

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH AT
NEW DELHI**

ORIGINAL APPLICATION NO. 110 OF 2024

IN THE MATTER OF:

Vivekanand Singh

Applicant

VERSUS

State of U.P. & ORS.

Respondents

INDEX

<u>SL. NO.</u>	<u>PARTICULARS</u>	<u>PAGE NO.</u>
1.	Reply Affidavit to the OA on behalf of the respondent No.1 & 4	1-8
2.	<u>ANNEXURE: R-1:</u> Copy of the Indian Telegraph Right of Way Rules, 2016	9-22
3.	<u>ANNEXURE: R-2:</u> Copy of the Government Order No. 36/2018/852/78-1-2018-45IT/2016 dated 15.06.2018	23-25
4.	<u>ANNEXURE: R-3:</u> Copy of the Government Order No. 17/2023/1305/78-1-2023-45IT/2016 dated 10.08.2023	26-33

5.	<u>ANNEXURE: R-4:</u> Copy of letter dated 03.04.2024	34-35
6.	<u>ANNEXURE: R-5:</u> Copy of the letter dated 24.04.2024 of M/s Bharti Airtel Limited	36-37
7.	<u>ANNEXURE: R-6:</u> Copies of the letters dated 25.04.2024 & 27.04.2024	38-39
8.	<u>ANNEXURE: R-7:</u> Copy of email dated 30.04.2024 of M/s Reliance Jio Infocom Limited	40-
9.	<u>ANNEXURE: R-8:</u> Copy of email dated 01.05.2024 of M/s Vodafone Idea Limited.	41-43
10.	Application for waiver of the amount of cost imposed by order dated 03.04.2024 along with affidavit	44-48

NEW DELHI

FILED BY:

DATED: 29 July, 2024


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**REPLY TO THE ORIGINAL APPLICATION FILED BY
THE APPLICANT ON BEHALF OF RESPONDENTS
NO. 1 AND 4**

I, Radheyshyam S/o Late Shri Vasudev Prasad, aged about 58 years, posted as Joint Secretary, Department of Information Technology & Electronics, Government of Uttar Pradesh, Lok Bhawan, Lucknow, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is working as Joint Secretary with the answering respondent and am fully conversant with the facts and circumstances from records of the case. Hence, I am authorized and competent to swear to this affidavit on behalf of answering respondent.



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2

2. I have read and understood the contents of the Original Application under reply, annexures appended thereto and the affidavit in support of the Original Application. At the outset, I deny all and singular the allegations, averments and contentions in the Original Application under reply as if the same are specifically traversed seriatim by the Answering Respondents herein, save and except to the extent that which are matter of record or expressly stated to be accepted herein below.

3. That it is further respectfully submitted that the relief prayed by the applicant in the present OA under reply is specifically related to and under the exclusive jurisdiction of the respondent No. 2 i.e. New Okhla Industrial Development Authority (NOIDA) which is a statutory body created under the provisions of the UP Industrial Act, 1976.

4. That answering Respondents are seeking leave of this Hon'ble Tribunal to file a short reply in view of the fact that the Applicant has not asked for any specific relief against the answering respondents rather his substantial prayer is only against respondent No. 2, Municipal Corporation and Telecom Companies. The answering respondents therefore Instead of giving a parawise reply, is only stating the relevant facts which may be taken as a part of the reply to the OA to oppose the OA and seeking leave of this Hon'ble Tribunal to file a parawise detailed reply, if found necessary at any stage of proceedings.



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5. That the present OA is bad for mis-joinder and non-joinder of parties as the answering respondents have no concern with the present dispute, hence, the same *qua* the answering respondents is not maintainable and liable to be dismissed. Moreover, the Municipal Corporation and Telecom Companies have also not been arrayed as the respondents. Even, they are necessary parties in the present OA. It is submitted that the answering Respondent No. 4 is a department of the Government of Uttar Pradesh that deals with policy matters relating to Information Technology and Implementation of IT policies, provides consultancy and training, development of electronics, facilitating development of infrastructure, providing and facilitating use of I.T. in governance, promoting measures to make IT services available to general public. Therefore, the answering Respondents neither has the power to grant permissions to lay wires, telephone lines and OFCs in a development or industrial area, nor has the power to monitor and supervise the laying of wires, telephone lines or OFCs in such areas. As such, the instant application and the relief sought therein is not maintainable *qua* the answering Respondents.

6. That it is respectfully submitted that on 15.11.2016, the Department of Telecommunications, Government of India notified The Indian Telegraph Right of Way Rules, 2016 (hereinafter, the "**Rules**") that deal with the issue of granting permission to laying of OFCs and telephone lines. For the sake of relevance, a copy of the Indian Telegraph Right of Way Rules, 2016 has been annexed as **ANNEXURE: R-1.**



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7. That Accordingly, on 15.06.2018, the State of Uttar Pradesh repealed The Uttar Pradesh Public Land (Permission for Placing and Maintaining Optic Fibre Cable) Rules, 2001 and adopted The Indian Telegraph Right of Way Rules, 2016 *vide* Government Order No. 36/2018/852/78-1-2018-45IT/2016 dated 15.06.2018. For the sake of relevance, a copy of the Government Order No. 36/2018/852/78-1-2018-45IT/2016 dated 15.06.2018 has been annexed as **ANNEXURE: R-2.**

8. That thereafter, the State of Uttar Pradesh *vide* Government Order No.17/2023/1305/78-1-2023-45IT/2016 dated 10.08.2023, in pursuance of the adoption of the Rules, has expressly provided the power to regulate laying of optical fibre cables (OFCs) in an industrial development area on the relevant Industrial Development Authority (in the instant case Respondent No. 2) as the appropriate authority under the Rules. Since, the instant application relates to areas falling under the control of Respondent No. 2, which has been made the appropriate authority to grant permissions for laying optical fiber cables (OFCs) in the areas as mentioned in OA. Thus, the answering respondents neither have any authority nor power in respect of either granting permission for laying overhead OFCs or supervising the execution of permitted laying of overhead OFCs in respect of said areas. For the sake of relevance, a copy of the Government Order No.17/2023/1305/78-1-2023-45IT/2016 dated 10.08.2023 has been annexed as **ANNEXURE: R-3.**



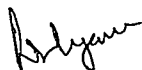
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9. That without prejudice to the above, when the issue was brought before the answering respondents, it looked into the issue and in compliance the order passed by this Hon'ble Tribunal dated 31.01.2024, on 03.04.2024, sought clarifications from the telecom service providers of the region covering the areas in question. It is submitted that the Respondent was informed that the areas in question are covered by the Delhi Licensed Service Area (Delhi LSA) and as such, on 19.04.2024, the answering respondents wrote to the Delhi LSA office of the aforesaid telecom service providers. For the sake of relevance, a copy of letter dated 03.04.2024 has been annexed as **ANNEXURE: R-4.**

10. That accordingly, on 24.04.2024, M/s Bharti Airtel Limited intimated that the telephone wires, internet wires and optical fibre cables (OFCs) in question have been installed on poles and not on tress only after obtaining requisite permissions, and the company is not in breach of any of its statutory obligations. A copy of the letter dated 24.04.2024 of M/s Bharti Airtel Limited has been annexed as **ANNEXURE: R-5.**

11. Further, M/s Bharat Sanchar Nigam Limited vide two letters dated 25.04.2024 and 27.04.2024, informed that any OFC laid on trees, if any, by it shall be removed at the earliest in compliance of the order of the Hon'ble Tribunal dated 31.01.2024. For the sake of relevance, copies of the letters dated 25.04.2024 & 27.04.2024 have been annexed herewith as **ANNEXURE: R-6.**



6

12. It is submitted that *vide* email dated 30.04.2024, M/s Reliance Jio Infocom Limited intimated that telephone, internet wires and optical fibre cables (OFCs) in question have been installed on poles only after taking requisite permission and there is no installation of wires on trees and *vide* email dated 01.05.2024, M/s Vodafone Idea Limited also responded to the letter of the answering respondents. For the sake of relevance, copies of email dated 30.04.2024 and 01.05.2024 of M/s Reliance Jio Infocom Limited and M/s Vodafone Idea Limited respectively have been annexed herewith as **ANNEXURE: R-7** and **ANNEXURE: R-8**.

13. Without prejudice, it is relevant to mention here that letter dated 05.01.2024 was sent merely as a formality. The Applicant sent the said letter dated 05.01.2024 on 06.01.2024 by post requesting, the Respondents to attempt to resolve the issue as mentioned in the said letter. It is relevant to mention here that the applicant prepared a petition only on 08.01.2024 to file before this Hon'ble Tribunal and the same is crystal clear from the affidavit of the applicant and the same was just after two days of sending the letter dated 05.01.2024. It is submitted that the instant application is for personal interest of publicity and ulterior motives. Therefore, we can say in other words, there is no environmental crises disclosed in the instant application and *secondly*, the OFCs are necessary to provide essential services to each and every citizen and therefore, cannot be banned. It is submitted that in any case, a direction was also given to the municipal corporation, which is the appropriate authority also having any responsibility



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7

of laying and managing permissions for laying wires, telephone lines and OFCs, directed the telecom providers to remove the wires laid on tress in the concerned area as mentioned in order dated 31.01.2024 passed by the Hon'ble Tribunal.

14. It is submitted that the local development authority of an area has been conferred the power to regulate the laying of overhead cables, OFCs, etc. *vide* notification dated 10.08.2023 and as such there is no failure to act on the part of the answering respondents.

15. It is submitted that the issue in question before the Hon'ble Tribunal in the order dated 23.04.2013 related to concretization around the roots of trees and passing of high-tension electrical wires through and on trees and the instant petition are completely on different issue. It is relevant to mention here that it is merely an issue of administration. It is further submitted that the Applicant being aware of the structure and functions of the Department of IT and Electronics of Government of Uttar Pradesh has unnecessarily impleaded the answering respondents in the array of parties. Further, it is submitted that the Applicant has merely made bald assertions regarding health problems being faced by the local residents or public at large due to the OFCs. As such, the Applicant is put strict proof to prove the allegations.

16. That in view of the facts, reasons and circumstance stated in this affidavit, it is most humbly submitted that the instant application is devoid of



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any substance and merit. In view thereof, the Hon'ble Tribunal may be pleased to dismiss the instant application as against the answering respondents and grant such other order as may be deemed fit and necessary in the interest of justice may also be passed by the Hon'ble Tribunal.

17. That the answering Respondent craves leave to amend, add or alter this reply, if found necessary at any stage of proceedings. The respondent craves leave of this Hon'ble Court to make further appropriate submissions, if so required.

It is, therefore, respectfully prayed that the present OA is liable to be dismissed qua the answering respondents being frivolous and devoid of merits and pass such other order / directions as this Hon'ble Tribunal may deem fit under the facts of the case and in the interest of justice and equity.

1-IDENTIFY THE DEPONENT
WHO HAS SIGNED BEFORE ME

NEW DELHI

Respondents

DATED: 29th July, 2024

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कूपन सं० 0198852
द्वारा शपथ की गई श्री राधेश्याम, समुक्त सचिव
विनका परिषद श्री श्याम बाबू, विश्वकर्मा, अमीर आधिकारी
दिनांक 29/7/24 समय 05:30 PM
वाद संख्या 110/2024
पक्ष अर. वि. व. कानू. अ. व. vs. उ० प्र० राज्य व अ. अ.
न्यायालय राष्ट्रीय दस्त आधिकरण, मुख्य शाखा, नई दिल्ली
को फीस वसूली गई. हा.

