unsatisfactory compaction/ damages caused to other underground installations/ utility services and interference/ interruption/ disruption or failure caused thereof to any services |
| 5. | Supervision Charges | 15% of Total Restoration amount |
| 6. | GST | 18% of the Total Restoration amount |
| 7. | Charges for construction of overhead /chamber upto 1 mtr. Max. dimension | Rs 17203/- each |

Note:

1. These above said charges (Except S.No. 1- One Time Charges) will be increased @10% w.e.t 1st April of each year.
2. The applicant is liable to pay the advance rent/fee/charges (as applicable) from the date of grant of demand note within 10 days else interest @ 12% pa will be applicable till max period of 06 months else the application shall not be considered for processing. Further applicant are also liable to pay advance rent/fee/charges due as the case may be on 1st April of every corresponding year.
3. The other terms and conditions will remain the same as approved in the 243rd meeting of General House of the Municipal Corporation, Chandigarh.
4. The Performance Bank Guarantee as a security against satisfactory completion of work by agency for a period of 06 months over and above the project completion period. In case of time over runs for completion of the works, the bank Guarantee shall be renewed/got extended by the applicant corresponding to the revised completion + 6 months. The applicant shall obtain formal permission for time extension from the appropriate authority. However, Performance Bank Guarantee will be immediately returned on satisfactory completion of the work by the agency.
5. The agency/contractor will carry out GPR survey along the route where the duct has to be laid for detection of existing utilities. The data for utility collected through GPS survey would be unconditional shared with MCC free of cost.
6. Permission granted to the agency/contractor will not be transferable and will be applicable only for the period for which it has been granted.
7. If required, the MCC can direct the Contractor/agency to change the optical fiber cable in stipulated time period or shift the cable to other area and the applicant license shall be bound to do the same for which all the expenses would be borne by the contractual agency.
8. Responsibility of public safety will lie with Contractor/agency during establishment or post establishment of Mast, Pole and laying of cable, during its maintenance or other related activities. The contractor/agency shall take all necessary safety steps and measures while executing the work and they will indemnify the MCC against any accident and damage caused to life or property during.
9. The contractor/agency or any 3rd party will not be allowed to display any advertisement on the Mast and Pole without permission of Appropriate Authority.

10. In case of any damage to the essential Municipal Services i.e water supply, sewerage system and telecommunication lines, electricity supply etc. it will be the responsibility of the contractor/ agency to inform Municipal Corporation within 24 hours. In case of failure of non-reporting, then the Bank Guarantee will be immediately forfeited. If the actual amount of damage is more than the amount of bank Guarantee then, the same shall be recovered from the agency.
11. The permission will be granted by MCC within a period of 2 weeks subject to the application being complete with route details and fulfilment of all terms and condition as per guidelines.
12. An agreement will be executed between the contractor/agency and MCC regarding compliance of all terms and condition.
13. Contractor/agency will give a notice of 15 days with route details prior to trenching for maintenance/repair work will be furnished by the contractor/agency.
14. In case of any dispute between the contractor/agency and MCC, the Commissioner, Municipal Corporation, Chandigarh will be the final authority for settlement of such dispute and such decision will be binding on both the parties.
15. For construction of RCC manhole, the structure will be designed as per the norms of Indian Road Congress. The agency will be responsible for maintenance and upkeep of the manholes from time to time. If any manhole comes in the way of approved alignment of any proposed water supply, sewerage of any other service, the agency will be bound to shift or remove the manhole/ cable and make changes at its own cost.

