

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO.557 / 2022

In the matter of :-

Gaur Atulyam Apartment
Owners Association

... Applicant

Versus

Greater Noida Industrial Development
Authority & Another.

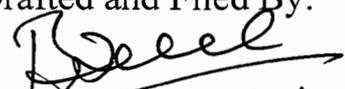
... Respondents

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New Delhi
Dated: 13-12-2022

Drafted and Filed By:


(Binay Kumar Das)
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Supreme Court of India
New Delhi

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SUPPLEMENTARY REPLY
ON BEHALF OF RESPONDENT NO.1

Most Respectfully Showeth:

1. The Respondent abovenamed has submitted a reply together with Annexures in the above said case and the same is on record. On 24.11.2022, after hearing submissions on behalf of the Applicant and both the Respondents, this Hon'ble Tribunal was pleased to permit filing of additional documents by the answering respondent. Hence, this Supplementary Reply and the Annexures mentioned herein.

2. It is submitted that the Government of Uttar Pradesh, Department of Information Technology and Electronics, has framed the U.P. Right of Way Rules, 2017. These Rules regulate the underground infrastructure (Optical Fibre) and the over-ground infrastructure (Mobile Towers). These Rules, for the purpose of laying down over-ground infrastructure, casts a duty on the appropriate Authority in whom the land is vested (Respondent No.1 in the present case) to provide for establishment and maintenance of over-ground telegraph infrastructure. A copy of the said Rules, 2017, referred to in the Order dt. 24.11.2022, is annexed hereto and marked as **ANNEXURE R-1 / 7**.

3. The Government of Uttar Pradesh has also, alongwith aforesaid Rules, 2017 laid down the guidelines for setting up of Mobile Towers in the State of Uttar Pradesh. Respondent No.1, being a creation of statute enacted by the State of U.P., is bound by the said Rules and the Guidelines. The Guidelines are intended, inter alia, to provide for infrastructure in the field of Telecommunication, which is essential for economic and social development with increase in pace of communication. It also aids in E-Governance. The guidelines have been framed for increasing the

Mobile data and consumer base in the State of Uttar Pradesh, for which a robust infrastructure for boosting the connectivity, which includes installation of Mobile Towers, is essential. The absence of infrastructure would lead to degradation of quality of service, slow internet and call drops. Hence, the policy is intended to ease the process of applying, approval and installation of Mobile Towers across the State. The Policy expressly postulates that there shall be no restriction in placing of such Towers at any location and it includes Govt. buildings or schools or hospitals or non-residential or residential areas. The Policy also aims at reducing carbon emission on yearly basis and encouragement of Solar Panels.

4. While permission to install a Mobile Tower has been granted in the green belt in question but as of now no steps for installation whatsoever has commenced. Since this Hon'ble Tribunal is ceased of the matter, therefore, the said permission, in any event, would be subject to further directions, which this Hon'ble Tribunal may deem appropriate to pass in this case.

5. The area of the Green belt in which it is proposed to install the Mobile Tower is 100 mtrs (approx) x 331 mtrs (approx.) i.e. has an

area of 33,100 sq. mtrs (approx.). This Green belt is adjacent to the Group Housing Plot on which the Apartments of the Applicant Association have been constructed. The Green belt is not accessible directly from the said Group Housing plot. The Green belt is accessible only through the Main Road. The Green belt is not a part of the Group Housing plot on which the apartments of the Applicant Association have been constructed. The Green belt has been developed by the Respondent No.1 on the land acquired by it.

6. The area, that is required for the installation of the Mobile Tower, is a mere 25 sq. mtrs. (i.e. 5 mtrs x 5 mtrs). On the basis of inspection conducted by the concerned Departments, it is placed on record that the installation of the Mobile Tower shall not entail cutting of any tree or any shrub. It may be appreciated that out of the total area of 33,100 sq. mtrs. of this Green belt, only an area of 25 sq. mtrs would be utilized, which comes to 0.075% of the Green belt.

7. It is also clarified that the exact location of the proposed Mobile Tower is in one corner of the Green belt, which is facing the 130 mtr. road on one side and 24 mtr. wide road on the other side

while across this 24 mtr. wide road is another Green belt of 37,900 sq. mtrs. The location of the proposed Mobile Tower will be more than 100 mtrs. from the nearest flat in the Complex in question.