MUKESH K. VERMA
Advocate

For the state of UP



राम प्रताप यादव
शपथ-आयुक्त एवं अनुभवी अधिकारी
स्वायं अनुभवी-९
उ० प्र० सचिवालय

19

Annexure R-1

The Indian Telegraph Right of Way Rules, 2016
[As amended from time to time (in 2017, 2021, 2022 and 2023)]

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
(Department of Telecommunications)

NOTIFICATION

New Delhi, the 15th November 2016

G.S.R. 1070(E). — In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of section 7 read with sections 10, 12 and 15 of the Indian Telegraph Act, 1885(13 of 1885), the Central Government hereby makes the following rules to regulate underground infrastructure and overground infrastructure, namely:

CHAPTER I

PRELIMINARY

1. **Short title and commencement.** -(1) These rules may be called the Indian Telegraph Right of Way Rules, 2016.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.** -(1) In these rules, unless the context otherwise requires, -
 - (a) "Act" means the Indian Telegraph Act, 1885 (13 of 1885);
 - (b) "appropriate authority" means the Central Government, respective State Governments, local authority or such authority, body, company or institution incorporated or established by the Central Government or the State Government, in respect of property, under, over, along, across, in or upon which underground or overground telegraph infrastructure, is to be established or maintained, vested in, or under, the control or management of such appropriate authority;
 - (c) "State Government" means the State Government having jurisdiction, and includes the administration of a Union territory;
 - (d) "licensee" means any person holding a licence issued under sub-section (1) of section 4 of the Act;
 - (e) "overground telegraph infrastructure" means a telegraph or a telegraph line established over the ground and includes posts or other above ground contrivances, appliances and apparatus for the purpose of establishment or maintenance of the telegraph or the telegraph line;
 - (f) "rule" means the Indian Telegraph Right of Way Rules, 2016.
 - (g) "underground telegraph infrastructure" means a telegraph line laid under the ground and includes manholes, marker stones, appliances and apparatus for the purposes of establishment or maintenance of the telegraph line.
 - (h) "Schedule" means a Schedule appended to these rules."



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

3. **Applicability.** - The appropriate authority shall exercise the powers under these rules 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) Every appropriate authority shall designate a nodal officer for the purposes of these rules.

(2) Every application for permission under these rules shall be made by the licensee on an electronic portal developed by the Central Government.

CHAPTER II

ESTABLISHMENT AND MAINTENANCE OF UNDERGROUND TELEGRAPH INFRASTRUCTURE

5. **Application by a licensee.** — (1) A licensee shall, for the purposes of establishment of telegraph infrastructure under any immovable property vested in or under the control or management of any appropriate authority, make an application, supported by such documents, to that 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 in the application made under sub-rule (1) shall include-

- (i) a copy of the licence granted by the Central Government;
- (ii) the details of underground telegraph infrastructure proposed to be laid;
- (iii) the mode of and the time duration for, execution of the work;
- (iv) the time of the day when the work is expected to be done in case the licensee expects the work to be done during specific time of the day;
- (v) the details of expenses that such appropriate authority will necessarily be put in consequence of the work proposed to be undertaken by the licensee;
- (vi) the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
- (vii) the specific measures proposed to be taken to ensure public safety during the execution of the work;
- (viii) any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken; and
- (ix) any other matter connected with or related to the work as may be specified, through a general or special order, by the Central Government or appropriate State Government or appropriate local authority:

Provided that the licensee shall, while making the application, give a specific commitment on whether he undertakes to discharge the responsibility for restoration,

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11

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.

(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 the appropriate authority may, by general order, deem fit:

Provided that such fee to meet administrative expenses shall not exceed the amount specified in Part-I of the Schedule.

6. Grant of permission by appropriate authority.- (1) The appropriate authority shall examine the application with respect to the following parameters, namely: -

(a) the route planned for the proposed underground telegraph infrastructure and the possible interference, either in the establishment or maintenance of such telegraph infrastructure, with any other public infrastructure that may have been laid along the proposed route;

(b) the mode of execution;

(c) the time duration for execution of the work and the time of the day that the work is proposed to be executed;

(d) the estimation of expenses that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken;

(e) the responsibility for restoration of any damage that the appropriate authority may necessarily be put in consequence of the work proposed to be undertaken;

(f) assessment of measures to ensure public safety and inconvenience that the public is likely to be put to in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the licensee;

(g) any other matter, consistent with the provisions of the Act and these rules, connected with or relative to the establishment or maintenance of underground telegraph infrastructure, through a general or special order, by the Central Government, appropriate State Government or the appropriate local authority.

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

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

(1B) The appropriate authority shall be entitled to receive such compensation from



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the licensee, not exceeding the amount specified in Part-III of the Schedule, for the use of the property under which the underground telegraph infrastructure is proposed to be established, as may be determined by the appropriate authority.

(2) The appropriate authority shall within a period not exceeding sixty 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, not exceeding the amount specified in Part-II of the Schedule:

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

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

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

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

(3) Where the appropriate authority accepts the undertaking by the licensee to discharge the responsibility to restore the damage that such appropriate authority shall 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, not exceeding the amount specified in Part-II of the Schedule, in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility.

(4) The appropriate authority shall not charge any fee and compensation other than those prescribed under sub-rule (3) of rule 5, sub-rule (1B) and clause (a) of sub-rule (2) from the licensee for establishing, maintaining, working, repairing, transferring or shifting underground telegraph infrastructure.

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 -

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13

- (a) prior to the commencement of work of laying the underground telegraph infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented; and
- (b) the work of laying underground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.
- (3) The licensee shall ensure provision of positional intelligence, through appropriate technology, of all underground telegraph infrastructures to enable the appropriate authority to obtain real time information on its location.

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.

(2) The appropriate authority may, on the basis of such supervision, impose such other reasonable conditions as it may think fit.

(3) If the appropriate authority comes to the conclusion that the licensee has 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 and withdraw the permission granted to the licensee, for reasons to be recorded in writing:

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

CHAPTER III

ESTABLISHMENT OF OVERGROUND TELEGRAPH INFRASTRUCTURE

9. Application by a licensee. — (1) A licensee shall, for the purposes of establishing overground telegraph infrastructure, upon any immovable property vested in or under the control or management of any appropriate authority, make an application, supported by such documents, to that 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 in the application made under sub-rule (1) shall include-

- (i) a copy of the licence granted by the Central Government;
- (ii) the nature and location, including exact latitude and longitude, of post or other above ground contrivances proposed to be established;
- (iii) the extent of land required for establishment of the overground telegraph



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infrastructure;

- (iv) the details of the building or structure, where the establishment of the overground telegraph infrastructure, is proposed;
- (v) the copy of approval issued by the duly authorised officer of the Central Government for location of the above ground contrivances proposed to be used for the transmission of Radio waves or Hertzian waves;
- (vi) the mode of and the time duration for, execution of the work;
- (vii) the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
- (viii) the measures proposed to be taken to ensure public safety during the execution of the work;
- (ix) the detailed technical design and drawings of the post or other above ground contrivances;
- (x) certification of the technical design by a structural engineer attesting to the structural safety, of the overground telegraph infrastructure;
- (xi) certification, by a structural engineer, attesting to the structural safety of the building, where the post or other above ground contrivances is proposed to be established on a building;
- (xii) the names and contact details of the employees of the licensee for the purposes of communication in regard to the application made;
- (xiii) any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken; and
- (xiv) any other matter connected with or relevant to the work as may be specified, through a general or special order, by the Central Government or appropriate State Government or appropriate local authority.

Provided that the documents mentioned in clauses (ii), (iii), (v) (ix), (x) and (xi) shall not be required in case of application made for establishment of overground telegraph line—:

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

(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 the appropriate authority may, by 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 of the Schedule.

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"9A. Establishment of temporary overground telegraph infrastructure. - (1) In case of damage of any existing underground telegraph infrastructure for any reason, the licensee, whose existing underground telegraph infrastructure is damaged, may temporarily establish the overground telegraph infrastructure, in lieu of the damaged underground telegraph infrastructure, to restore the telegraph service for the period of sixty days from the date of reporting of damage of the infrastructure to the appropriate authority.

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

10. Grant of permission by appropriate authority. -(1) The appropriate authority shall examine the application with respect to the following parameters, namely: -

- (a) the extent of land required for the overground telegraph infrastructure;
- (b) the location proposed;
- (c) the approval issued by the duly authorised officer of the Central Government for location of the aboveground contrivances proposed to be used for transmission of Radio waves or Hertzian waves;
- (d) the mode of and time duration for execution of the work;
- (e) the estimation of expenses that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken;
- (f) assessment of the inconvenience that the public is likely to be put to in consequence of the establishment or maintenance of the overground telegraph infrastructure, and the measures to mitigate such inconvenience indicated by the licensee;
- (g) certification of the technical design by a structural engineer attesting to the structural safety of the overground telegraph infrastructure;
- (h) certification, by a structural engineer, of the structural safety of the building on which the post or other above ground contrivances is proposed to be established;
- (i) any other matter, consistent with the provision of the Act and these rules, connected with or related to the laying of overground telegraph infrastructure, through a general or special order or guidelines by the Central Government, appropriate State Government or the appropriate local authority:

Provided that the parameters mentioned in clauses (a), (b), (c), (g) and (h) shall not be necessary for examination of the application made for establishment of overground telegraph line:

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



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(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 infrastructures, such as base transceiver station, engine alternator, etc. at the ground.

(2) Where the 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.

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

(3) The appropriate authority shall, within a period not exceeding sixty 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, not exceeding the amount specified in Part-II of the Schedule, 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 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.

(4) The appropriate authority shall not charge any fee and compensation other than those mentioned under sub-rule (3) of rule 9, sub-rule (2) and clause (a) of sub-rule (3) from the licensee for establishing, maintaining, working, repairing, transferring or shifting overground telegraph infrastructure.

(5) For the purposes of this rule, rule 10A and rule 10B and the Schedule, the expression, -

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

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



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17

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

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

10A. Usage of street furniture for installation of small cells and telegraph line

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

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

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

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

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.

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

"(5) The appropriate central authorities shall permit deployment of small cells and shall charge no administrative fees or compensation for deployment of small cells on buildings and structures vested in or under their control as per Part-I or Part-III of the schedule:

Provided that the charges shall be levied for power (as per Industry tariffs), fixtures etc. provided by building owners as per actuals and licensee shall restore the damage done during deployment of small cells".

(6) For the purposes of sub-rule (5), 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.



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10B. Establishment of telegraph infrastructure over private property. – Where the licensee proposes the establishment of overground telegraph infrastructure over any private property, the licensee shall not require any permission from the 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, authorised 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.

11. Obligations of licensee in undertaking work. — (1) The licensee shall ensure that –

(a) prior to the commencement of establishment and maintenance of overground telegraph infrastructure and at all times, the measures to mitigate public inconvenience and ensure public safety, including structural safety of such overground telegraph infrastructure are implemented;

(b) the work of establishment and maintenance of overground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.

(c)

12. Powers of appropriate authority to supervise the work. — (1) The appropriate authority may supervise the establishment and maintenance of overground telegraph infrastructure to ascertain if the conditions imposed in the grant of permission under clause (a) of sub-rule (3) of rule 10 are observed by the licensee.

(2) The appropriate authority may, on the basis of such supervision, impose such other reasonable conditions, as it may think fit.

(3) If the appropriate authority comes to the conclusion that the licensee has willfully violated any of the conditions for grant of permission under clause (a) of sub-rule (3) of rule 10, it may withdraw, for reasons to be recorded in writing, the permission granted to the licensee:

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

CHAPTER IV

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



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13. 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 immoveable property vested in or under the control or management of that appropriate authority, considers that it is necessary and expedient to remove or alter such telegraph infrastructure, it shall issue a notice to the licensee, 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 shall, forthwith and within a period of thirty days, proceed to submit, to the appropriate authority, a detailed plan for removal or alteration of such telegraph infrastructure.

(3) The appropriate authority shall, after examination of the detailed plan submitted by the licensee 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 of not less than ninety days to the licensee 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.

CHAPTER V DISPUTE RESOLUTION

14. Disputes between licensee and appropriate authority. — (1) Any dispute arising between a licensee and the appropriate authority in consequence of these rules, shall be referred to the officer designated by the Central Government.

