

NDMC RIGHT OF WAY (RoW) POLICY

The NDMC Right of Way (RoW) Policy for area under jurisdiction of NDMC for Underground Infrastructure & Over-ground Telecommunication Infrastructure, 2023 based on the Indian Telegraph Right of Way Rule, 2016 and further amended from time to time i.e. 2017, 2021, 2022 and 2023.

As Telecom Connectivity is a crucial infrastructure for transparency and speed in governance, development, security, concurrent monitoring and all the rest, and the only means to overcome the geo-climatic obstacles to communications in the State.

The Department of Telecom, Government of India had notified the ROW Rules, 2016 and subsequent amendment of the same in the year 2022 and 2023 for over ground telecom infrastructure.

Accordingly, in pursuance of the provisions of the Indian Telegraph Right of Way Rules, 2016 further amended in the year 2022 and 2023 by the Department of Telecom, Ministry of Communications, Government of India, and in supersession of all the earlier policies, orders and guidelines issued with regard to telecom towers and related telecom equipments to bring uniformity, clarity and simplification in the process of giving permission for installation of Telegraph / Telecom infrastructure for over the ground (Mobile Towers) and under the ground (optical fibre cable) within the jurisdiction of New Delhi Municipal Council (NDMC).

CHAPTER I

PRELIMINARY

1. Short title, extent, applicability and commencement:

(a) This Policy may be called the "New Delhi Municipal Council (NDMC) Right of Way (RoW) Policy for Underground Infrastructure and Over-ground Infrastructure (i.e. RTT, GBM, GBT etc.), 2023.

(b) It shall be applicable within the area comes under jurisdiction of New Delhi Municipal Council (NDMC).

(c) It shall come into force from the date of approval by NDMC Council.

2. Definition- In this Policy, unless otherwise required in the context:

(a) "Act" means the Indian Telegraph Act, 1885;

(b) "Applicant" means any Telecom Service Provider (TSP)/Infrastructure Provider (IP)/any other agency authorized by the Deptt. of Telecommunications, Govt. of India, who makes an application seeking permission for establishing, maintaining, working, repairing, transferring or shifting of Telecom Infrastructure;

(c) "Application" means the application for single window clearance for the establishing, maintaining, working, repairing, transferring or shifting of Telecom Infrastructure;

(d) "Appropriate authority" means the New Delhi Municipal Council (NDMC) in respect of property, under, over, along, across, in or upon which under-ground or over-ground telecom infrastructure is to be established, maintained, worked, repaired, transferred or shifted, vested in, or under, the control or management of such appropriate authority;

(e) "Areas" means area falling within the jurisdiction of New Delhi Municipal Council (NDMC) for the purposes of installation of the telecom infrastructure under this policy.

(f) "Fees" prescribed under this policy on telecom infrastructure includes administrative fees, permission charges, usage fees, utility fees as prescribed in this policy or any other tax or levy, etc., that may be payable under any law; the fees or annual charges do not include GST, Labour Cess & other applicable Taxes;

(g) "licensee" means any person holding a license issued under sub-section (1) of section 4 of the Indian Telegraph Act, 1885;

(h) "Concerned Department" means Remunerative Project Cell (RPC) for over-ground telecom infrastructure & Civil Engineering Department for under-ground telecom infrastructure within New Delhi Municipal Council (NDMC).

(i) (i) "Indoor Micro Communications Equipment" means a Pico/ Micro telecommunication instruments which is small in size and light in weight, deployed in buildings, utility/ streets poles, street furniture all indoors in large buildings viz: malls, convention centres. (Single legged structure having height up to 3 m.)

(ii) "Outdoor Micro Communications Equipment" means a Pico/ Micro telecommunication instruments which is small in size and light in weight, deployed on buildings, utility/ streets poles, street furniture all outdoor in areas having space constraints, narrow streets, densely populated areas and open public spaces. (Single-legged structure having height up to 12 m.)

(j) "permission" means any permission pertaining to this policy for telecom infrastructure.

(k) "public grievance" means grievance of public relating to installation of towers and issues related to telecom infrastructure.

(l) "policy" means the "New Delhi Municipal Council (NDMC) Right of Way (RoW) Policy for Underground Infrastructure and Overground Infrastructure, 2023".