8. In the vicinity of the concerned Group Housing plot, where the apartments of the Applicant Association are located, there are two Mobile Towers. The distance between these two Towers is 831 mtrs. (approx.). The distance between the existing Mobile Tower at point no.79 and the proposed Mobile Tower at point No.78 is 337 mtrs. (approx.) while the distance between the existing Mobile Tower at point No.26 and that proposed at point No.78 is 454 mtrs. A map depicting the location of the Green belt in which the installation of the Mobile Tower is proposed (only permission in principle granted but no construction has commenced), the location of the existing Mobile Tower at point Nos. 79 and 26 and that proposed at point No. 78 is prepared in a Lay Out map, which is annexed hereto and marked as **ANNEXURE R-1/8**. It is submitted that the installation of the Mobile Tower at point No.78, which is the subject matter of the present Original Application is essential for boosting the signal for the benefit of the residents of Group Housing

Plot No.1, where the apartments of the Applicant Association is located and also those of the nearby Group Housing Plot No.GH-02.

9. The answering Respondent respectfully submits that the location of the proposed Mobile Tower is away from the apartments and there is no other alternative nearby location, wherein such a Tower may be permitted to be installed.

10. It is submitted that the power in the form of electric connection to the Mobile Tower is to be provided by the Noida Power Company Ltd. (NPCL). However, in the event of any power failure, then for emergency use only (not for basic power supply), it was open to have a power back-up through a Gen. Set, conforming to the Green standards and to be certified by the U.P. Pollution Control Board. However, in public interest, the answering Respondent, subject to directions by this Hon'ble Tribunal, can impose a condition to install a battery operated power back-up instead of a Gen. Set. This would obviate any apprehension about air and noise pollution.

11. It is submitted that the Respondent No.1 has taken due care to provide for Green areas in the planned city of Greater Noida. Under Master Plan, 2021, whereunder development is currently taking place, the area comprises of 22,255 hectares. Out of this area, an area of over 5,000 hectares is demarcated as Greens, which is inclusive of the Master Plan Green, the parks etc. within the sectors, thus, accounting for about 27% of the planned area. A copy of the Master Plan, 2021 depicting the land use in terms of area and the percentage is annexed hereto and marked as **ANNEXURE R-1/9**.

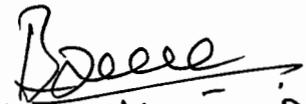
12. It is also put on record that under the terms by which permission has been granted to install the Mobile Tower (but as of now construction has yet not commenced), the answering Respondent not only reserves the right to alter those terms and conditions But that Respondent No.2 is expressly bound to comply with every order passed by the Hon'ble Courts. In addition, it has also to comply with the terms / certification by the concerned Department of the Govt. of India, both for the purpose of commencement of construction and running thereof.

13. This Supplementary Reply and the Annexures are being filed in terms of the liberty sought and granted by this Hon'ble Tribunal in its Order dt. 24.11.2022.

14. The Annexures to this Supplementary reply is a true copy of their respective original.

RESPONDENT No. 1

through


(Binay Kumar Das)
Advocate

Dt 13.12.2022

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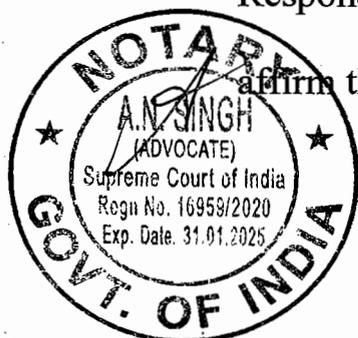
Greater Noida Industrial Development
Authority & Another.

... Respondents

AFFIDAVIT

I, Jeetendra Bahadur Ram, S/o Late Ram Nath Ram , aged 55 years, r/o Staff Quarter No.49, ETA-I, Greater Noida, presently at New Delhi, do hereby solemnly affirm and state as under:

1. I am presently posted as Manager (Commercial) with the Respondent No.1 and as such fully authorized and competent to affirm this affidavit on behalf of the aforesaid respondent.



2. I state that the accompanying Supplementary Reply has been drafted under my instructions and that the factual contents thereof are true and correct to my knowledge as derived from the records of the case.

3. The Annexures are true copy of its respective original.

JBK

DEPONENT

Verification

Verified that the factual contents of this affidavit are true and correct to my knowledge as derived from the records and that nothing stated herein is false and nothing material has been concealed therefrom.

*I Identify the deponent who has Signed/Put T.I. in my presence
B. K. Das, Adv.*

Verified at New Delhi on this the 13 DEC 2022 day of December,

2022.