(2) The Central Government shall designate, by notification, officers with such jurisdiction as may be mentioned in the notification, for the purpose to referring disputes under sub-rule (1).

(3) The officer designated by the Central Government shall determine the disputes referred to in sub-rule (1) within a period not exceeding sixty days in such manner as may be specified by the Central Government from time to time.

THE SCHEDULE

[See rules 5 (3), 6 (1B), 6 (2) (a), 6 (3), 9 (3), 9 A (2), 10 (2), 10 (3) (a), 10A (2), 10A (4), 10 A (5)]



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Rule (1)	Item (2)	Amount (3)
Part-I Fee		
5(3)	For establishment of underground telegraph infrastructure	One thousand rupees per kilometer.
9(3)	For establishment of overground telegraph infrastructure	(i) Ten thousand rupees for establishment of mobile towers (ii) One thousand rupees per kilometer for establishment of overground telegraph line. (iii) Nil for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate central authority (iv) One thousand rupees per pole for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate authority, other than appropriate central authority.
9 A(2)	For Establishment of temporary over ground Telegraph Infrastructure.	Nil.
10A (2)	For installation of small cells and telegraph line using the street furniture	Nil.
10 A (5)	For the deployment of small cells on building or structures vested in or under the control of appropriate central authorities.	Nil.
Part-II Charges for restoration		
6(2)(a)	Establishment of underground telegraph infrastructure where undertaking is not given by the licensee to discharge the responsibility to restore the damages	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.



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6(3)	Bank guarantee as security for performance in case of establishment of underground telegraph infrastructure where undertaking is given by the licensee to discharge the responsibility to restore the damages	20 percent of the sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.
10(3)(a)	Establishment of overground telegraph infrastructure	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area. Further, licensee shall restore the damage incurred in case of establishment of poles for installation of Small Cells and telegraph line.
Part-III Compensation		
6(1B)	Establishment of underground telegraph infrastructure	Nil.
9 A(2)	For Establishment of temporary over ground Telegraph Infrastructure.	Nil.
10(2)	Establishment of Over Ground Infrastructure	Rates as the appropriate authority may, by general order, specify, if such property cannot be used for any other purpose. However, for establishment of poles for installation of small cells and telegraph line, compensation shall be Nil.
10A (4)	Usage of street furniture for installation of small cells and telegraph line	(i) For installation of small cells: Three hundred rupees per annum for urban area and one hundred and fifty rupees per annum for rural areas per street furniture. (ii) For installation of telegraph line: One hundred rupees per annum per street furniture.
10 A (5)	For the deployment of small cells on building or	Nil.



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structures vested in or under the control of appropriate central authorities.	
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Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* notification G.S.R. 1070 (E), dated the 15th November, 2016 and subsequently amended *vide* G.S.R. 407 (E), dated the 21st April, 2017, G.S.R. 749 (E), dated the 21st October, 2021, G.S.R. 635 (E), dated the 17th August, 2022 and G.S.R.594(E), dated the 7th August, 2023 .



राम प्रताप यादव
शपथ-आयुक्तकक्ष अनुभाग अधिकारी
न्याय अंशुभाग-9
उ० प्र० सचिवालय



प्रेषक,

राजीव कुमार,
मुख्य सचिव,
उ0प्र0 शासन।

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सेवा में,

- 1 समस्त अपर मुख्य सचिव/प्रमुख सचिव/सचिव, उत्तर प्रदेश।
- 2 समस्त विभागाध्यक्ष, उत्तर प्रदेश।
- 3 समस्त मण्डलायुक्त/जिलाधिकारी, उत्तर प्रदेश।
- 4 प्रदेश के समस्त सार्वजनिक उपक्रमों के अध्यक्ष/प्रबन्ध निदेशक, निकायों, परिषदों एवं स्वायत्तशासी निकायों के मुख्य कार्यकारी अधिकारी।

आई0टी0 एवं इलेक्ट्रानिक्स अनुभाग-1

लखनऊ: दिनांक: 15 जून, 2018

विषय: भारत सरकार की अधिसूचना दिनांक 15-11-2016 द्वारा प्रख्यापित भारतीय तार मार्ग के अधिकार नियम, 2016 को उत्तर प्रदेश में अंगीकृत किये जाने के सम्बन्ध में दिशा निर्देश।

महोदय,

संचार एवं सूचना प्रौद्योगिकी मंत्रालय, भारत सरकार द्वारा दिनांक 15 नवम्बर 2016 को "इण्डियन टेलीग्राफ राइट ऑफ वे रूल्स 2016" निर्गत किये गये हैं जो देश में दूरसंचार के क्षेत्र में इन्फ्रास्ट्रक्चर की स्थापना एवं विकास हेतु समयबद्ध रूप से, राइट ऑफ वे अनुमोदन प्रदान किये जाने की प्रक्रिया से सम्बन्धित है।

- 2 भारत सरकार द्वारा निर्गत "भारतीय तार मार्ग के अधिकार नियम, 2016" के अध्याय 1 के प्रस्तर उप-प्रस्तर (2) में निम्नवत् व्यवस्था है:-

(2) समुचित प्राधिकारी आवेदन को प्रस्तुत करने के लिए इन नियमों के प्रारंभ की तारीख से एक वर्ष की अवधि के भीतर एक इलेक्ट्रानिक प्रक्रिया विकसित करेंगे।

परंतु यह कि राज्य सरकार स्वविवेकानुसार इसके नियंत्रणाधीन सभी समुचित प्राधिकारियों के लिए एक एकल इलेक्ट्रानिक आवेदन प्रक्रिया स्थापित कर सकेगी।

- 3 भारत सरकार की उक्त अधिसूचना के क्रम में नगर विकास अनुभाग-9, उत्तर प्रदेश द्वारा भूमिगत तार और संरचना की स्थापना और रख रखाव (ऑप्टिकल फाइबर लाइन बिछाने हेतु) के सम्बन्ध में उक्त नियमावली के प्रासंगिक शर्तों/ नियमों के अनुसार कार्यवाही सुनिश्चित कराने हेतु शासनादेश सं0-72/नौ79-18-161ज/12 दिनांक 08-02-2018 निर्गत किया गया है।

4 अतः भारत सरकार की उक्त अधिसूचना को सम्पूर्ण उत्तर प्रदेश के शासकीय विभागों इत्यादि द्वारा एकरूपता के आधार पर अंगीकृत किए जाने तथा मोबाइल कनेक्टिविटी के लिए भूमिगत तार और संरचना तथा भूमि के ऊपर तार अवसंरचना/ मोबाइल टावर की स्थापना एवं रख रखाव के लिए उनकी अनुमतियों/अनापत्तियों तथा ऑन लाईन पोर्टल के माध्यम से आवेदनों की ऑन लाईन प्राप्ति एवं उनके समयबद्ध रूप से निस्तारण हेतु दिशा-निर्देश एतद्वारा निर्गत किये जाते हैं:-

ऑन लाईन आवेदन प्रक्रिया

5 दूरसंचार इन्फ्रास्ट्रक्चर की स्थापना हेतु भारत सरकार द्वारा निर्गत अधिसूचना दिनांक 15-11-2016 को उत्तर प्रदेश में अंगीकृत करते हुए प्रदेश शासन के विभागों/प्राधिकरणों/संस्थाओं/समितियों इत्यादि द्वारा मोबाइल कनेक्टिविटी के लिए भूमिगत तार और संरचना तथा भूमि के ऊपर तार अवसंरचना/मोबाइल टावर की स्थापना एवं रख रखाव के लिए अनुमतियों/ अनापत्तियों हेतु एक ऑन लाईन आवेदन प्रक्रिया होगी।

'सिंगल विन्डो क्लीयरेंस'

6 इस ऑन लाईन आवेदन प्रक्रिया के लिए आईटी एवं इलेक्ट्रानिक्स विभाग, उत्तर प्रदेश द्वारा एक ऑन लाईन पोर्टल विकसित कराया जायेगा जो 'सिंगल विन्डो क्लीयरेंस' के रूप में होगा तथा इसके माध्यम से आवेदन की प्रस्तुति एवं उनका निस्तारण सम्बन्धित विभागों/प्राधिकरणों/संस्थाओं/समितियों



1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanaदेश.up.nic.in> से सत्यापित की जा सकती है।

Signature

इत्यादि द्वारा समयबद्ध रूप से किया जायेगा। आवेदन का प्रारूप आईटी एवं इलेक्ट्रानिक्स विभाग, उत्तर प्रदेश शासन द्वारा विभिन्न शासकीय विभागों/प्राधिकरणों/ संस्थाओं/ समितियों इत्यादि के परामर्श से निर्धारित किया जायेगा, तथा इसमें आवेदन के साथ प्रस्तुत किए जाने वाली सूचनाओं/ अभिलेखों/अनापत्तियों को भी स्पष्ट रूप से प्रदर्शित किया जायेगा।

नगरीय एवं ग्रामीण क्षेत्रों हेतु एकसमान रूप से लागू

7 मोबाइल कनेक्टिविटी के लिए भूमिगत तार और संरचना तथा भूमि के ऊपर तार अवसंरचना/ मोबाइल टावर की स्थापना एवं रख रखाव के लिए जिन शासकीय विभागों/ प्राधिकरणों/ संस्थाओं/ समितियों इत्यादि की भूमि/भवन से सम्बन्धित कार्य किये जायेंगे, उनकी अनुमतियों/अनापत्तियों के लिए **ऑन लाईन आवेदन एवं उनके समयबद्ध निस्तारण की यह एकल प्रक्रिया** राज्य विधायिका द्वारा गठित समस्त विकास प्राधिकरणों, औद्योगिक विकास प्राधिकरणों, अन्य सांविधिक प्राधिकारियों तथा ग्राम पंचायतों, जिला परिषदों/ पंचायतों, वन विभाग, लोक निर्माण विभाग, आवास एवं शहरी नियोजन विभाग, अन्य शासकीय विभागों इत्यादि पर उनके सुसंगत नियमों के अन्तर्गत एकसमान रूप से लागू होगी। वन विभाग, सिंचाई विभाग तथा राजस्व विभाग द्वारा प्रस्तुत दिशा-निर्देशों के सन्दर्भ में जो प्रतिबन्ध सुझाये गये हैं, उन्हें उनके द्वारा आवेदक को प्रदान की जाने वाली अनुमतियों में प्रतिबन्धों के अन्तर्गत सम्मिलित किया जायेगा।

8 भारत सरकार की अधिसूचना में अधिनियम से सम्बन्धित परिभाषायें, स्थानीय प्राधिकारी आदि द्वारा नोडल अधिकारी नामित किया जाना, विवादों के समाधान, किए जाने वाले कार्य के परिणामस्वरूप होने वाले किसी नुकसान के पुनर्स्थापन, तथा समुचित प्राधिकारी द्वारा तार अवसंरचना के हटाये जाने या परिवर्तित किए जाने की प्रक्रिया हेतु व्यवस्था दी गई है तथा आवेदनों हेतु एक-समान शुल्क एवं आवेदनों के निस्तारण हेतु समयबद्धता का निर्धारण किया गया है। भारत सरकार की अधिसूचना दिनांक 15-11-2016 के अध्याय-2 के प्रस्तर 6 (2) तथा अध्याय-3 के प्रस्तर 10 (3) में आवेदनों के निस्तारण हेतु निर्धारित, "आवेदन की तारीख से 60 (साठ) दिवसों से अनधिक की अवधि" को उत्तर प्रदेश के परिप्रेक्ष्य में "आवेदन की तारीख से 45 (पैंतालिस) दिवसों से अनधिक की अवधि" पढ़ा जाये। उपरोक्त निर्देशों का अनुपालन प्रदेश शासन के सम्बन्धित विभागों/प्राधिकरणों/ संस्थाओं/ समितियों इत्यादि द्वारा सुनिश्चित किया जाना होगा।