(m) "Telecom Infrastructure" means the over-ground telegraph infrastructure and underground telegraph infrastructure as defined in Indian Telegraph Right of Way Rules, 2016, including but not limited to:

(i) Optical Fibre Cable (OFC) – Cable laid underground providing telecommunication services/ purposes.

(ii) Mobile Towers - Any above-ground contrivance for carrying, suspending or supporting a telegraph/telecom system and does not include pole.

(iii) Poles-Any above ground contrivance of height, not exceeding eight meters, for carrying, suspending or supporting a telegraph/telecom system and does not include mobile tower.

(iv) Small Cell - A low powered cellular radio access node that has a coverage of ten meters to two kilometers.

(v) Cell on Wheel (CoW) – A portable mobile cellular site that consists of an antenna tower and electronic radio transceiver equipment designed to boost reception as part of a larger cellular network and is temporary in nature.

(vi) In-Building Solution (IBS)& Micro-Communication Equipment (Micro Cell), or any other appliances, apparatus, etc. necessary for the effective establishment & maintenance of telecom services.

(n) “Telecom Service Provider” (TSP) means a licensee providing telecom services, including, mobile phone services, internet and data transfer services, etc.

(o) “Infrastructure Provider” (IP) means infrastructure providers registered with Department of Telecommunications, Govt. of India, to set up telecom infrastructures in India.

(p) “Street Furniture” includes post / 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.

Words and expressions used and not defined herein but defined in the Indian Telegraph Act 1885 and Right of Way Rules 2016 shall have the meaning assigned to them in the aforementioned Act and Rules.

CHAPTER II

NODAL DEPARTMENT AND ROLE OF APPROPRIATE AUTHORITY

3. Nodal Department and Nodal Officers:

(a) For overall coordination for the implementation of this policy, Remunerative Project Cell (RPC), shall be the nodal department and it shall provide clarification and/or instructions from time to time to overcome the difficulties in the implementation and/or up-gradation of the above policy.

(b) Further, the implementation of this policy shall be done by Remunerative Project Cell (RPC) through the Nodal Officer.

(c) Director, Remunerative Project Cell (RPC) shall be the nodal officer for overall coordination for the purposes of this policy. Director shall further appoint sub-nodal officers from the stake holding department for smooth implementation of the policy.

4. Application for permission by Single Window system and disclosure of application:

Every application for permission under these Rules shall be made by licensee on an electronic portal developed by the Central Government/ New Delhi Municipal Council (NDMC) through a Single-Window System.

5. Authorities for issuing permission for Telecom Infrastructure: **Director(RPC)/ Nodal Officer of NDMC** will receive and scrutinize the applications for issue of permit in their respective jurisdiction for establishing, maintaining, working, repairing, transferring or shifting of Telecom Infrastructure as defined at Section 2(m).

***Note1** - For Road Cutting permission on roads maintained by New Delhi Municipal Council (NDMC), the authority of "NDMC" for such purposes will be exercised by the concerned division of Civil Engineering Department.

6. Role of Appropriate Authority:

(a) Concerned department shall process the application received from the licensed TSP/IP in the prescribed format along with the requisite documents and fees for granting permission for establishing Mobile Towers (GBT, RTT), poles and/or laying of Telegraph Lines/Optical Fibre Cables and Cell on Wheels in their jurisdiction.

(b) Concerned department will scrutinize the applications to check the compliance as per this policy. If found correct, permission shall be granted to the applicant, else the discrepancies/shortcomings of the application shall be communicated to the applicant within 30 days of receipt of application.

(c) Concerned department shall ensure periodical monitoring and review of the tower structures, OFC or any activities related to telecom infrastructure.

(d) The concerned department shall ensure that a progress report is sent, at such interval, as desired by Nodal Officer, about the status of mobile towers, telegraph lines and any other telecom infrastructure within their jurisdiction.

CHAPTER III

RIGHT OF WAY POLICY FOR TELCOM INFRASTRUCTURES, RELATED PROCEDURES & CHARGES/FEES

7. Permission for Mobile Towers and telegraph lines, Cell on Wheels, Micro-Communication equipments, in-building solutions(IBS), etc.