Appendix-B**Schedule of Charges for Overground Infrastructure**

| Sr. No. | Type of Charges | Charges |
|----------------|--|--|
| 1. | Permission and Administrative Charges for overground infrastructure (One-time- Non-Refundable) | Rs. 10,000/- |
| 2. | Rental charges when tower is placed on Government land and buildings. Rental charges when tower is placed on the building rather than on the ground (Govt land) | Rs. 5,00,000/- per annum Rs. 3,00,000/- per annum |

Appendix C**Documents to be attached with the Application**

1. Application (in duplicate) for permission for establishment of overground communication and connectivity Infrastructure or for its renewal shall be submitted to the concerned appropriate authority in the relevant form, along with following documents :—
 - (a) A copy of the license registration certificate granted by the Department of Telecommunication (DoT) Ministry of Communication Government of India;
 - (b) The detailed technical design and drawings of the tower/post or other above ground infrastructure including the specification of foundation. In case the tower /post etc. is in the vicinity or adjoining to high or low tension line, then its distance from the same shall be clearly indicated in the drawings;
 - (c) The structural design of the tower, certified by PEC University of Technology or NITTTR Chandigarh or a structural engineer from the empanel list of Engineering Department, Chandigarh Administration from time to time.
 - (d) Time schedule (Stretch-wise) for completion of the work;
 - (e) In case the permission is sought in the land/premises of any office of Central Government or a PSU of Central Government, the prior written consent copy of agreement from the authority having legitimate right over the land/premises shall be attached with the application;
 - (f) Indemnity bond to indemnify the appropriate authority in the prescribed format against (a) any liability for the damage caused to the infrastructure laid by the applicant for any reasons, and (b) claims against any accidents on account of the infrastructure laid/ facilities installed or against any claims thereafter during the period of Operation & Maintenance of such infrastructure at all times;
 - (g) Undertaking as per Appendix-D shall be submitted by the "License/Applicant" along with the application.
2. Application for permission to lay underground telegraph infrastructure or taking fibre to home in the right of way shall be submitted to the concerned appropriate authority in the relevant form, along-with following documents :—
 - (a) A copy of relevant License/ infrastructure provider registration certificate granted by the DoT;
 - (b) Detail of the location map showing the proposed underground telegraph infrastructure including route planned, nature of land;
 - (c) The detailed technical design and drawings of the post or other above-ground contrivances (in case of over ground cabling);
 - (d) Time schedule (Stretch-wise) for completion of the work;
 - (e) Indemnity bond to indemnify the Government/ Local Body/ Authority in the /prescribed format against (i) any liability for the damage caused to the infrastructure laid by the applicant for any reasons, and (ii) claims against any accidents on account of the infrastructure laid/ facilities installed or against any claims thereafter during the period of Operation & Maintenance of such infrastructure at all times;
 - (f) Undertaking as per Appendix-D shall be submitted by the "Applicant" along with the application;
 - (g) For Forest/Protected Areas, the copy of clearance from Department of Forest and Wildlife, Chandigarh Administration, if applicable; (*Note:- NOC of Forest Dep'tt. would not be required in areas not covered under Forest/Protected Areas.*)
3. The Applicant shall submit a copy of receipt in proof of the payment of application fee and other charges as prescribed under this policy. However, once the provision for payment gateway is provided, payments shall be made online only.
4. The Applicant shall furnish such other relevant information as may be required by the Appropriate Authority from time to time.
5. Permissions such as NOC etc. from the concerned departments/ authorities shall be obtained by the applicant through the portal.

Appendix-D**Undertaking by the Applicant (To be printed on Rs. 20/- Stamp Paper)**

We _____ (Name of Telecom Infrastructure Provider), having its Circle Office at _____ and registered office at _____ intend to (laying underground Optical Fibre/ Co-Axial Cables, Erection of Poles for overhead communication cables, Installation of Dish Antennas, Erection of Ground Based Mast GBM/ GBT/RTT/RTP Communication /Mobile Tower)_____

at _____ (Address/ Location). We have moved an application dated _____ seeking permission from the appropriate authority.