9 नगर विकास अनुभाग-9, उत्तर प्रदेश द्वारा निर्गत शासनादेश दिनांक 08-02-2018 के अन्तर्गत आच्छादित नगरीय क्षेत्रों को छोड़कर, प्रदेश के अन्य क्षेत्रों हेतु राज्य विधायिका द्वारा गठित समस्त विकास प्राधिकरणों, औद्योगिक विकास प्राधिकरणों, अन्य सांविधिक प्राधिकारियों तथा ग्राम पंचायतों, जिला परिषदों/ पंचायतों, वन विभाग, लोक निर्माण विभाग, अन्य शासकीय विभागों इत्यादि द्वारा, भारत सरकार की अधिसूचना दिनांक 15-11-2016 (परिशिष्ट-1) द्वारा प्रख्यापित भारतीय तार मार्ग के अधिकार नियम 2016 को अंगीकृत करते हुए पूर्व में निर्गत शासनादेशों/ मार्गनिर्देशों/ नियमावलियों में आवश्यकतानुसार उपयुक्त संशोधन सुनिश्चित कराये जायेंगे।

10 उत्तर प्रदेश सार्वजनिक भूमि (ऑप्टिकल फाइबर केबिल बिछाने और उनका अनुरक्षण करने के लिए) सूचना प्रौद्योगिकी एवं इलेक्ट्रानिक्स विभाग, उ०प्र० की अधिसूचना संख्या 1126/78-आईटी-1-2001-81इले-98-टीसी, दिनांक 03 नवम्बर 2001 तथा स्थानीय प्राधिकारियों की भूमि पर "ऑप्टिकल फाइबर केबिल बिछाये जाने के लिए आईटी एवं इलेक्ट्रानिक्स विभाग की विज्ञप्ति संख्या 1508/ 78-आईटी- 1-2001, दिनांक 03 नवम्बर 2001 द्वारा जारी दिशा-निर्देशों को एतद्वारा अवक्रमित समझा जाये।

11 भारत सरकार द्वारा समय-समय पर भारतीय तार मार्ग के अधिकार नियमों में किन्हीं संशोधनों के फलस्वरूप उक्त दिशा-निर्देशों को यथासमय संशोधित किया जायेगा।

भवदीय,

Signature

(राजीव कुमार)
मुख्य सचिव।



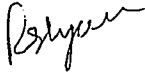
- 1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।
- 2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

१५

संख्या:-36/2018/852(1)78-1-2018 तद्दिनांक।

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1 समाज कल्याण आयुक्त, उत्तर प्रदेश।
- 2 कृषि उत्पादन आयुक्त, उत्तर प्रदेश।
- 3 अवस्थापना एवं औद्योगिक विकास आयुक्त, उत्तर प्रदेश।
- 4 प्रमुख सचिव, मा. मुख्यमंत्री जी, उ०प्र०।
- 5 निजी सचिव, मा. उप मुख्यमंत्री एवं विभागीय मंत्री जी, आईटी एवं इलेक्ट्रानिक्स विभाग, उ०प्र०।
- 6 निजी सचिव, मा. राज्यमंत्री जी, आईटी एवं इलेक्ट्रानिक्स विभाग, उ०प्र०।
- 7 निजी सचिव, मुख्य सचिव, उत्तर प्रदेश।
- 8 निजी सचिव, अपर मुख्य सचिव, आईटी एवं इलेक्ट्रानिक्स, उत्तर प्रदेश।
- 9 निजी सचिव, विशेष सचिव, आईटी एवं इलेक्ट्रानिक्स, उत्तर प्रदेश।
- 10 प्रबन्ध निदेशक, यूपी इलेक्ट्रानिक्स कारपोरेशन लिमिटेड, लखनऊ।
- 11 महालेखाकार, लेखा परीक्षा - प्रथम एवं द्वितीय कार्यालय, इलाहाबाद।
- 12 निदेशक, राजकीय मुद्रणालय, लखनऊ।
- 13 गोपन अनुभाग-1
- 14 गार्ड फाइल।



आज्ञा से,

(संजीव सरन)
अपर मुख्य सचिव।

राम प्रताप सादव
शपथ-आयुक्त/अधीनस्थ अनुभाग अधिकारी
न्याय अनुभाग-9
उ० प्र० सचिवालय



- 1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।
- 2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

संख्या:-17/2023/1305/78-1-2023-45आई0टी0/2016

प्रेषक,

अनिल कुमार सागर
प्रमुख सचिव,
30प्र0 शासन।

सेवा में,

- 1- समस्त अपर मुख्य सचिव/प्रमुख सचिव/सचिव, 30प्र0 शासन।
- 2- समस्त विभागाध्यक्ष, 30प्र0।
- 3- समस्त मण्डलायुक्त/जिलाधिकारी, उत्तर प्रदेश।
- 4- प्रदेश के समस्त सार्वजनिक उपक्रमों के अध्यक्ष/प्रबन्ध निदेशक, निकायों, परिषदों एवं स्वायत्तशासी निकायों के मुख्य कार्यकारी अधिकारी।

आई0टी0 एवं इलेक्ट्रॉनिक्स अनुभाग-1

लखनऊ: दिनांक: 10 अगस्त, 2023

विषय:- अधिसूचना दिनांक 15-11-2016 द्वारा प्रख्यापित भारतीय तारमार्ग के अधिकार नियम-2016 में भारत सरकार द्वारा अधिसूचना दिनांक 17 अगस्त, 2022 के द्वारा किये गये संशोधनों को अंगीकार किये जाने के सम्बन्ध में।

महोदय,

अवगत कराना है कि संचार एवं सूचना प्रौद्योगिकी मंत्रालय, भारत सरकार द्वारा दिनांक 15 नवम्बर, 2016 को "इण्डियन टेलीग्राफ राइट ऑफ वे रूल्स 2016" निर्गत किया गया, जो देश में दूरसंचार के क्षेत्र में इन्फ्रास्ट्रक्चर की स्थापना एवं विकास हेतु समयबद्ध रूप से, राइट ऑफ वे अनुमोदन प्रदान किये जाने की प्रक्रिया से सम्बन्धित है। भारत सरकार की उक्त अधिसूचना को प्रदेश सरकार द्वारा शासनादेश संख्या- 852/78-1-2018-45आई0टी0/2016 दिनांक 15 जून, 2018 द्वारा अंगीकृत करते हुए दिशा-निर्देश निर्गत किये गये हैं।

2- वर्तमान में राइट ऑफ वे अनापति प्रमाण-पत्र निर्गत किये जाने हेतु निम्नलिखित को अधिकृत किया गया है:-

(i) आवास विकास प्राधिकरणों/विशेष क्षेत्र विकास प्राधिकरणों तथा विनियमित क्षेत्र के अन्तर्गत आने वाले क्षेत्रों में अनुमतियां, इन क्षेत्र के अन्तर्गत आने वाले नगर निगम/नगर पालिका परिषद/नगर पंचायत के स्तर से जारी न होकर आवास विकास के अधीन संबंधित प्राधिकरण/ विनियमित क्षेत्र के स्तर से प्रदान की जायेगी।

(ii) आवास विभाग के अधीनस्थ विकास प्राधिकरणों, विशेष क्षेत्र विकास प्राधिकरण, विनियमित क्षेत्र से आच्छादित स्थानीय निकायों को छोड़कर शेष नगर पालिका/नगर पंचायतों के अधीनस्थ क्षेत्रों में अनापति प्रमाण-पत्र प्रभारी अधिकारी स्थानीय निकाय द्वारा निर्गत किये जायेंगे तथा इन क्षेत्रों में वार्षिक किराये/शुल्क की धनराशि सम्बन्धित नगर पालिका/नगर पंचायतों के खातों में प्राप्त होगी।

(iii) औद्योगिक विकास प्राधिकरणों के अधिसूचित क्षेत्रों में उनके द्वारा।

- 1- यह शासनादेश इलेक्ट्रॉनिकली जारी किया गया है. अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।
- 2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.gov.in> से सत्यापित की जा सकती है।

Signature



२७

(iv) ग्रामीण क्षेत्रों में उपजिलाधिकारियों द्वारा।

3- भारत सरकार द्वारा उक्त अधिसूचना दिनांक 15-11-2016 में अधिसूचना दिनांक 21 अक्टूबर, 2021 द्वारा किये गये संशोधनों को आईटीओ एवं इलेक्ट्रानिक्स अनुभाग-1, 30प्र0 शासन के शासनादेश संख्या-1260/78-1-2022 दिनांक 25 नवम्बर, 2022 द्वारा उत्तर प्रदेश में भी अंगीकार किया गया है।

4- भारत सरकार द्वारा अधिसूचना दिनांक 15-11-2016 में पुनः संशोधन करते हुए अधिसूचना दिनांक 17 अगस्त, 2022 (छायाप्रति संलग्न) निर्गत किया गया है, जिसमें 5जी रोलआउट के क्रियान्वयन की महत्ता के दृष्टिगत आवश्यक बिन्दुओं को समाहित किया गया है।

5- इस सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि भारत सरकार की अधिसूचना दिनांक 15-11-2016 द्वारा प्रख्यापित भारतीय तार मार्ग के नियम-2016 में भारत सरकार द्वारा अधिसूचना दिनांक 17 अगस्त, 2022 द्वारा किये गये संशोधनों को एतद्वारा उत्तर प्रदेश सरकार द्वारा निम्न संशोधनों के अनुसार अंगीकार किया जाने का निर्णय लिया गया है:-

क्र०सं०	अधिसूचना दिनांक 17-8-2022 का प्रस्तर क्रमांक	अधिसूचना दिनांक 17-8-2022 में निर्दिष्ट व्यवस्था	प्रदेश सरकार द्वारा लिया गया निर्णय
1.	10.ख	निजी सम्पत्ति पर तार अवसंरचना की स्थापना-जहां कोई अनुज्ञप्तिधारी निजी सम्पत्ति पर भूमि के ऊपर तार अवसंरचना की स्थापना करने का प्रस्ताव करता है, तो अनुज्ञप्तिधारी को समुचित प्राधिकारी से अनुज्ञा अपेक्षित नहीं है।	टेलीकॉम टॉवर को निजी भवनों पर लगाये जाने हेतु भवनों के स्ट्रक्चरल सेफटी फिटनेस के सम्बन्ध में प्राधिकरण के अभियन्ता अथवा अन्य रजिस्टर्ड अभियन्ता से प्रमाण-पत्र प्राप्त किया जाना होगा। भवन की स्ट्रक्चरल सेफटी रिपोर्ट प्राप्त करने के बाद ही निजी भवनों पर टॉवर लगाने का कार्य प्राधिकरण की लिखित अनुमति के उपरान्त किया जायेगा। प्राधिकरण का अभिप्राय प्रस्तर 02 के उप प्रस्तर-i, ii, iii एवं iv से है।
2.	नियम 14 के पश्चात अंतःस्थापित अनुसूची के भाग-2 प्रत्यास्थापित भार के अन्तर्गत क्रम सं-6(3)	अचल सम्पत्ति को प्रत्यावर्तित करने हेतु उस क्षेत्र के लिए केन्द्रीय लोक निर्माण विभाग द्वारा निर्धारित या उस क्षेत्र में यदि केन्द्रीय लोक निर्माण विभाग द्वारा दर तय नहीं की गई हो तो उस क्षेत्र हेतु राज्य लोक निर्माण विभाग द्वारा अपेक्षित राशि का 20 प्रतिशत।	अचल सम्पत्ति को प्रत्यावर्तित करने हेतु उस क्षेत्र के लिए केन्द्रीय लोक निर्माण विभाग द्वारा निर्धारित या उस क्षेत्र में यदि केन्द्रीय लोक निर्माण विभाग द्वारा दर तय नहीं की गई हो तो उस क्षेत्र हेतु राज्य लोक निर्माण विभाग द्वारा अपेक्षित राशि का 20 प्रतिशत सेवाप्रदाता से बैंक गारण्टी के रूप में ली जायेगी तथा नोटिस के बावजूद कार्य गुणवत्ता पूर्वक पूर्ण न किये जाने की दशा में कम्पनी