(a) Mobile Towers and Poles - based on the installation type, mobile towers and poles are further classified as Ground Based Towers (GBT) & Roof Top Towers (RTT) and Roof Top Poles (RTP) & Ground Based Poles (GBP), respectively. Formal approval/permission may be obtained by the Applicants for installation from New Delhi Municipal Council (NDMC) as specified in this policy.

(b) Cell on Wheels (CoW) - Formal approval/permission shall be obtained by the Applicants for installation of Cell on Wheel (CoW) from New Delhi Municipal Council (NDMC). This shall be treated as installation of mobile towers on ground.

(c) Micro-Communication Equipment/Pole - This policy intends to promote installation of Micro-Communication Equipment/Pole which is a small equipment that can be installed on any type of structure/building across regardless of its specified usage, including but not limited to:

- Institutional/ Govt. buildings/ residential buildings including Multi-Storey Buildings/ Group Housing Complexes/ building used for industrial and commercial purposes.
- On street electric poles, telegraph poles and other structures.

(d) In-Building Solution (IBS) -

(i) This Policy intends to promote installation of in-building solutions (IBS), where there is a poor connectivity in terms of weak signal strength inside the office, shopping mall, hospitals, multi-storey buildings, education institutions and the objective is to strengthen quality of service of mobile network.

(ii) There shall be various modes of deployment of IBS such as:

- 1) Deployment by a neutral host infrastructure provider or build & managed by TSP/IP and sharing with other service providers on non-discriminatory basis, wherever feasible.
- 2) For deploying indoor solutions, these companies will be requiring permissions from the NDMC. Moreover, if these companies are required to install optical fibre for connecting IBS/DAS nodes, RoW permissions will be required from the New Delhi Municipal Council (NDMC) and shall be granted accordingly.

(iii) Permissibility for installation of In-Building Solution Component: IBS Component, being a small equipment, can be installed on any type of land/building/utility pole. Only a consent/NOC from the concerned administrative authority may be taken for its installation.

(e) Optical Fibre Cable Infrastructure - The works of laying underground optical fibre cable by the side of the roads and other places are done by the licensees. The licensee shall have to take prior permission from New Delhi Municipal Council (NDMC), private owners etc. for laying optical fibre along the roads, land, bridges, etc.

8. Eligibility to Apply: Any telecom service provider/infrastructure provider, duly registered with the Department of Telecommunications, Government of India or any telecom services provider licensed from the Department of Telecommunication, Government of India or an infrastructure provider, duly authorized by a license to lay the communication and connectivity infrastructure (hereinafter called as the "Applicant") is eligible to seek permissions under this policy to make provision of the communication and connectivity infrastructure within the area as specified in 2(e).

9. General Procedure for submitting application for establishing, maintaining, working, repairing, transferring or shifting of Telecom Infrastructure (both over-ground & underground)

(a) The Applicant shall submit an application with all the relevant information on an electronic portal developed by the Central Government (linked to the portal of NDMC).

(b) Every application shall be accompanied with such fee to meet administrative expenses for examination of the application and the proposed work as the Appropriate Authority may, by a general order, deem fit. Provided that the one-time fee to meet administrative expenses, accompanying every application shall not exceed the amount specified in Part-I & Part-IV of Schedule I of this policy.

(c) The appropriate authority should decide the application within 30 calendar days (20 days to the appropriate authority to conduct joint inspection and generation of demand note and 10 days to the Applicant for payment). In case the application is rejected, the cause of rejection should be intimated to the applicant.

(d) If the application is pending for more than sixty days with the appropriate authority from its date of receipt, even after submission of all relevant information by the Applicant, the application may deemed to be approved.

(e) The Applicant may raise any dispute to the Nodal Officer. appointed by appropriate authority in case of any grievance in this matter.

10. Grant of permission by appropriate authority:

- a) This is for enabling smooth rollout and for granting timely permission for establishing or shifting of Mobile Towers, Telegraph Lines, Optical Fibre Cable (OFC) and any other telecom infrastructure (wherever applicable).
- b) The New Delhi Municipal Council (NDMC) shall examine the application with respect to the following parameters, namely,
 - i. The route/ street furniture planned for the proposed 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/ street infrastructure.
 - ii. New Delhi Municipal Council (NDMC) shall be entitled to receive such compensation from the licensee, not exceeding the amount specified in Part-III of the Schedule I of this policy, for the use of the property over/ under which the telecom infrastructure is proposed to be established, as may be determined by the New Delhi Municipal Council (NDMC).
 - iii. The area of the over-ground 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.

