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**PUBLIC NOTICE**

NDMC invites public comments/ suggestions on Draft Cellular Tower Policy which is available on website [www.ndmc.gov.in](http://www.ndmc.gov.in) under Public Notice. Suggestions/ comments may be sent by email at address [director.it@ndmc.gov.in](mailto:director.it@ndmc.gov.in) upto 02.04.2023.

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## **DRAFT POLICY**

### **NDMC Policy regarding installation of communication towers by Cellular and Basic Telecom Operators on Rooftop/ Ground Base within the premises and in the area under the jurisdiction of the New Delhi Municipal Council.**

#### **Preamble:-**

Telecommunication has emerged as a key driver of economic and social development in an increasingly knowledge intensive global scenario. The Indian Telecom sector has witnessed phenomenal growth and mobile telephony in particular has revolutionized in the country over the past decade. Getting better telecom/high speed internet connectivity is imperative for all round development of the State. Telecom sector has important role to achieve the vision of Digital India and Smart Cities. Mobile Towers are integral part for providing better connectivity. Further, a clarity and simplification of licensing framework should be there regarding formulation of modalities in installation of towers at various buildings/lands. In order to bring uniformity, based on the advisory guidelines issued by the Department of Telecommunication, Government of India and by considering all connected factors, NDMC issues the following Policy for installation of Mobile Communication Towers and related infrastructure.

#### **Installation Guidelines**

The following guidelines are hereby prescribed in respect of installation of communication towers by cellular and basic telecom operators on rooftop/ ground base within the premises and in the area under the jurisdiction of the New Delhi Municipal Council, are:

- (1) Installation of tower/ antennae shall not in any manner disturb the heritage and aesthetic aspects of the New Delhi area. All norms and

guidelines related to Lutyens Bungalow Zone(LBZ) area issued from time to time by the Government of India shall be complied.

- (2) Installation of towers/ antennae shall not violate the provisions of the NDMC Act, 1994 and bye-laws made there under.
- (3) Installation of towers/ antennae including appurtenances and equipment shall not be located on the mandatory setbacks of any plot. They shall be located at the rear end of the plot after allowing mandatory setbacks and shall not be visible from the main entrance/ road.
- (4) Installations of towers/ antennae either ground based or on the rooftop shall not be permitted within the Central Vista.

In case there is a technical requirement for installation on buildings located in the Central Vista, the matter shall be referred to a Committee chaired by Chairperson NDMC with members to be co-opted from Central Vista Committee. Department of Telecom, Govt. of India and Ministry of Home Affairs (for security clearance), who shall decide the issue on case to case basis.

- (5) Installations of tower/ antennae shall not be permitted on the campus of NDMC schools including Navyug Schools and on buildings of hospitals & dispensaries. However, in case there is a technical requirement for installation on these buildings, the matter shall be referred to the Chairperson NDMC for seeking exemption on case-to-case basis.
- (6) For heritage listed buildings NOC from heritage conservative committee is also required. For building within the radius of 300 mtrs from ASI monuments, NOC from National Monument Authority is required.
- (7) In case of buildings that are unauthorized or which may be so declared at a later point of time, permission for installation of towers/ antennae may be granted on fulfillment of the conditions prescribed. However, that shall not imply any change whatsoever in the status of the unauthorized buildings and shall be without prejudice to the right of the civic body to take suitable action against the said building with due process of law. In undertaking such an action the civic body shall not be under any

obligation to send prior intimation to the owners of the towers/ antennae nor shall it be liable for loss of the towers as a consequence of action taken with regard to the unauthorized building.

- (8) The cell operator shall furnish a copy of the agreement executed between the cellular or basic telecom operator and the owner of the building/ structures to Tax Department, NDMC in case of areas under NDMC to take into account the rentals received in this behalf by property owners when they are assessed for house tax.
- (9) The towers/ antennae shall be utilized only for lawful activities failing which the civic authority shall have full rights to demolish/remove the antenna/ tower at the risks and costs of operators.
- (10) Operators who have been issued license/ infrastructure provider Registration Certificate from the Department of Telecommunications (DOT), Govt. of India/ Competent Authority for providing such services shall be considered for grant of permission for installation of tower/ antenna.
- (11) Operators shall submit copy of SACFA clearance/ copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as WPC acknowledgement along with undertaking that in case of any objection/ rejection, TSPs/ IPs will take corrective actions/ remove the tower.
- (12) The multiplicity of towers shall be avoided and the use of existing tower optimized by accommodating at least three operators for which they are designed and as per guidelines/ amended by the Govt. of India from time to time. All licensees shall endeavor to share towers for fixing their respective antenna provided that the prescribed safety requirement are duly met. As such towers are generally designed to accommodate at least three operators.
- (13) The permission shall be valid initially for a period of five years or the period of license granted by the competent authority/ DoT whichever is earlier.