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.gov.in> से सत्यापित की जा सकती है।



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		को संबंधित प्राधिकारी द्वारा ब्लैकलिस्ट किये जाने की कार्यवाही की जायेगी।
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6- नगर निकाय की सीमा में स्थापित किये जाने वाले टेलीकाम इन्फ्रास्ट्रक्चर लगाने के लिए सम्बन्धित विभाग वार्षिक धनराशि या टैरिफ नहीं ले सकेंगे तथा विभाग स्वयं की भूमि पर लगने वाले टेलीकाम इन्फ्रास्ट्रक्चर का ही किराया प्राप्त कर सकेगा।

7- कृपया अपने स्तर से सर्वसंबंधित को अवगत कराते हुए कार्यवाही सुनिश्चित करने का कष्ट करें।

संलग्नक: यथोक्त।

भवदीय,
अनिल कुमार सागर
प्रमुख सचिव।

संख्या एवं दिनांक तदैव:

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- कृषि उत्पादन आयुक्त, 30प्र0 शासन।
- 2- अवस्थापना एवं औद्योगिक विकास आयुक्त, 30प्र0 शासन।
- 3- समाज कल्याण आयुक्त, 30प्र0 शासन।
- 4- प्रमुख सचिव, मुख्यमंत्री, 30प्र0 शासन।
- 5- निजी सचिव, मा0 विभागीय मंत्री, आई0टी0 एवं इलेक्ट्रानिक्स विभाग, 30प्र0।
- 6- निजी सचिव, मा0 राज्यमंत्री, आई0टी0 एवं इलेक्ट्रानिक्स विभाग, 30प्र0।
- 7- निजी सचिव, मुख्य सचिव, 30प्र0 शासन।
- 8- निजी सचिव, प्रमुख सचिव, आई0टी0 एवं इलेक्ट्रानिक्स विभाग, 30प्र0 शासन।
- 9- निजी सचिव, विशेष सचिव, आई0टी0 एवं इलेक्ट्रानिक्स विभाग, 30प्र0 शासन।
- 10- प्रबन्ध निदेशक, यू0पी0 इलेक्ट्रानिक्स कारपोरेशन लिमिटेड, लखनऊ।
- 11- महालेखाकार, लेखा परीक्षा-प्रथम एवं द्वितीय कार्यालय, इलाहाबाद।
- 12- निदेशक, राजकीय मुद्रणालय, लखनऊ।
- 13- गोपन अनुभाग-1, 30प्र0 शासन।
- 14- गार्डफाइल।

आज्ञा से,
अक्षय त्रिपाठी
विशेष सचिव।

Asst. Secy

- 1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।
- 2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.gov.in> से सत्यापित की जा सकती है।



राम सताप यौदवं
शपथ-आयुक्त एवं अनुभाग अधिकारी
न्याय अनुभाग-9
उ० प्र० सचिवालय

अनुसूची - 3

अनुसूची - 3

रजिस्ट्री सं. डी.एल.- 33004/99

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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

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संचार मंत्रालय
(दूरसंचार विभाग)

अधिसूचना

नई दिल्ली, 17 अगस्त, 2022

सा.का.नि. 635(अ).—केन्द्रीय सरकार, भारतीय तार अधिनियम 1885 (1885 का 13) की धारा 10, 12 और 15 के साथ पठित धारा 7 की उपधारा (1) और उपधारा (2) के खण्ड (ड.) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय तार मार्ग के अधिकार नियम, 2016 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1. (1) इन नियमों का संक्षिप्त नाम भारतीय तार मार्ग के अधिकार (संशोधन) नियम, 2022 है।
(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।
2. भारतीय तार मार्ग के अधिकार नियम, 2016 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के प्रारम्भिक पैरा में कोष्ठकों और शब्दों "(ऑप्टिकल फाइबर)" और "(मोबाइल टावर और तारयंत्र लाइन)" का लोप किया जाएगा।
3. उक्त नियमों के नियम 2 के उप-नियम (1) के खण्ड (छ) के पश्चात् निम्नलिखित खण्ड अंतःस्थापित किया जाएगा, अर्थात्:-
"ज) 'अनुसूची' से इन नियमों के साथ संलग्न अनुसूची अभिप्रेत है"।
4. उक्त नियमों के नियम 4 के उप-नियम (2) के स्थान पर निम्नलिखित उप-नियम रखा जाएगा अर्थात्:-

(1)



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"(2) इन नियमों के अधीन अनुमति के लिए प्रत्येक आवेदन को अनुज्ञाधिकारी द्वारा केन्द्रीय सरकार द्वारा विकसित किए गए इलेक्ट्रॉनिक पोर्टल पर किया जाएगा।"

5. उक्त नियमों के नियम 5 के उपनियम (3) के परंतुक में "एक हजार रूपए प्रति किलोमीटर" शब्दों के स्थान पर "अनुसूची के भाग-1 में विनिर्दिष्ट रकम" शब्द रखे जाएंगे।

6. उक्त नियमों के नियम 6 में:-

(क) उप-नियम (1) के पश्चात् निम्नलिखित उप-नियम अंतःस्थापित किए जाएंगे, अर्थात्:-

"(1क) स्थापना हेतु प्रस्तावित भूमिगत तार अवसंरचना का क्षेत्र डकट की लम्बाई एवं डकट के व्यास तथा डकटों की संख्या के गुणज में होगा।

स्पष्टीकरण:- "डकट" से स्थायी तार पर चिकना या किसी अन्य प्रकार का पाईप अभिप्रेत है जिसे तारयंत्र लाइन के लिए भूमिगत केवल पाइपलाइन के रूप में प्रयोग किया जाता है।

(1ख) समुचित प्राधिकारी अनुज्ञाधिकारी से ऐसी संपत्ति के उपयोग के लिए जिसके नीचे भूमिगत तार अवसंरचना स्थापित करना प्रस्तावित है, अनुसूची के भाग-1 में विनिर्दिष्ट रकम से अनधिक ऐसा प्रतिकर प्राप्त करने का हकदार होगा जो समुचित प्राधिकारी द्वारा निर्धारित की जाए।

(ख) उप-नियम (2) के खण्ड (क) में:-

(i) "जो विनिर्दिष्ट किया जाए, भी है लेकिन इन तक सीमित न रहते हुए, अधिनियम और इन नियमों के उपबंधों के अधधीन" शब्दों के स्थान पर "भी है लेकिन इन तक सीमित न रहते हुए, अनुसूची के भाग-1 में विनिर्दिष्ट रकम से अनधिक" शब्द रखे जाएंगे।

(ii) निम्नलिखित परंतुक अंतःस्थापित किया जाएगा, अर्थात्:-

"परंतु जहां भूमिगत तारयंत्र लाइन की स्थापना के लिए क्षेत्रीय दिशात्मक खुदाई प्रयुक्त की गई है वहां प्रत्यास्थापित भार केवल गड्ढों के लिए ही उद्ग्रहित किया जाएगा।";

(ग) उप-नियम (3) में "रकम" शब्द के स्थान पर "अनुसूची के भाग-1 में विनिर्दिष्ट रकम से अनधिक" शब्द रखे जाएंगे।

(घ) उप-नियम (4) में:-

(i) "फीस" शब्द के पश्चात् "और प्रतिकर" शब्दों को अंतःस्थापित किया जाएगा।

(ii) "नियम 5" शब्द और अंक के पश्चात् "उप-नियम (1ख)" शब्दों, कोष्ठकों और अंकों को अंतःस्थापित जाएगा।

7. ~~उक्त नियम के नियम 9 के उपनियम (3) के परंतुक में "दस हजार रूपए" शब्दों के स्थान पर "अनुसूची के भाग-1 में विनिर्दिष्ट रकम" शब्द रखे जाएंगे।~~

8. उक्त नियम के नियम 10 में:-

(क) उप-नियम (1) के पश्चात् निम्नलिखित उप-नियम अंतःस्थापित किया जाएगा, अर्थात्:-

"(1क) भूमि के ऊपर तार अवसंरचना (मोबाइल टावर) की स्थापना हेतु प्रस्तावित क्षेत्र मोबाइल टावर और सहायक अवसंरचना जैसे कि भूमि के ऊपर ट्रांसमीटर स्टेशन, ईजन अल्टरनेटर आदि के द्वारा घेरा गया क्षेत्र होगा।";

(ख) उप-नियम (2) में परंतुक के स्थान पर निम्नलिखित परंतुक रखा जाएगा, अर्थात्:-

~~"परंतु क्षेत्रीय तारयंत्र लाइन की स्थापना के लिए खंभों की स्थापना हेतु अज्ञान संपत्ति के लिए संदेय प्रतिकर अनुसूची के भाग-1 में विनिर्दिष्ट रकम से अधिक नहीं होगा।"~~

(ग) उप-नियम (3) के खण्ड (क) में "की संदाय, जो विनिर्दिष्ट किया जाए, भी है लेकिन इन तक सीमित न रहते हुए, अधिनियम और इन नियमों के उपबंधों के अधधीन रहते हुए" शब्दों के स्थान पर "या उपनियम (2) में यथा विनिर्दिष्ट

Rajeev



प्रतिकर, अनुसूची के भाग-III में विनिर्दिष्ट रकम से अनधिक, का संदाय, भी है, लेकिन इन तक सीमित न रहते हुए, के लिए" शब्द रखे जाएंगे।

(घ) उप-नियम (4) में,-

(i) "फीस" शब्द के पश्चात् "और प्रतिकर" शब्द अंतःस्थापित किए जाएंगे;

(ii) "नियम 9" शब्द और अंक के पश्चात् "उप-नियम (2)" शब्द, कोष्ठक और अंक को अंतःस्थापित किए जाएंगे;

(ड.) उप-नियम (4) के पश्चात् निम्नलिखित उप-नियम अंतःस्थापित किया जाएगा, अर्थात्:-

"(5) इस नियम तथा नियम 10ख और अनुसूची के प्रयोजन के लिए, पद-

(क) "मोवाइल टावर" से किसी तारयंत्र को ले जाने, निलंबन करने या सहारा देने के लिए भूमि से ऊपर किसी ऐसी प्रयुक्ति अभिप्रेत है जिसमें खंभा शामिल नहीं है;

(ख) "खंभा" से तारयंत्र को ले जाने, निलंबन करने या सहारा देने के लिए भूमि से ऊपर किसी ऐसी प्रयुक्ति अभिप्रेत है जिसकी ऊंचाई आठ मीटर से अनधिक हो;

(ग) "छोटे सेल" से निम्न पॉवरड सेलुलर रेडियो एक्सेस नोड जिसकी कवरेज दस मीटर से दो किलोमीटर दूरी तक है अभिप्रेत है।"

9. उक्त नियम के नियम 10 के पश्चात् निम्नलिखित नियम को अंतःस्थापित किए जाएंगे, अर्थात्:-

"10क. छोटे सेल और तारयंत्र लाइन की स्थापना के लिए मार्ग फर्नीचर का उपयोग- (1) कोई अनुज्ञसिधारी छोटे सेल और तारयंत्र लाइन की स्थापना के प्रयोजन हेतु, जिस मार्ग फर्नीचर पर छोटे सेलों और तारयंत्र लाइन को स्थापित करने का प्रस्ताव है उस मार्ग फर्नीचर के व्यौरे और समुचित प्राधिकारी द्वारा प्राधिकृत संरचना अभियंता द्वारा उस मार्ग फर्नीचर की संरचना सुरक्षा को प्रमाणित करने वाले प्रमाणपत्र की एक प्रति के साथ, आवेदन को छोटे सेलों और तारयंत्र लाइन की स्थापना के लिए मार्ग फर्नीचर के उपयोग की अनुज्ञा के लिए समुचित प्राधिकारी को प्रस्तुत करेगा।