Maximum area upto 50 sq.mtr shall be provided in case of over ground infrastructure (RTT/ GBM/ CoW etc.).
 - iv. The mode of execution
 - v. The time duration for execution of the work and the time of the day that the work is proposed to be executed;
 - vi. The estimation of expenses that the appropriate authority shall necessarily incur as a consequence of the work proposed to be undertaken;
 - vii. The responsibility for restoration of any damage that the appropriate authority may necessarily be put as a consequence of the work proposed to be undertaken;
 - viii. Assessment of measures to ensure public safety and inconvenience that the public is likely to be put to as a consequence of the work proposed and the measures to mitigate such inconvenience indicated by the Applicant;
 - ix. Any other matter connected with or related to the establishing, maintaining, working, repairing, transferring or shifting of underground or over-ground telegraph infrastructure, through a general or special order, by the Central Government, appropriate State Government or the Appropriate Authority.
- c) The appropriate authority shall process the application submitted for establishing, maintaining, working, repairing, transferring or shifting of under-ground or over-ground telegraph infrastructure given in Table I.
- d) The appropriate authority may grant permission on such conditions including, but not limited to, the time and mode of execution, measures

to mitigate public inconvenience or enhance public safety and payment of restoration charge or compensation, not exceeding the amount specified in Part-II or III of the Schedule I of this policy. Provided that where horizontal directional digging technology is used for establishing underground telegraph lines, restoration charges shall be levied for pits only.

- e) The appropriate authority may reject the application for reasons to be recorded in writing and same shall be informed to applicant/ licensee. Provided further, that the permission shall be deemed to have been granted if the appropriate authority fails to either grant permission as per 9(d) or rejects the application and same shall be communicated in writing to the applicant in not later than five working days after permission is deemed to have been granted.

11. All project implementing agencies (PIAs) shall pay charges/bank guarantee for restoration as mentioned in Part-II of the Schedule I of this policy. The New Delhi Municipal Council (NDMC) shall not charge any other fee from the licensee than those prescribed under this policy for establishing, maintaining, working, repairing, transferring or shifting of underground or over-ground telegraph infrastructure.

12. Usage of street furniture for installation of small cells and telegraph line:

(a) A licensee shall, for the purpose of installation of small cell and/or telegraph line, submit an application, along with details of street furniture and a copy of certification by a structural engineer empanelled 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/or telegraph line.

(b) The application under 12(a), 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 Schedule I of this policy.

(c) 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. Provided further that the permission shall be deemed to have been granted in sixty days if the appropriate authority fails either grant permission or reject the application.

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

(e) The appropriate central authority may permit installation of small cells on their buildings and structures.

(f) For the purposes of 12(e), the "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.

13. Establishment of telegraph infrastructure over private property: Where the licensee proposes the establishment of over ground telegraph infrastructure over any private property, the licensee shall not require any permission from the local authority/ appropriate authority. Provided that in case of establishment of mobile tower or pole over a private building or structure, 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, where the establishment of mobile tower or pole 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 or pole is proposed to be established.

Provided further property owner shall share a copy of rental/lease agreement with NDMC for taxation purpose and creation of ID for assessment of collection of tax.

14. Obligations of licensed TSPs/IPs in undertaking work:

- a) The Applicant shall submit all payments/ fees as per terms and condition given in demand note by New Delhi Municipal Council (NDMC), prior to the grant of permission for underground/ over ground telegraph infrastructure. However, the New Delhi Municipal Council (NDMC) may, at its discretion, modify the terms and condition of demand note, if necessary.
- b) The Applicant shall ensure that prior to the commencement of work of laying the over ground telegraph infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provisions for public safety are implemented and the work of laying over ground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.