- (14) The individual operator shall be responsible for informing NDMC in case its license to provide telecom services ceases to exist. Each year before June 30<sup>th</sup>, the individual operator shall submit to NDMC a copy of valid licence from Department of Telecom/ Competent Authority.
- (15) If NDMC gives any new permission/renewal of permission for installation of tower on NDMC building the operator / infrastructure provider must setup in-building solution to obtain good coverage and capacity to the mobile network inside the building free of cost, if NDMC required.
- (16) The operators shall be solely responsible for any damages to buildings/ site and to life/ public safety due to accidental fall of the antenna/ tower or fire due to DG sets/ electric panels and shall be liable for penal action as decided by any Court of law, if necessary. The operator shall execute an indemnity bond in favour of NDMC to keep NDMC indemnified against any loss which may be caused to it on account of putting up antennae.
- (17) In NDMC property, the space allowed for the purpose of installation of tower/ antenna including its infrastructure should be marked after proper measurements duly verified by NDMC official. NDMC reserves the right to use unmarked spaces at its discretion without having any technical interference to the installation of tower/ antennae.
- (18) Free access to NDMC property shall be allowed only to the authorized person possessing valid identification after entering the details of his visit in the Visitor Book maintained at sites by the Caretaker-official in charge of the NDMC property.
- (19) The cellular transmitters mounted on ground based high mast light poles shall be a design of high mast which shall be approved from Department of Architecture and Environs, NDMC. The lighting arrangement on the high mast camouflaged monopole should be so designed to be aesthetical in harmony with the surroundings. The architectural drawing/design shall be provided by cellular operator as per requirement of Electrical Department NDMC and easy access shall have to be provided to NDMC staff for maintenance of lights. The electricity for the lights shall be

provided/ borne by NDMC. For antenna and related items, the operator shall have to make his own arrangements.

- (20) The cellular operator shall have to pay a non-interest bearing security deposit amounting to Rs.2.00 lakhs at the time of initial granting of permission which shall be refundable at the termination of license/ agreement. The security deposit shall be forfeited in the event of any default/ violation of conditions by the cellular operators.
- (21) The eligible operator shall apply for permission on NDMC web-portal only by uploading the required documents as specified on the portal.
- (22) Wherever permission has already been granted and permission charges have not been levied, the operators are allowed to continue till validity of the permission subject to payment of charges. The monthly license fee at the prescribed rates may also be recovered from party/ licensees retrospectively from the grant of permission without levy of interest with tax.
- (23) The penalty amounting to Rs.10,000/- (Rupees Ten Thousand only) per month shall also be levied along with permission charges, if any, if cellular operator not regularized the permission of tower before due date of renewal of permission.
- (24) The cellular operator shall submit an undertaking that installation of the cell tower does not cause any adverse effect to the health of human beings of the area and NDMC shall not be liable for any health hazard on account of radiation emitted by the cellular tower and NDMC shall be indemnified for the same. The cellular operator shall also provide sign boards/ warning signs at their sites which should be clearly visible and identifiable. The sign board should contain the following text:
  - (i) Danger! RF radiations, Do not enter.
  - (ii) Restricted Area.
- (25) Operator shall submit acknowledgement receipt issued by TERM Cells (DoT) of the self-certificate submitted by Telecom Service Provider/ Infrastructure Provider in respect of mobile tower/ BTS (ground based/

roof top/ pole/ wall mounted) in the format as prescribed by TEC, DoT, tower will be within safe EMR exposure limit as per peak traffic measurement after the antennae starts radiating.