(2) उप-नियम (1) के अधीन आवेदन को आवेदन की जांच के लिए प्रशासनिक व्यय को वहन करने हेतु ऐसा कीस जो समुचित प्राधिकारी द्वारा निर्धारित किया जाए जोकि अनुसूची के भाग-III में विनिर्दिष्ट रकम से अधिक हो के साथ प्रस्तुत करने होंगा।

(3) समुचित प्राधिकारी आवेदन करने की तारीख के साठ दिनों से अनधिक की अवधि के भीतर कारणों को लेखबद्ध करते हुए, आवेदन को अनुज्ञा प्रदान करेगा या लिखित रूप में कारणों के साथ निरस्त करेगा:

परंतु कोई भी आवेदन अस्वीकार नहीं किया जाएगा, जब तक कि आवेदन को ऐसी अस्वीकृति के कारणों के संबंध में सुनवाई का कोई अवसर नहीं दिया गया है:

परंतु यह और कि यदि समुचित प्राधिकारी अनुज्ञा देने या आवेदन को अस्वीकार करने में विफल रहता है तो अनुज्ञा दी गई समझी जाएगी।

(4) समुचित प्राधिकारी छोटे सेलों और तारयंत्र लाइन की संस्थापना के लिए मार्ग फर्नीचर के उपयोग हेतु समुचित प्राधिकारी द्वारा यथा निर्धारित अनुसूची के भाग-III में विनिर्दिष्ट रकम से अनधिक को अनुज्ञसिधारी से प्रतिकर प्राप्त करने का हकदार होगा।

(5) समुचित केन्द्रीय प्राधिकारी अपने भवनों तथा अवसंरचनाओं पर छोटे सेलों को संस्थापित करने की अनुज्ञा प्रदान करे।

(6) उप-नियम (5) के प्रयोजनों के लिए "समुचित केन्द्रीय प्राधिकारी" से ऐसी केन्द्रीय सरकार या केन्द्रीय सरकार द्वारा निगमित या स्थापित प्राधिकारी, निकाय, कंपनी या संस्था अभिप्रेत है, जहां ऐसी संपत्ति के नीचे, ऊपर, साथ में, चारों ओर, अंदर या बाहर जिसे भूमिगत या भूमि के ऊपर, ऐसी सरकार, प्राधिकारी, निकाय, कम्पनी या संस्था के नियंत्रण या प्रबंधन के अधीन, या में निहित तार अवसंरचना को स्थापित या अनुरक्षित किया जाना है।

Rdhye



10ख. निजी सम्पत्ति पर तार अवसंरचना की स्थापना.- जहाँ कोई अनुज्ञतिधारी निजी सम्पत्ति पर भूमि के ऊपर तार अवसंरचना की स्थापना करने का प्रस्ताव करता है, तो अनुज्ञतिधारी को समुचित प्राधिकारी से अनुज्ञा अपेक्षित नहीं है।

परंतु किसी निजी भवन या अवसंरचना के ऊपर मोबाइल टावर या खंभे की स्थापना के मामले में अनुज्ञतिधारी ऐसी स्थापना को शुरू करने से पहले समुचित प्राधिकारी को लिखित में सूचना प्रस्तुत करेगा:

परंतु यह और कि सूचना के साथ-साथ वह ऐसे भवन या अवसंरचना, जहाँ मोबाइल टावर या खंभे को स्थापित करने का प्रस्ताव किया गया है, का द्योतक और जहाँ पर मोबाइल टावर या खंभे को स्थापित करने का प्रस्ताव है उस भवन या अवसंरचना की संरचना सुरक्षा को प्रमाणित करने वाले समुचित प्राधिकारी द्वारा प्रधिकृत संरचना अभियंता द्वारा भ्रमाणपत्र की एक प्रति भी प्रस्तुत करेगा।

10. उक्त नियम 14 के पश्चात् निम्नलिखित अनुसूची अंतःस्थापित की जाएगी, अर्थात्:-

"अनुसूची

[नियम 5(3), 6(1ख), 6(2) (क), 6 (3), 9 (3), 10 (2), 10 (3) (क), 10 क (2), 10 क (4) देखें]

नियम	मद	रकम
(1)	(2)	(3)
भाग-I फीस		
5(3)	भूमिगत तार अवसंरचना की स्थापना के लिए:	एक हजार रुपए प्रति किलोमीटर।
9(3)	भूमि के ऊपर तार अवसंरचना की स्थापना के लिए:	(i) मोबाइल टावरों की स्थापना के लिए दस हजार रुपए। (ii) भूमि के ऊपर तारयंत्र लाइन की स्थापना के लिए एक हजार रुपए प्रति किलोमीटर। (iii) समुचित केन्द्रीय प्राधिकारी, सेंटिहिवर या के नियंत्रण या प्रबंधन के अधीन अचल संपत्ति पर छोटे सेलों और तारयंत्र लाइन की संस्थापना हेतु खंभे की स्थापना के लिए शून्य। (iv) समुचित केन्द्रीय प्राधिकारी से इतर समुचित प्राधिकारी में निहित या के नियंत्रण या प्रबंधन के अधीन अचल संपत्ति पर छोटे सेलों और तारयंत्र लाइन की संस्थापना हेतु खंभे की स्थापना के लिए एक हजार रुपए प्रति खंभा।
10क (2)	मार्ग फर्नीचर का उपयोग करते हुए छोटे सेलों और तारयंत्र लाइन की स्थापना के लिए	शून्य।
भाग-II प्रत्यास्थापित भार		
6(2) (क)	ऐसी भूमिगत तार अवसंरचना की स्थापना जहाँ अनुज्ञतिधारी द्वारा क्षति को प्रत्यावर्तित करने की जिम्मेदारी का निर्वहन करने की वचनबद्धता नहीं दी गई है।	अचल संपत्ति को प्रत्यावर्तित करने हेतु उस क्षेत्र के लिए केन्द्रीय लोक निर्माण विभाग द्वारा निर्धारित या उस क्षेत्र के लिए यदि केन्द्रीय लोक निर्माण विभाग द्वारा दर तय नहीं की गई हो तो उस क्षेत्र के लिए राज्य लोक निर्माण विभाग द्वारा अपेक्षित राशि।



[Handwritten signature]

6(3)	शेसी, भूमिगत तार अवसंरचना की स्थापना के मामले में कार्य निष्पादन की सुरक्षा के रूप में बैंक गारंटी जहां पर अनुज्ञतिधारी द्वारा क्षति को प्रत्यावर्तित करने की जिम्मेदारी का निर्वहन करने के लिए वचनबद्धता दी गई है।	अचल संपत्ति को प्रत्यावर्तित करने हेतु उस क्षेत्र के लिए केन्द्रीय लोक निर्माण विभाग द्वारा निर्धारित या उस क्षेत्र में यदि केन्द्रीय लोक निर्माण विभाग द्वारा दर तय नहीं की गई हो तो उस क्षेत्र हेतु राज्य लोक निर्माण विभाग द्वारा अपेक्षित राशि का 20 प्रतिशत।
10(3) (क)	भूमि के ऊपर तार अवसंरचना की स्थापना	अचल संपत्ति को प्रत्यावर्तित करने हेतु उस क्षेत्र के लिए केन्द्रीय लोक निर्माण विभाग द्वारा निर्धारित या उस क्षेत्र में यदि केन्द्रीय लोक निर्माण विभाग द्वारा दर तय नहीं की गई हो तो उस क्षेत्र हेतु राज्य लोक निर्माण विभाग द्वारा अपेक्षित राशि। इसके अतिरिक्त, अनुज्ञतिधारी छोटे सेलों और तारयंत्र लाइन की संस्थापना के लिए खंभों की स्थापना की दशा में अपेक्षित क्षति को प्रत्यावर्तित करेगा।
भाग-III प्रतिकर		
6 (1ख)	भूमिगत तार अवसंरचना की स्थापना	शून्य
10 (2)	छोटे सेलों और तारयंत्र लाइन की स्थापना के लिए खंभों की स्थापना	शून्य
10क (4)	छोटे सेलों और तारयंत्र लाइन की स्थापना के लिए मार्ग फर्नीचर का उपयोग।	(i) छोटे सेलों की संस्थापना के लिए शहरी क्षेत्र के लिए तीन सौ रूपए प्रति वार्षिक और ग्रामीण क्षेत्रों के लिए एक सौ रूपए प्रति वार्षिक प्रति मार्ग फर्नीचर। (ii) तारयंत्र लाइन की संस्थापना के लिए एक सौ रूपए प्रति वार्षिक प्रति मार्ग फर्नीचर।

[फा. सं. 2-10/2022-नीति]

आनन्द सिंह, संयुक्त सचिव

टिप्पणी: मूल नियम भारत के राजपत्र, असाधारण के भाग-II, खण्ड-3, उप-खण्ड (i) में तारीख 15 नवंबर, 2016 की अधिसूचना संख्या सा.का.नि. 1070 (अ) द्वारा प्रकाशित किए गए थे और सा.का.नि. 407 (अ) तारीख 21 अप्रैल, 2017 और सा.का.नि. 749 (अ) तारीख 21 अक्टूबर, 2021 द्वारा पश्चावर्ती रूप से संशोधित किए गए थे।

Asya



राम प्रताप शर्मा
 राज्य सरकार, रायबरेली, रायबरेली
 राज्य सरकार, रायबरेली, रायबरेली
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38406/2024



यू पी इलेक्ट्रॉनिक्स कॉर्पोरेशन लिमिटेड

U.P. Electronics Corporation Limited

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सन्दर्भ:यूपीएलसी:आरओडब्ल्यू:2024-25

दिनांक-03अप्रैल, 2024

1. उपमहानिदेशक,
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2. प्रधान महाप्रबन्धक,
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उत्तर प्रदेश।
3. नोडल अधिकारी,
भारतीय एयरटेल लि०, रिलायंस जियो लि०, वोडाफोन प्रा० लि०,
लखनऊ।

विषय: मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या-110/2024 विवेकानन्द सिंह बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 31.01.2024 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया शासन के पत्र संख्या-रिट-02/78-1-2024-1099/1/2024 दिनांक 11 मार्च, 2024 (संलग्नक-1) के साथ संलग्न अपर मुख्य सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन अनुभाग-7 के पत्र संख्या-एन०जी०टी०-132/81-7-2024 दिनांक 01.03.2024 (संलग्नक-2) का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या-110/2024 विवेकानन्द सिंह बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 31.01.2024 को प्रति संलग्न करते हुये निर्देशित किया गया है कि प्रश्नगत प्रकरण में शिकायत उत्तर प्रदेश के गौतमबुद्ध नगर जिले में पेड़ों पर ओएफसी केबल, टेलीविजन केबल के तारों के अत्याधिक लटकने से पारिस्थितिक संकट, नागरिक उपद्रव, स्वास्थ्य समस्याएँ एवं स्थानीय निवासियों को हो रही असुविधा से सम्बन्धित है। अवगत कराया गया है कि क्षेत्र के चारों ओर पेड़ों पर बड़े पैमाने पर केबल एवं तारें लगी हुई हैं, जिससे आग लगने तथा पेड़ों के गिरने का खतरा है, जिसके परिणामस्वरूप दुर्घटनाएं होती हैं। पैदल चलने वालों का जीवन खतरे में पड़ जाता है। लटकते तार क्षेत्र में वायु की गुणवत्ता के साथ-साथ पर्यावरण के लिये भी बड़ा खतरा पैदा कर रहे हैं। इस ट्रिब्यूनल ने OA82/2013 में पारित आदेश दिनांक 23.04.2013 के तहत पेड़ों से साइन बोर्ड, नाम, विज्ञापन, किसी भी प्रकार के बोर्ड या साइनेज, विजली के तार और हाईटेंशन केबल को हटाने का निर्देश दिया है और वन्यजीव विभाग, एनसीटी दिल्ली सरकार और अन्य अधिकारियों द्वारा पेड़ों से साइन बोर्ड, नाम विज्ञापन, किसी भी प्रकार के बोर्ड या साइनेज, विजली के तार और हाईटेंशन केबल को हटाने के सम्बन्ध में निर्देश जारी किये गये थे।