15. Implementation Procedure:

- a) The TSP/IP will start work in the area after fulfilling all the conditions. It will have to inform the date of start of work to the New Delhi Municipal Council (NDMC).
- b) If any damage is caused to the Government property by the work of the Applicant, then it will be responsibility of the Applicant to restore the same at his own cost or compensate the damage. If delivery of service is affected, then the Applicant must restore the service within 24 hours and the Applicant will have to carry out the work according to the instructions of the concerned Department.
- c) The Applicant will have to install the Optical Fibre at a safe distance from the electricity wires/ cables.
- d) In case a concerned Department intends to increase the width of the road then the Applicant will have to shift the trench dug by it to the safe distance on its own cost at the place suggested by the agency.
- e) The Applicant would have to inform the concerned Department atleast 7 days in advance about any repair or maintenance work in cases where such maintenance planned in advance. Further, if the private land or structures are to be used in this work, then the Applicant has to give compensation for the private land or for the crop, as the case may be. In case of any conflict, the decision of the Nodal Officer of the appropriate authority shall be binding on both parties. However, if the owner of private land/structure is not satisfied with the decision of the Nodal Officer of the appropriate local body, he/she can appeal to Nodal Officer appointed by the Central Government, as mentioned in Para 3(c), whose decision shall be final and binding on all stakeholders.

16. Permanent ducts constructed by the various government agencies along roads for establishing Optical Fibre Cable(OFC):

- (a) The Applicant will pay utility fees for the duct constructed by the various government agencies along the highways, main roads and district roads or other relevant areas. The fees will be decided by appropriate authority or by the agency nominated by appropriate authority from time to time.
- (b) The OFC ducts should be made sharable with other operators on mutually agreed terms between the parties.
- (c) The permission to use these ducts and review of utility will be done by the Nodal Officer appointed by the appropriate authority depending on the area of jurisdiction.
- (d) No Applicant shall be allowed to do separate digging along roadside in the same alignment in which the permanent ducts have been constructed.
- (e) No Bank guarantee will be collected from the Applicant if they use the government agency constructed ducts to lay the OFC cables.

17. Electricity Pole and other utility Structures of the Government for Aerial Optical Fibre Cable laying:

No aerial optical fibre cable laying is allowed in NDMC area.

18. Validity of permission issued: The permission/ permit issued under this policy to any Applicant shall be one-time, which may not be required to be renewed. Further, the Appropriate Authority has the right to withdraw its permission as per Para 36 of this Policy. However, in case of road cutting permission, if the project implementing agency is unable to complete the work within the permission period, then they have to get it extended from concerned authorities as per their Revalidation Policy.

19. Permission on Non-Exclusive Basis –

- a) Permission for over-ground telecom infrastructure or Right of Use (RoU) and installation of the associated infrastructure shall be provided to an eligible Applicant (whether existing or future) desirous of establishing communication & connectivity infrastructure on a Non-Exclusive Basis under this policy. However, given the space constraints for over-ground telecom infrastructure for multiple service providers in any specific area, the principle of first mover advantage would operate and the subsequent entrant, if any, may need to share the infrastructure capacity already laid by first-moving service provider.
- b) The concerned State Agencies or private developers are advised to earmark 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 communication infrastructure so as to avoid repeated digging and/or to facilitate the infrastructure provider seeking permissions to lay the cables in future.
- c) The State development agencies are encouraged to provide for ducts and lay the OFC with sufficient bandwidth capacity/ redundancy as part of their development plans, which may be leased out to operators/service provider on a recurring charge basis. The modalities with regard to the technology, specifications and applicable dues for use the duct, if any, shall be worked out separately.

20. Timelines for decisions on the Applications: The appropriate authorities will adhere to the following timelines for grant of the relevant permissions for cell tower/poles and CoW:

S. No.	Action	Calendar days
1.	Maximum time to be taken by the appropriate authority in processing the application and conduction of joint inspection	40
2.	Maximum time taken by the applicant in responding/ submitting to the queries/ additional documents sought by appropriate authority and completing payments	10