- (26) In case of both ground based tower & roof top towers, there shall be no building right in front of the antenna(e) of equivalent height taking into account the tilt of the lowest antenna on tower as per details in the table below. Further, the antennae at the same height only are to be counted, as the beam width of the mobile antennae, in the vertical direction, is very narrow.

| <b>Number of antenna(e) pointed in the same direction</b> | <b>Building/ Structure Safe distance from the antenna(e) at the same height (in meters)</b> |
|---|---|
| 1   | 20  |
| 2   | 35  |
| 3   | 45  |
| 6   | 55  |

- (27) The cellular operator shall provide 3<sup>rd</sup> party insurance and detail of the insurance policy shall be depicted on the display board and copy of the same shall be provided to NDMC.
- (28) Cellular operator has to furnish structural stability certificate of building and tower/ antenna from any one of the following agency at the time of initial installation and at the time of renewal :
- (i) Indian Institute of Technology, Delhi.
  - (ii) Central Building RESEARCH Institute, Roorkee.
  - (iii) Rail India Technical and Economic Services Ltd., Delhi.
  - (iv) National Council for Building Material, Faridabad.
  - (v) Indian Institute of Technology (IIT), Roorkee.
- (29) The cell operator shall take special precautions for fire safety, lightening etc. in case of natural disaster.
- (30) In case of high rise buildings, the operator shall submit
- (i) A copy of clearance from Delhi Fire Service where fire clearance is mandatory.

- (ii) A copy of clearance from Airport Authority of India where such clearance is mandatory.
- (31) Any complaints regarding perceived threat of hazard posed from specific towers may be sent to any one of the following:
- (i) Director General, Cellular Operator Association of India (COAI), 14, Bhai Veer Singh Marg, New Delhi-110001.
  - (ii) Secretary, General Association of Basic Telecom Services (ABTS), B-601, Gauri Sadan, 5 Haley Road, New Delhi.
  - (iii) Department of Telecommunication, Govt. of India, Sanchar Bhawan, 20, Ashoka Road, New Delhi.
- (32) No Diesel Generator sets are allowed at the tower site to cater to the power requirements of the antenna.
- (33) The NDMC reserves all the rights to cancel/ revoke the permission if, municipal interest so warrants by giving required notice to the operator concerned.
- (34) The Applicant shall ensure safety and security of all installations/utilities/ facilities during installation of cellular tower and shall be solely responsible for compensation/ indemnification of concerned authority for damage caused/ claims or replacements sought for at the cost and risk of Applicant to the concerned authority.
- (35) Revised guidelines shall be prepared time to time keeping in mind the international standards & technology or which the Competent Authority may think necessary in the Public Interest.
- (36) Jurisdiction of dispute, if any, shall be at New Delhi the Arbitrator appointment should be done by the Chairman, NDMC with the consent of the opposite party, as per extant provisions of the Arbitration and Conciliation Act 1996, as amended up-to-date. The costs of the arbitration proceedings including the Arbitrator fee should be as per the provisions of the Arbitration and Conciliation Act 1996, as amended up-to-date, i.e. Model fee schedule IV of the Act.



(37) The Special Project Department shall be nodal Department for granting permission for new mobile tower and regularization of existing illegal mobile towers as per Law. Permission shall be granted in a time bound manner which shall not exceed sixty(60) calendar days from the date of filling an application. Sixty calendar days windows for clearance will commence once all the document as per requirement are submitted. The deficiency, if any will be communicated to the applicant within 10 working days from the date of filling an application.

**Regularization/settlement Policy of already installed mobile tower without NDMC permission.**

1. The mobile towers installed without permission post issuance of this policy may be regularized as per rules along with the penalty of Rs 10,000/- per month from the date of existence of tower. The permission fee shall be charged from the date of existence of tower as per the then applicable rates mentioned.
2. For cellular tower existing before issue of this policy, telecom company/service provider may apply for regularization within 30 days of notification of this Policy by paying arrears from the date of their existence failing which NDMC shall take action against those towers as per policy. For proof regarding date of existence of cellular tower, the telecom company/service provider shall submit the SACFA clearance to substantiate the claim of date of existence of tower.
3. In case of COW, there shall be no regularization. No unauthorized COW shall be allowed in NDMC area. Action shall be taken against infrastructure service provider/operator/owner of land allowing operation of COW in NDMC area without NDMC permission as per provisions of NDMC act.
4. The regularization fee will be as below:-
  - a) Roof Top Towers(RTT)/Ground Based Tower(GBT)/Ground Based Mast(GBM) for the period 8/8/2002 to 1/10/2004:-
    - One time permission charges Rs 1,00000/- initially for period of three year or the period of license granted by DoT whichever is earlier.
    - A monthly license fee @ Rs25/- per sq ft per month subject to a minimum of Rs. 25,000/- for installation.