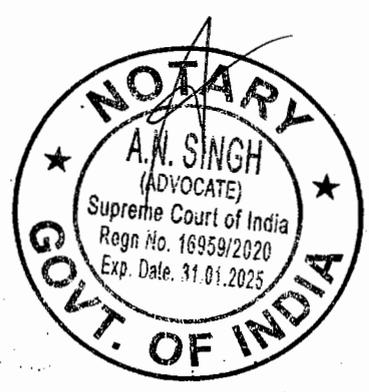
JBK

DEPONENT

ATTESTED
[Signature]

A. N. Singh, Adv.
Notary Public
Govt. of India, Delhi
Mob.: 9718139591, 7982539115

13 DEC 2022



Department of Information Technology & Electronics

(Government of Uttar Pradesh)

Notification

Lucknow, the May, 2017

The Government of Uttar Pradesh hereby makes the following rules to regulate underground infrastructure (Optical Fibre) and Overground infrastructure (mobile towers), namely:-

CHAPTER I

PRELIMINARY

1 Short title and commencement.-(1) these rules may be called the Uttar Pradesh Right of Way Rules, 2017

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 State Government, 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 over ground 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 Government of Uttar Pradesh having jurisdiction, and includes the administration.
- d) "Licensee" means any person holding a license issued under sub-section (1) of section 4 of the Indian Telegraph act, 1985 (13 of 1885) by the Central Government. The Licensee shall be the Infrastructure Provider (IP) and/or Telecom Service Provider (TSP) duly registered/licensed respectively, by Department of Telecommunications, Government of India who seek permission for laying optical Fibre in the State.
- e) "Overground Telecom Infrastructure" means over ground infrastructure using telegraph line established over the ground and includes the electricity poles and other above ground contrivances, appliances and apparatus for the purpose of establishment or maintenance of the telegraph line.
- f) "rule" means the UP RoW rules 2017
- g) "Underground Telecom Infrastructure" means an Optical Fibre Cable laid under the ground and includes manholes, marker stones, appliances and apparatus, for the purpose of establishment or maintenance of the OFC line.

- h) "Dispute Resolution Officer" means a State Government Officer with the rank of Principal Secretary/Special Secretary designated as Dispute Resolution Officer (DRO) for resolving the issues if any arises during the implementation of the RoW rules.
 - i) "GoUP" refers Government of Uttar Pradesh.
 - j) "Nodal Officer" means a state Government senior officer designated by the appropriate authority for the implementation of RoW rules.
- 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 over ground 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 purpose of these rule.
- 2) One of the Agency under Information Technology & Electronics Department, GoUP shall be required to develop and maintain online portal so that application can be submitted online through the portal. The portal shall be developed within 1 year of the release of the rules
- 3) All the approving agencies i.e. Local Authorities / Departments shall have the access to the portal.
- 4) Every application shall have unique reference number which shall be valid for all the communications related to it.
- 5) The Portal shall have the information pertaining to Grievance Redressal Mechanism, Indian Government Websites (GIGW) guidelines, dedicated helpline number, FAQs, Government orders etc.
- 6) MIS reports from the Portal shall be used to measure the progress of the Applications.
- 7) The Other features of the portal shall include:
 - Submission of the applications for permission of Row across the Uttar Pradesh.
 - Workflow for approval process
 - Every application submitted shall have its Unique Reference Number
 - All the supporting documents relating to the application shall be uploaded by the applicant online.
 - SMS / email alerts regarding the status of the application
 - Any financial arrangement such as payment gateway etc. for submission of required fee shall be integrated with the portal.

CHAPTER II**ESTABLISHMENT AND MAINTENANCE OF UNDERGROUND TELEGRAPH INFRASTRUCTURE**

- 5 Application submitted by a Licensee
- 1) The Licensee shall, for the purpose of establishment of telegraph infrastructure under any immovable property vested in or 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 License/Registration certificate granted by the Central Government,
 - II. The details of underground telegraph Infrastructure proposed to be laid,
 - III. The mode and time duration for, execution of the work,
 - IV. The time and 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 consequences 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 related to the work proposed or to be undertaken, and
 - IX. The Licensee shall also submit any other matter 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, 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 a non-refundable fee of INR 1000/kilometer to meet administrative expenses for evaluation of the application and the proposed work.

6 Grant of permission by appropriate authority

- 1) The appropriate authority shall examine the application with respect to the parameters but not limited to the following:

- 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 of restoration of any damage and payment of restoration charge
 - f) Assessment of measures to ensure Public safety and inconvenience that the appropriate authority may necessarily be put in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the licensee
 - g) Any other matter, consistent with the Act and these rules, connected with or relative to the establishment or maintenance of underground telegraph infrastructure, through a general or specific order, by the central Government, appropriate state Government or the appropriate local 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, as may be specified, subject to the provisions of the act and these rules, 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 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 other than those prescribed under sub-rule (3) of rule 5 and clause (a) of sub-rule (2) from the licensee for establishing 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-
 - a) Prior to the commencement of work of laying the underground telegraph infrastructure and at all times during the extension of work, the measures to mitigate public inconvenience and provide for public safety are implemented
 - b) The work of laying the 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 infrastructure to enable the appropriate 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) The appropriate authority comes to the conclusion that the licensee has willfully violated any of the conditions of 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.