21. Timelines to complete the work:

- a) The Applicant shall be required to submit the time-frame within which it plans to execute the infrastructure works. The said plan may provide stretch-wise completion schedule, along with the complete plan. It shall make its best efforts to complete the execution of works within the timeframe indicated in the application.
 - b) During the execution of related infrastructure works, the Applicant shall ensure that no inconvenience is caused to the general public in the process of carrying out its operations. If necessary, the appropriate authority may direct the Applicant to undertake execution of work during the off-peak hours or during the night times.
 - c) The Applicant shall keep the Nodal Officer of the Department/Authority/Agency duly informed about the progress on a monthly basis, which may be reviewed at regular intervals between the parties.
 - d) Wherever the Applicant is found to be casual or non-serious about timely execution of the related works, the appropriate authority may revoke the permission granted after grant of an opportunity of hearing to the Applicant or its authorized representative. If the Applicant is able to establish that any such delay is for reasons beyond their control, the appropriate authority may extend the execution period and allow the work to be completed within a mutually agreed time-frame.
22. The Applicant, upon the installation of infrastructure for which the permission has been granted under this policy, is required to submit an application to the concerned Nodal Officer of the concerned appropriate authority seeking a Completion Certificate. The concerned Nodal Officer shall issue such a certificate on the basis of the declaration given by the Applicant/Infrastructure Provider and verify the same. The maximum time for this clearance shall be 30 days, in case there is no objection. However, another 15 days shall be given to the Applicant/Infrastructure Provider to remove any shortcoming/deficiencies found and reported by the concerned Nodal Officer of the appropriate authority in the restoration work carried out by the Applicant/Infrastructure Provider, with a condition that if the Applicant/Infrastructure Provider fails to take and complete the corrective action to the satisfaction of the concerned Nodal Officer of the appropriate authority within the stipulated time period of 15 days, the Applicant/IP will be penalised.
23. Fee/Charges/Compensation shall be as per the amount specified in Part-I, II, III & IV of the Schedule I of this policy. Provided that where the local bodies and cellular operators have arrived at settlements through mediation/tripartite agreements and/or through decisions of the Hon'ble Court(s). Such Settlement (s) or decisions of the Hon'ble Courts, unless challenged or stayed, shall be adhered to by the parties concerned (including penalties, if any) till the expiry of the existing Agreement/Settlement/Court Decision.

24. **Refund of fee to the applicants:** One-time administrative fee, not exceeding Part-I of the Schedule I of this policy, will be charged for examination of application. As the resources of local authorities stand consumed even if the application is rejected, the administrative fee shall be non-refundable.

25. No Coercive Actions:

- a) In order to avoid disruption in mobile communication, which is an essential service, sealing of mobile communication towers or disconnection of electricity may not be resorted to without the consent of Remunerative Project Cell (RPC) in case of any complaint.
- b) In case of other violations like installation without permission, non-payment of fee, etc., the appropriate authority may take coercive action, not before 30 days of issuance of a mandatory notice.

26. **Penalty:** If an applicant violates any of the provisions of this policy, he/she shall be liable to be penalized as per following terms and conditions:

- a) As soon as Nodal Officer of the appropriate comes to know that any provision has been violated, a show cause notice will be issued to TSP/IP. TSP/IP has to reply within 15 days from date of service of notice.
- b) If reply is not satisfactory, the applicant will be levied a penalty up to Rs.25,000/-. In case the amount is not deposited within the time period specified by the concerned Appropriate Authority, the penalty money may be recovered from the Bank Guarantee provided by the applicant to the Appropriate Authority.

***Note 2-** Charges in case of road-cutting may also be taken as decided by the concerned New Delhi Municipal Council (NDMC) in their respective jurisdictions.

27. The Electricity/ Commercial Departments of NDMC should ensure that in case a disconnection of electrical power is required, a prior written notice of at least 30 days is given to the concerned Infrastructure Providers (IPs) and Telecom Service Providers (TSPs).

28. Bank Guarantee and its Forfeiture:

- a) The applicant shall furnish a refundable Performance Bank Guarantee (PBG) (a maximum 20% of the total project) towards security for restoration of the sites dug/ used in the process of execution of works with a validity of one year initially. The PBG shall have to be furnished by each applicant (IP /TSP) to the authority as a security against improper restoration of the land /Pole and other property, interruption, disruption or failure caused in the process of execution of works.
- b) The bank guarantee will be forfeited in the following cases:
 - (i) In case of the applicant fails to discharge the obligation of the restoration work.
 - (ii) If the applicant fails to perform as per the undertaking given, in spite of extension of time.