- b) Roof Top Towers(RTT)/Ground Based Tower(GBT)/Ground Based Mast(GBM) for the period 1/10/2004 to 15/12/2015:-
- One time permission charges Rs 2,00000/- for 10 years.
  - A monthly license fee @ Rs25/- per sq ft per month subject to a minimum of Rs. 25,000/- for installation.
- c) Roof Top Towers(RTT)/Ground Based Tower(GBT)/Ground Based Mast(GBM) for the period 15/12/2015 to 25/7/2016:-
- One time permission charges Rs 5,00000/- for 5 years.
  - A monthly license fee @ Rs50/- per sq ft per month subject to a minimum of Rs. 50,000/- for installation.
- d) Roof Top Towers(RTT)/Ground Based Tower(GBT)/Ground Based Mast(GBM) for the period 25/7/2016 upto date of enforcement of this new policy:-
- One time permission charges Rs 2,00000/- for 5 years.
  - A monthly license fee @ Rs292/- per sq ft per month subject to a minimum of Rs. 50,000/- for installation.

**New Proposal on Fee Structure of RTT/GBT/GBM/Pole**

| <b>Existing clause as per policy issued vide resolution no. 27(V-02) dtd. 25/7/16.</b>  | <b>Proposed clause</b>  | <b>Remarks/Justification</b>   |
|---|---|--|
| <p>One time permission charge of Rs. 2 lakhs for 5 years for each installation/renewal. However the operators shall have to give an affidavit to the effect that they will abide by all the orders to be passed by the Hon'ble High Court in the case of Association of India and Ors and MCD and pay retrospectively any charges including sharing charges that are due to NDMC on subsequent revision of charges.</p> | <p><b>a) RTT/GBT/GBM</b><br/>           One time permission charge of Rs. 3 lakhs for 5 years irrespective of sharing with effect from the date of each installation/renewal.</p> <p><b>b) Pole sites per operator up to 8 m height</b><br/>           Rs.25,000/- for 05 years per operator with effect from the date of installation/renewal.</p> <p><b>Note:-</b>(i) In case the height exceeds 12 mt. the rate as per s.no.(a) shall be applicable/<br/><br/>           (ii) Every application shall be accompanied with onetime fee of Rs.10,000/- to meet administrative expenses for examination of the application which will be in addition to the charges mentioned above. for new application/renewal.</p> | <p>As per office order of SDMC vide no D-296/SE(B)HQ /SDMC dated 18.08.2021.</p> |

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| <p>Monthly license fee shall be levied as per the office memorandum of MOUD 18016/2/2015-Pol-III, dated 08.03.2016. A monthly license fees @Rs.292/- per sq. Ft. Per month plus service tax subject to a minimum of Rs. 50,000/- (Rupees Fifty thousand only) plus service tax for providing space in the roof top of NDMC building and providing space for erecting mobile towers. The license fee shall be deposit online by cellular operator on or before 7<sup>th</sup> of each month. During the period the allotment subsists, revision of license fee excluding taxes, will be done every three years. To be computed @8 % per annum, compounding on yearly basis, as per OM No. 18015/92-Pol.III dated 16.03.1999. The monthly license fee in case of shearing will be kept in abeyance till the decision of Hon'ble High Court. However, the operators shall have to given an affidavit to the effect that they will abide by all the orders to be passed by the Hon'ble High Court in the case of Association of India &amp;Ors and MCD and pay retrospectively any charges including sharing charges that are due to NDMC on subsequent revision of charges.</p> | <p>No Change</p>   | <p>Ministry of Urban Development, Govt. of India, vide office memorandum No 18016/2/2015-Pol-III dated 08.03.2016 has fixed the monthly license fee @ 292/sq ft for the space to be provided to mobile service providers on the roof top or Government buildings in Delhi for erecting mobile towers. The proposed amendment is in line with the said office memorandum.</p> |
| <p><b><u>M.B.T.S. POLICY (Mobile Base Transceiver Station)/COW (Cellular On Wheel)</u></b><br/>A monthly license fee @ Rs 292/- per sq ft per month plus service tax subject to minimum of Rs 50,000/- + service tax per tower for the allotted area and Rs. 2 lakh per tower for period of 5</p>  | <p>NDMC shall e-auction the sites for installation of COWs in NDMC area on designated places on approved rates initially for three years which may be extended further for two years . The details terms</p> | <p>Council Resolution vide no. 26(j-02) dtd 23 /8/2018 regarding allotment of space for installation of Communication Tower(Cellular Mobile Tower) on wheels in NDMC area.</p>   |

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| <p>years.</p> | <p>and conditions for installation of COWs in NDMC area shall be available in concerned bid documents. If any new sites come for installation of COWs the same shall be given to the successful concessionaire on same rates, terms and conditions. No new individual application shall be consider for installation of COW in NDMC area.</p> |  |
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