2 उक्त के साथ ही मा० अधिकरण द्वारा पारित आदेश दिनांक 31.01.2024 के अनुपालन में समयान्तर्गत Reply/Response दाखिल करने/आवश्यक कार्यवाही करते हुये कृत कार्यवाही से पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ०प्र० शासन (Email-soenvups@rediffmail.com), सदस्य सचिव, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ (Email-ms@uppcb.in) तथा शासन को उपलब्ध कराये जाने की अपेक्षा की गई है।



35

3 उक्त के अतिरिक्त मा० अधिकरण द्वारा पारित उक्त आदेश दिनांक 31.01.2024 के अनुसार आवेदक द्वारा लगाये गये आरोपों पर प्रतिवादीगण को 02 माह के भीतर अपना Reply/Response दाखिल करने के निर्देश दिये गये हैं।

4 इस संबंध में आपसे अनुरोध है कि प्रश्नगत प्रकरण में मा० अधिकरण द्वारा पारित आदेश दिनांक 31.01.2024 के अनुपालन में समयान्तर्गत Reply/Response दाखिल करने/आवश्यक कार्यवाही करते हुए कृत कार्यवाही से पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ०प्र० शासन (Email-soenvups@rediffmail-com) तथा सदस्य सचिव, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ (Email-ms@uppcb-in) एवं इस निगम को अवगत कराने का कष्ट करें।

भवदीय,

संलग्नक:यथोक्त।

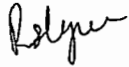
Signed by

Ravi Ranjan (सचिव रंजन)

Date: 03.04.2024 10:42:50

प्रतिलिपि निम्न को सूचनार्थ प्रेषित :-

1. अपर मुख्य सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन अनुभाग-7 को उनके पत्र संख्या-एन.जी.टी.-132/81-7-2024 दिनांक 01 मार्च, 2024 के क्रम में।
2. विशेष सचिव, आई.टी. एवं इलेक्ट्रॉनिक्स अनुभाग-1. को उनके पत्र संख्या-रिट-02/78-1-2024-1099/1/2024 दिनांक 11 मार्च, 2024 के क्रम में।



राम प्रदीप साहू
शपथ-अभियुक्त एवं अनुभाग अधिकारी
न्याय अनुभाग-9
उ० प्र० सचिवालय



Bharti Airtel Ltd.
India & South Asia
Airtel Center, Plot No. 16,
Udyog Vihar, Phase - IV,
Gurugram - 122 015
Haryana, India

www.airtel.in
Call +91 124 4222222
Fax +91 124 4243252



To,

Sh. Anupam Shukla,
Joint Manager,
U.P Electronics Corporation Ltd.
10, Ashok Marg, Lucknow,-226001,
Uttar Pradesh.

24th April, 2024

Subject: Reply to your letter dated 19.04.2024 with regard to Order dated 31.02.2024 passed by NGT in Vivekanand Singh v. State of Uttar Pradesh & Ors. in OA No. 110/2024

Sir,

We write you on behalf of Bharti Airtel Limited, a company incorporated under the provisions of the Companies Act, 1956 having its registered office at Airtel Center, Plot No. 16, Udyog Vihar, Phase-II, Gurugram, Haryana-122015 (hereinafter referred to as "Airtel") to address you as follows:

Airtel has been awarded Unified License under Section 4 of the Indian Telegraph Act, 1885 to establish, install, operate and maintain inter alia mobile telephone services in the Territory of India. The object of the grant of License is to provide telephone services easily and efficiently to a large number of public, which in common parlance is referred to as increasing Tele-Density which is one of the main objectives of the National Telecom Policy of the Government of India ("the Purpose").

As per the mandate under Section 2 (a) of the Essential Services Maintenance Act (ESMA), provisioning of telecom services is also recognized to be an "Essential Service" requiring uninterrupted provisioning under all circumstances. As operations of the Company are in the nature of essential services, the Company needs to necessarily establish its equipment's / Optic Fiber Cables/Cellular Towers, where the services need to be provided to users. It is further submitted that the telecom services are significantly





37

Bharti Airtel Ltd.
India & South Asia
Airtel Center, Plot No. 16,
Udyog Vihar, Phase - IV,
Gurgaon - 122 015
Haryana, India

www.airtel.in
Call +91 124 4222222
Fax +91 124 4243252

required for the growth of the country and has proved out to be a necessary component of aiding to the growth.

That for the above stated purpose, Airtel has installed various telephone wires, internet wires and optical fiber cables (OFC) in the vicinity of multiple districts including the Gautam Buddha district of Uttar Pradesh.

We carry out massive number of installations of telephone wires, internet wires and optical fiber cables (OFC) on demand for communication services by citizens, enterprises, government offices, industries and educational institutions, for effective roll out of our services. Airtel is committed to invest the capex for effective services in various regions including Gautam Buddha district of Uttar Pradesh in order to achieve the Digital India vision. But we have never let our services come in between our unwavering adherence to environmental conservation.

With respect to your letter dated 19.04.2024, we would like to clarify that the telephone wires, internet wires and optical fiber cables (OFC) in question have been installed on poles and not on trees only after obtaining requisite permissions , thereby ensuring adherence to statutory requirements. We understand the importance of maintaining ecological balance and have taken all necessary measures to minimize our impact on the environment.

Thanks and Regards

For, Bharti Airtel Limited

Authorized Signatory





कार्यालय महाप्रबंधक दूरसंचार नोएडा
Office of the General Manger Noida BA
दूरमाघ केंद्र भवन,
Telephone Exchange Building
स्ट्र-19, नोएडा, जी.बी. नगर
Sector-19, NOIDA, G.B.Nagar - 201301
email-agmadopndabsn11@gmail.com

BHARAT SANCHAR NIGAM LTD.

भारत संचार निगम लिमिटेड
BHARAT SANCHAR NIGAM LIMITED
(भारत सरकार का उद्यम)
(A Govt. of India Enterprises)

No.:UPWDA-11/11(29)/3/2021-ADMIN NDA

25
Dated 24.04.2024

To,

Sh. Ravi Ranjan,
Spl. Secretary & Managing Director,
U.P. Electronics Corporation Ltd.
10.Ashok Marg,Lucknow.

Sub.- Regarding compliance for the Order dated 31.01.2024 passed by Honorable National Green Tribunal, New Delhi in OA No. 110/2024 Vivekananda Singh vs. State of Uttar Pradesh and others.

Ref. 1.email from DGM(NWO-CM),Circle Office,Meerut dated 23.04.2024
2. Letter no. UPLC-ROW 2024-25 dated 03.04.2024 issued by UPECL

With reference to above cited subject it is to intimate that as per reply received from field units of BSNL Noida BA, during digging work of Noida authority & other agencies the underground cable of BSNL damaged frequently and hence the services of BSNL interrupted . Being Telecom services of emergency nature, it is always required immediate restoration which would not possible through under ground cable maintenance in all cases being roads/hard soil in city area . Hence Optical fiber cable (OFC) laid on the trees, if available on temporary basis during the faults restoration of BSNL services in the interest of public. The Optical fiber cable, if any, laid recently on trees will be removed at earliest in pursuance to order passed by NGT.

This is issued with the approval of competent authority.

25/04/24
AGM (Admin)
O/o GM, Noida BA

Copy to-

1. OSD to CGMT, BSNL,UP(W) Circle, Meerut
2. DGM (NWO-CM),O/o CGMT,BSNL,UP(W) Circle,Meerut
3. DGM (A&P), Noida BA
4. DGM (CFA),Noida BA



राम प्रताप यादव
समर्थ-आयुक्त/खु-अनुभाग अधिकारी
न्याय अनुभाग-9
उ.प्र. सचिवालय

39

भारत संचार निगम लिमिटेड

(भारत सरकार का उद्यम)

Bharat Sanchar Nigam Limited
(A Govt. of India Enterprise)पारेषण नियोजन अनुभाग, कार्यालय मुख्य महाप्रबंधक उत्तर (पश्चिम), दूरसंचार परिमंडल, शास्त्रीनगर दूरभाष केंद्र, मेरठ
Transmission Planning Section, O/o Chief General Manager U.P. (West), Telecom Circle Shastri Nagar Tel. Exch, Meerut E-mail - agmtpupw1@gmail.comTo,
Managing Director,
UP Electronics Corporation Limited
Lucknow.

No. UPW/PLG/TP/2020-21/40

Dated: 27.04.2024

Subject: Compliance with NGT Order dated 31.01.2024 in OA No. 110/2024 Vivekananda Singh vs. State of Uttar Pradesh and Others.

Ref:

1. Letter from AGM(Admin) O/o GM Noida BA vide letter no. UPW/NDA-11/11(29)/3/2021-ADMIN NDA Dated 25.04.2024.
2. Letter from Shri Ravi Ranjan, UP Electronics Corporation Limited Lucknow vide no. UPLC-ADMNOMIS/30/2023-ADMN dated 03.04.2024.

I am writing to bring to your attention the matter of compliance with the Order dated 31.01.2024 passed by the Hon'ble National Green Tribunal (NGT), New Delhi, in the case of OA No. 110/2024, Vivekananda Singh vs. State of Uttar Pradesh and Others.

As per the letter no. UPLC-ROW 2024-25 dated 03.04.2024 issued by UPECL and received vide email dated 05.04.24 regarding subject mentioned above, the reply from Gautam Budh Nagar (Noida) Business Area (BA) BSNL was sought. As per reply received (copy attached), it is submitted that during construction/digging work by the Noida authority and other agencies, the underground cable of BSNL is frequently damaged, leading to interruptions in the services provided by BSNL. As these services are of emergent nature, immediate restoration is required.

However, due to the nature of the terrain, particularly in city areas where roads and pavement are of concrete and cement predominantly, it is not always feasible to lay underground OFC for immediate restoration of services. In light of this, it becomes essential to lay Optical Fiber Cable (OFC) on telephone poles and sometimes on trees on a temporary basis during the restoration of BSNL services to ensure uninterrupted communication services for the public.

I want to assure you that this measure has been taken solely in the interest of public welfare, to ensure that emergency communication services are restored promptly. Therefore, OFC laid on trees recently will be removed at the earliest, in strict pursuance of the order passed by NGT.

This is issued with the approval of GM (Tx) BSNL UPW Meerut.

Encl: As above.

[Signature]
27/04/24
DGM(TP)

Copy to:

1. PS to CGMT, UPW, BSNL, Meerut, for kind information pl.
2. Sr. GM HR, UPW, BSNL for kind information pl.
3. GM BA Noida, for kind information and strict compliance of Hon'ble NGT order and their letter dated 24.04.24

[Signature]



127

Annexure = R-7

Gmail

40

uplc uidai <uplc.uidai@gmail.com>

रा. राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या-110/2024 विवेकानन्द सिंह बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 31.01.2024 के अनुपालन के सम्बन्ध में।

lanish.Bhalla@ril.com <Manish.Bhalla@ril.com>

Tue, Apr 30, 2024 at 4:50 PM

o: uplc.uidai@gmail.com

c: advisor.del-dgt-dot@gov.in, ddga.dl-dgt-dot@gov.in, ddgr.dl-dgt-dot@nic.in, dirr.dl-dgt-dot@gov.in, cons2.dl-dgt-dot@govcontractor.in

Dear Sir

With reference to the trail mail, we wish to submit that the telephone wires, internet wires and optical fiber wires have been installed on poles only after obtaining required permission. There has been no installation of such wires on trees. We recognize the significance of preserving ecological balance and have taken all requisite steps to minimize our environmental footprint.