- (iii) Regular accident or mishaps caused due to lack of safety and precautionary measures during the execution of works.
- (c) In case the performance bank guarantee is invoked under 26(b), the applicant shall be required to replenish and reinstate the required Performance Bank Guarantee within a period of one month of such invoking.

29. Indemnity Bond: The Applicant/ Infrastructure Provider/ licensee/ Operator shall indemnify the NDMC against loss of life or property in the process of execution of works, or against any claims thereafter, during the period of Operation & Maintenance of such infrastructure at all times. The applicant shall submit the Indemnity Bond on a non-judicial stamp paper of Rs. 100/- denomination.

30. Regularization/Compounding:

- a) Application for obtaining clearance for the existing unauthorised mobile towers shall be submitted within two months of issue of this policy, after which, the matter would be taken as per laid down procedure by the New Delhi Municipal Council (NDMC). Once the application is submitted within due time, the operation of the mobile tower shall not be discontinued till disposal of the application by the concerned New Delhi Municipal Council (NDMC).
- b) However, the towers & poles installed without permission shall be liable for applicable charges as mentioned in Schedule I along with penalty imposed @ Rs.10,000/- per month per tower subject to maximum upto sealing limit of Rs.5,00,000/- per tower for the period under default.
- c) In case the New Delhi Municipal Council (NDMC) declines clearance for any existing unauthorised mobile towers/telegraph lines, a dispute can be raised before the Nodal Officer appointed by New Delhi Municipal Council (NDMC).
- d) Notwithstanding anything contained herein, the operation of the mobile tower/telegraph lines shall not be discontinued for such time any dispute is filed and/or is pending before the Nodal Officer appointed by the Central Government.

31. Ancillary Equipment: Any ancillary equipment required for mobile towers, telegraph lines, OFC and other telecom infrastructure should be arranged by the IP/TSP and this includes, but is not limited to, the following:

- i. Shelter room for housing the equipments
- ii. Battery/Solar Power/Diesel Generator/alternate source of power
- iii. Safety Equipments like Lightning protecting system, Earthlings system, Fire fighting Equipments etc.
- iv. General Lighting, Fencing/Boundary wall etc.
- v. Statutory signages as directed by DoT from time to time.

32. Binding Nature of the Recommendations: The recommendations of the Nodal Officers of the appropriate authorities shall be binding on local Bodies, relevant departments, Police, the TSP/IP or any other stakeholder.

- 33. National Optical Fibre Network (NOFN) /Bharatnet:** The permission for the Right of Way for the use of Government land will be issued free of cost for Bharatnet Projects.
- 34. Sharing of Sites/utility:** Applicant may share the towers with multiple TSP for fixing their respective antennas/other equipments of telecom infrastructure.
- 35. Mode of Payment:** The applicable fees shall be paid online to the concerned Appropriate Authority issuing the permit in the form of Online Payment/ RTGS/ NEFT/ Challans etc. as prescribed in the PartI, II, III & IV of the Schedule I of this policy, for installation of mobile towers/poles/CoW/telegraph lines/ over-ground and underground OFC, Indoor/Outdoor Micro-Communications Equipment and other telecom infrastructure.

CHAPTER IV

RIGHT OF NEW DELHI MUNICIPAL COUNCIL (NDMC) TO SEEK REMOVAL OF UNDERGROUND OR OVERGROUND TELEGRAPH INFRASTRUCTURE

- 36. Right of New Delhi Municipal Council (NDMC) to seek removal of Mobile Towers, telegraph lines/OFC and other related telecom infrastructure.**
- a) Where the New Delhi Municipal Council (NDMC), having regard to circumstances which have arisen since the establishment of any telecom infrastructure under, over, across, in or upon, any immovable property vested in or under its control or management of that New Delhi Municipal Council (NDMC), considers that it is necessary and expedient to remove or alter such telecom infrastructure, it shall issue a notice to the applicant, being the owner of such telegraph infrastructure to remove or alter its location.
 - b) On receipt of the notice, the applicant shall, forthwith and within a period of thirty days, proceed to submit, to the New Delhi Municipal Council (NDMC), a detailed plan for removal or alteration of such telegraph infrastructure.
 - c) The New Delhi Municipal Council (NDMC) shall, after examination of the detailed plan submitted by the Applicant, pass such orders as it deems fit. Provided that the New Delhi Municipal Council (NDMC) shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telecom infrastructure, provides reasonable time to the applicant for removal or alteration of such telecom 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.