In this regard, we hereby undertake the following :—

1. To pay all the applicable charges and the Performance Bank Guarantee, as specified in the Schedule of Charges to the agency according permission without any default;
2. To maintain the infrastructure facilities in good and safe condition at all times during the O&M period ;
3. To execute an Agreement with the competent authority;
4. To re-lay/re-align the communication network/relocate the poles/dish antenna/communication/mobile tower/ground based mast at its own cost in the event of requirement of the area for augmentation of public services e.g. widening of roads, pedestrian walkways, water supply and distribution network, sewage/ drainage network etc.);
5. To abide by the terms and conditions of grant of permission & adherence to the radiation norms as prescribed by the Department of Telecommunications, Government of India or the TRAI.
6. To provide copy of Standing Advisory Committee on Radio Frequency Allocation (SACFA) clearance/ copy of SACFA application for the said location submitted to Wireless Planning & Coordination (WPC) wing of DoT with registration number as WPC acknowledgement along with undertaking that in case of any objection/rejection, licensee will take corrective actions/ remove the tower; (*Note:- the copy can be submitted to the Nodal Officer within 30 days the location is finalized and the tower is installed*).
7. To provide mitigation measures for the inconvenience that is likely to be caused to the public;
8. 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 ;
9. To furnish the requisite documents as may be changed from time by the appropriate authority ;
10. To provide copy of No-objection Certificate issued by the Fire and Emergency Services Department, Municipal Corporation Chandigarh, in case of buildings where fire clearance is mandatory;
11. To provide for Forest/Protected areas, the copy of clearance from the Department of Forest and Wildlife, Chandigarh Administration, if applicable;

12. To provide acknowledgement receipt issued by TERM Cell, (License Service Area), Punjab, of the self-certificate submitted by Applicant in respect of mobile tower/Base Transceiver Station (BTS) establishing/ certifying that all general public areas around the tower will be within safe Electro Magnetic Radiation (EMR) exposure limit as per peak traffic measurement after the antennas starts radiating; (*Note: - It can be submitted within 30 days after tower starts radiating*).
13. 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.
14. Further, I undertake and agree that the permission granted for installation of Mobile Tower/ telegraph infrastructure/pole shall be valid for a period of 6 months only. In case we fail to install the same within stipulated period of 6 months, the permission shall deemed to be cancelled and all the charges/advance rent/rent./fee deposited by applicant shall be forfeited. Further concerned Department/ Board/Corporation/competent authority will be at liberty to again allot the same to an applicant.
15. We shall be liable for legal proceedings against us, in case of loss of life and/or property due to the installation/works undertaken via this application.

(Authorized Signatory)

Date :

Name of the Authorized Signatory

Place :

Along with Company Seal.

The Schedule

| Part-I Fee | | |
|--|--|--|
| 1. | For establishment of overground telegraph infrastructure | <ul style="list-style-type: none"> (a) Rs. 1000/km (One thousand rupees per kilometer) for establishment of overground telegraph line. (b) 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 (c) Rs. 1000/pole (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. |
| Part-II Charges for restoration | | |
| 1. | Establishment of overground telegraph infrastructure | For the area under the MCC, the charges required to restore immovable property are as per the rate in Appendix A. |
| Part-III Compensation | | |
| 1. | Establishment of underground telegraph infrastructure | Nil (Except the charges mention in Appendix A) |
| 2. | Establishment of poles for installation of small cells and telegraph line | Nil (Except the fee as per Part-I of the Schedule. |
| 3. | Usage of street furniture for installation of small cells and telegraph line | <ul style="list-style-type: none"> (a) For installation of small cells: Three hundred rupees per annum per street furniture (The charges shall be levied 60 days after the approval for the establishment of the pole) (b) For installation of telegraph line: One hundred rupees per meter per annum. (provided that the same may not be put up in haphazard manner and shall be put up only in appropriate manner which needs to be certified by the nodal officer of the concerned department/corporation, failing which the same may be removed by giving 15 days prior notice) <p>Example: If the approval is granted on 1st June 2022, rental period will start from 1st Aug 2022 & for the FY 2022-23 the charges will be worked out accordingly. The above charges shall be initially paid for the block year of 5 years along with annual increment of 10% levied from 1st April of every year.</p> |

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