Best regards,

Manish Bhalla

From: uplc uidai <uplc.uidai@gmail.com>

Sent: 20 April 2024 16:31

To: advisor.del-dgt-dot@gov.in; ddga.dl-dgt-dot@gov.in; ddgr.dl-dgt-dot@nic.in

Cc: Manish Bhalla <Manish.Bhalla@ril.com>; amit.bhatia@airtel.com; kanshik.ghoshal@vodafoneidea.com

Subject: [External]रा. राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या-110/2024 विवेकानन्द सिंह बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 31.01.2024 के अनुपालन के सम्बन्ध में।

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[Content text hidden]

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Rajiv



राम प्रताप यादव
शयथ-आयुक्त एवं अनुभाग अधिकारी
स्वाय अनुभाग-9
उ० प्र० सचिवालय

41

राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 संख्या-110/2024 विवेकानन्द सिंह बनाम उ0प्र राज्य व अन्य में पारित आदेश दिनांक 31.01.2024 के अनुपालन के सम्बन्ध में।

ihoshal , Kaushik (RAD), Vodafone Idea <kaushik.ghoshal@vodafoneidea.com>

Wed, May 1, 2024 at :

o: uplc uidai <uplc.uidai@gmail.com>

ic: "Singh , Santosh Kumar (TUP), Vodafone Idea" <santosh.singh10@vodafoneidea.com>

Classification: C2 - V! Internal.

Dear Sir/Madam

Kindly refer to the trailing mail from your good self.

Response of Vi Delhi on the subject cited matter is as given below:

Without Prejudice

To,

(1) Shri Ravi Ranjan,
Managing Director,
U.P. Electronics Corporation Limited,
10, Ashok Marg,
Lucknow, Uttar Pradesh-226001

(2) Shri Anupam Shukla
Joint Manager
U.P. Electronics Corporation Limited,
10, Ashok Marg,
Lucknow, Uttar Pradesh-226001
Email: uplc.uidai@gmail.com

Sub: Original Application No. 110/2024 titled as "Vivekanand Singh Versus State of UP & Ors" pending before the Hon'ble National Green Tribunal, New Delhi.

Ref: Letter reference no. UPLC: ROW:2024-25, dated 3rd April 2024 and Letter dated 19 April 2024 from U.P. Electronic Corporation Limited.

Respected Sirs,

We are in receipt of your letter reference no. UPLC: ROW:2024-25 dated 3rd April 2024 and 19 April 2024 ("Your Letters" addressed to Nodal Officer of Vodafone Idea Limited ("Company") along with a notice dated 12th February 2024 ("Tribunal" Notice") issued by Hon'ble National Green Tribunal, New Delhi ("Hon'ble Tribunal") Original Application No. 110/2024 ("said Application") in the matter filed as "Vivekanand Singh Versus State of UP & Ors". The said Tribunal Notice was addressed to (i) State of Uttar Pradesh, (ii) New Okhla Industrial Development Authority, (iii) Uttar Pradesh Contr

Rajy



forwarded to Your office by the Environment, Forest and Climate Change Department, Government of Uttar Pradesh.

By Your letters, the Company has been asked to submit a reply in response to the Tribunal's Notice. At the outset we humbly submit that Company has not received any copy of said Application, thus Company would not be in a position to give a suitable reply to the said Application on merit at this stage hence it reserves its right to file the reply on merits as and when the copy of said Application is provided. We further submit that we have gone through the Tribunal's Notice and as well as Your Letters, and understand that applicant in the said Application seeking the directions to authorities for shifting/removal of Aerial Optical Fiber Cable (OFC).

In this regard we respectfully submit that it is a company registered under the Companies Act, 1956 and carrying on the business in the telecom sector for the past several decades and is one of first operators of the telecom services in India. It operates and functions as a telecommunications service provider under the Unified License for Delhi Service Area granted by the Department of Telecommunications, Ministry of Communications, Government of India. We provide telecommunications services including but not limited to access services, internet services, National Long-Distance services, International Long-Distance services, public mobile radio trunking service. We conduct our business operation for Delhi Service Area from Delhi Circle Office at A-19, Mohan Cooperative Industrial Estate, New Delhi-110044. Needless to say, Delhi Service Area is one the most critical and important areas in the country because Delhi being the capital of the country houses several government institutions, private companies, vital defence and security establishment, public utility service like hospital, airport, metro and railway etc. We humbly submit that as per Essential Services and Maintenance Act, 1981 ("the Act") Telephonic services have been categorized as "Essential Services".

We state that our services and operations being in the nature of essential/ emergency services, are required to be run on all days and nights i.e. 24 x 7, failing which the telecommunications system would be severely impacted thereby affecting the functions of various government departments, authorities, institutions, organisations (which includes amongst others medical, banking, educational, public utilities, etc.) and other users, who are directly or indirectly availing all such services.

That the Company provides its services vide various communication modules including OFC. We humbly submit that in absence of any permission, if the OFC is directed to be removed and/or Company is not given time to shift the OFC from Aerial to Underground, the Essential Service will get disrupted.

In this regard it is submitted that while the Company reserves its right and without prejudice to its contentions on the merit of said Application, Company is willing to shift its OFC from Aerial to underground in the Area of Gautam Budh Nagar, if the necessary permission(s) by the concerned authorities are granted expeditiously. The Company expects that after grant of necessary permission(s) by the concerned authorities, it would require 2-3 months' time to shift its OFC from Aerial to underground. Since the permission process from concerned authorities is a cumbersome process therefore we would request your kind indulgence in expediting the permission process to enable us to shift the OFC from Aerial to underground at the earliest.

Please let us know if any other details are required by your good office.

Thanks & Regards

Kaushik Ghoshal
Nodal & Regulatory officer
Delhi Metro Service Area



Kaushik Ghoshal

On Sat, 20 Apr 2024 at 16:38, uplc.uidai@upic.uidai@gmail.com wrote:

External Email: This email is originated from outside of Vodafone Idea Limited. Do not click links or open attachments unless you recognize the sender and find that the content is safe.

43

Regards
Kaushik Koshal

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Rajeev



राम प्रदीप यादव
शपथ-आयुक्त एवं अनुभाग अधिकारी
न्याय अनुभाग-9
उ० प्र० सचिवालय

44

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH AT
NEW DELHI

M.A. No. of 2024 IN

ORIGINAL APPLICATION NO. 110 OF 2024

IN THE MATTER OF:

Vivekanand Singh

Applicant

VERSUS

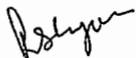
State of U.P. & ORS.

Respondents

**APPLICATION FOR WAIVER OF THE AMOUNT OF COST
IMPOSED BY ORDER DATED 03.04.2024**

MOST RESPECTFULLY SHOWETH:

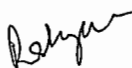
1. That the applicant/ Respondent Nos. 1 and 4 are filing the present application in the above mentioned original application for the purpose of waiver of the cost, which was imposed by the Hon'ble Tribunal on 03.04.2024.
2. That it is respectfully submitted that the relief prayed by the applicant in the present OA is specifically related to and under the exclusive jurisdiction of the respondent No. 2 i.e. New Okhla Industrial Authority (NOIDA) which is a statutory body created under the provisions of the UP industrial Act 1976.



45

3. That the present matter was listed on 31.01.2024 first time before the Hon'ble Tribunal and same was adjourned for 03.04.2024. Without prejudice, it is respectfully submitted that the respondents could not receive the necessary and essential inputs in response to the issues raised in the petition, from the concerned authorities in compliance of the Hon'ble Tribunal order dated 31.01.2024. Therefore, could not appear and file reply on behalf of the respondents on 03.04.2024. After receiving the necessary and essential inputs from the concerns in compliance of the order dated 31.01.2024 and the same are annexed with reply filed by the respondents. The matter was adjourned on 03.04.2024 for 20.08.2024 for filing the reply subject to deposit of Rs. 10,000/- each as cost in the account of NGT Bar Association, Principal Bench, New Delhi. Thus, the deposit of Rs. 10,000/- each as cost may be waived in the interest of justice. Moreover, without prejudice, it is submitted that the respondents are ready/interested to obey or comply the each direction passed by this Hon'ble Tribunal as soon as possible. It is further submitted that the local development authority of an area has been conferred the power to regulate the laying of overhead cables, OFCs etc *vide* government order dated 10.08.2023 and as such there is no failure to act on the part of the respondents.

4. That in the above mentioned facts and circumstances of the case, the cost may kindly be waived.



46

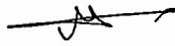
PRAYER

In the interest of justice, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to allow this application for waiver of the cost of Rs. 10,000/- as imposed by the Hon'ble Tribunal vide order dated 03.04.2024, as passed in OA No.110 of 2024.

NEW DELHI
DATED: 29 July, 2024

Respondents

THROUGH


MUKESH K. VERMA
Advocate
For the state of UP



47

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH AT
NEW DELHI

M.A. No. _____ of 2024

IN

ORIGINAL APPLICATION NO. 110 OF 2024



IN THE MATTER OF:

Vivekanand Singh

Applicant

VERSUS

State of U.P. & ORS.

Respondents

AFFIDAVIT

I, Radheyshyam S/o Late Shri Vasudev Prasad, aged about 58 years, posted as Joint Secretary, Department of Information Technology & Electronics, Government of Uttar Pradesh, Lok Bhawan, Lucknow, the deponent, do hereby solemnly affirm and state on oath as under:-

That the deponent is posted and working as Joint Secretary, Department of Information Technology & Electronics, Government of Uttar Pradesh with the answering respondent and am fully conversant with the facts and circumstances from records of the case. Hence, I am authorized and competent to swear this affidavit on behalf of answering respondents.

Radheyshyam



48

2. That I have gone through and understood the contents of the accompanying Misc. Application as explained to me in Hindi also and state that the statement of facts made therein is true and correct to the best of my knowledge and submissions made therein are based on legal advice and believed by me to be true and correct.



DEPONENT

VERIFICATION:

The Deponent verifies that the contents of the above affidavit are true and correct to the best of my knowledge and that nothing material has been concealed therefrom.

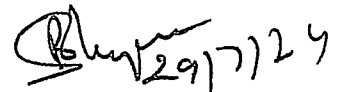
Verified at Lucknow on this _____ day of July, 2024.



DEPONENT

राम प्रताप यादव
शपथ-आयुक्त एवं असुप्रभ अधिकारी
न्याय अनुभाग-9
उ० प्र० सचिवालय

कूपन नं० ०१९८८५९
द्वारा शपथ की गई श्री राधेश्याम, राममुक्त लाल
दिनांक 29/7/24 समय 05.30 pm
वाद संख्या 110/2024
पक्षकार विवकाजन्द सिंह Vs. उ० प्र० राज व अन्य
न्यायालय रा. रा. प्र. म. हरित आधिकरण, मुख्य शाखा, नई दिल्ली
को फीरा वसूली गई है।



I IDENTIFY THE DEPONENT
WHO HAS SIGNED BEFORE ME

श्याम धनु विवकाजन्द
समीक्षा अधिकारी





Mukesh Verma <suandvassociates2009@gmail.com>

Service: Reply and Application in OA No. 110 of 2024

1 message

Mukesh Verma <suandvassociates2009@gmail.com>
To: advcoates@amberain@gmail.com

Thu, Aug 8, 2024 at 11:05 AM

Sir,
Please find attached with this email a copy of the reply to the OA No. 110 of 2024 and copy of application for waiver of cost in the above-captioned matter.
Please acknowledge receipt.

MUKESH K. VERMA,
ADVOCATE
SUPREME COURT OF INDIA
09810379289

 Vivekanand Singh vs State of UP.pdf
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