- 37. Construction/ repair works by various utility service providers of Delhi Govt./ Central authorities:** The agencies of various utility service providers, extending services such as electricity (DISCOMs), water supply, gas supply, sewerage, RoW works (PWD/NHAI), etc., while undertaking new construction/repair works in specific alignment to optical fibre cable (OFC), shall intimate to concerned Appropriate Authority and also to concerned TSP/IP providers well in advance i.e. not less than 15 days before the start of work so as to give sufficient time to TSP/IP to make plans for shifting of OFC/ alternate route in order to avoid disruption in mobile/internet services.
- 38. Resolution of disputes by Central Government nominee:** Any dispute arising between the licensee and the appropriate authority in consequence of this policy shall be resolved by Pr. Secretary (UD), as designated by the Department of Telecommunications, Govt. of India vide Gazette Notification dated 19th of June 2017, within sixty days of receipt of such matter.

CHAPTER V

INSTALLATION GUIDELINES:-

Guidelines for installation of mobile towers as well as laying of optical fibre cables (OFC) will be issued time to time as per Govt. policy duly approved by Chairman, NDMC.

SCHEDULE I

[See Rules 9(b), 10(b)(ii), 10(d), 11, 12(b), 12(d), 23, 24, 30(b), 35]

Applicable except if the appropriate authority/ local body and Cellular operators have arrived at Settlements/ tripartite agreements through mediation and/or through decisions of the Hon'ble Court(s). Such Settlement(s) or decisions of the Hon'ble Courts, unless challenged or stayed, shall be adhered to by the parties concerned (including penalties, if any), till the expiry of the existing Agreement/Settlement/Court Decision.

Item (1)	Amount (2)
Part – I Fee	
For establishment of telegraph infrastructure underground	One thousand rupees per kilometer.
For establishment of overground telegraph infrastructure	(i) Ten thousand rupees for establishment of mobile towers (ii) 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 authority (iii) 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.
For installation of small cells and telegraph line using the street furniture	Nil
Part-II Charges for restoration	
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 NDMC from time to time.
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	20% of the sum required to restore immovable property as per the rate prescribed by NDMC from time to time for that area.
Establishment of overground telegraph infrastructure	Sum required to restore immovable property as per the rate prescribed by NDMC from time to time for that area. Further, licensee shall restore the damage incurred in case of establishment of poles for installation of Small Cells.
Part-III Compensation	
Establishment of underground telegraph infrastructure	Nil
Establishment of poles for installation of small cells and telegraph line	Nil
Usage of street furniture for installation of small cells	(i) For installation of small cells: Three hundred rupees per annum for the area under jurisdiction of

As per The Indian Telegraph Right of Way Rules, 2016 notified on 15th November 2016 (as amended from time to time in 2017, 2021, 2022 and 2023) Govt. of India, Ministry of Communications (Department of Telecommunications) and under sub-section (2) of section 10 provides "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."

Accordingly, appropriate authority has decided following rates:-

Part - IV (Monthly License/ Concessionaire Fee)

A) Property owned by New Delhi Municipal Council (NDMC)

a) For RTT / RTP/ GBM/ GBT/ Poles	Monthly License/ Concessionaire Fee	Remarks
Establishment of over-ground telegraph infrastructure i.e. RTT /RTP/GBM/GBT/Poles. Note: Poles (height exceeds 12 mtr.) unlikely for installation of small cell.	Rs. 541/- sq. ft.	Ministry of Urban Development, Govt. of India vide office memorandum No.18016/2/2015-Pol-III dated 08.03.2016, the said rates shall be enhanced @ 8% per annum compounding on yearly basis.
Cellular on Wheels (CoWs)	Rs. 541/- sq. ft.	By General Order. Maximum area upto 50 sq.mtr shall be provided in case of over ground infrastructure (RTT/ GBM/ CoW etc.). These rates are effective upto 31.03.2024 thereafter rates shall be enhanced @ 8% per annum compounding on yearly basis.