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CHAPTER III

ESTABLISHMENT AND MAINTENANCE OF OVER GROUND TELEGRAPH INFRASTRUCTURE

- 9 Application submitted by a Licensee
- 1) A Licensee shall, for the purpose of establishing over ground 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 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 License/Registration certificate 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 over ground telegraph infrastructure
 - iv. The details of building or structure, where the establishment of the Overground telegraph infrastructure is proposed
 - v. The copy of approval issued by the duly authorized 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 and 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 technical design by a structural engineer assisting to the structural safety, of the over ground 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 purpose 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
 - 3) Every application under sub-rule (1) shall be accompanied with a one-time non-refundable fee of INR 10,000 to meet administrative expenses for examination of the application and the proposed work.

10 Grant of permission by appropriate authority

- 1) The appropriate authority shall examine the application with respect to the parameters but not limited to the following:
 - a) The extent of land required for the over ground telegraph infrastructure
 - b) The location proposed
 - c) The approval issued by the duly authorized 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.
 - 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 over ground 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 over ground 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 over ground telegraph infrastructure, through a general or specific order or guidelines by the Central Government, appropriate State Government or the appropriate local authority
- 2) Where the establishment of the over ground telegraph infrastructure renders the immovable property, vested in the control or management of any appropriate authority over which such over ground 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.
- 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 or compensation, subject to the provisions of the Act and these rules, 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 other than those mentioned under sub-rule(3) of rule 9 and clause (a) of sub-rule (3) from the licensee for establishing over ground telegraph infrastructure

11 Obligations of Licensee in undertaking work

- 1) The licensee shall ensure
 - a) Prior to commencement of establishment and maintenance of overground telegraph infrastructure and at all times, the measures to mitigate public inconvenience and ensure public safety, including structural safety of such overground telegraph infrastructure are implemented
 - b) The work of establishment and maintenance of overground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority

12 Powers of appropriate authority to supervise the work

- 1) The appropriate authority may supervise the establishment and maintenance of overground telegraph infrastructure 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 of 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**

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 immovable 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 30 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 (90) 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 Dispute between licensee and appropriate authority

- 1) Any dispute arising between licensee and appropriate authority in consequences of these rules, shall be referred to the DRO
- 2) If the issues are related to central policy, rules or acts or any department, the DRO may refer the dispute to the officer designated by the central Government
- 3) The central Government designated officer, within 60 days shall determine the dispute referred to him.

Guidelines for setting up of Mobile Tower in the state of Uttar Pradesh

Introduction:

The guidelines has been formulated encompassing all stages of Installation, Control and Regulation of Mobile Towers. The guidelines focuses upon the Single Window clearance, guidelines for establishment & operation of mobile towers in the state, the terms and conditions along with the operational regulations and encouragement of Green Towers in the state.

1. Preamble

Telecommunication in India has emerged as a key driver of economic and social development and with increasing pace of communication, the state of Uttar Pradesh which is home to more than 230 million people shall play a significant role. The State Government is leveraging telecommunication in delivering smart governance to its citizens which includes e-governance & m-governance.

The guidelines for Mobile Towers establishment is designed to ensure that Uttar Pradesh plays its role effectively and transforms the socio-economic scenario through accelerated equitable and inclusive economic growth by laying special emphasis on providing affordable and quality telecommunication services in rural and remote areas. Thrust of these guidelines is to underscore the imperative that sustained adoption of technology would offer viable options in overcoming developmental challenges in education, health, employment generation, financial inclusion and much more.

In order to address the increasing mobile data and consumer base, Uttar Pradesh needs to establish a robust infrastructure which primarily includes installation of Mobile Towers, laying of cables resulting into impeccable connectivity. The absence of the required infrastructure leads to the degradation of quality of services, slow internet speed and call drops. The formation of these guidelines shall ease the implementation of Mobile Tower establishment in State and ease out the whole process of applying, approval and installation of Mobile towers across the State.

2.1 Guidelines for establishment of Towers in Uttar Pradesh

In order to ease out the process and operations of mobile tower companies/agencies in the state of Uttar Pradesh, the guidelines focuses on defining transparent hassle-free solution, providing better avenues of Mobile connectivity umbrella, incentives to infrastructure companies and above all a better governance through common online platform for all stakeholders.

2.1.1: Key Requirement

- Except as herein after provided, there shall be no restriction in placing of a tower at any location merely because it is being placed on a government building or schools or hospitals or non-residential or Residential Areas.
- Consent of owner of land/building Owning Agency (Private Agency or Public Agency) or society running the affair of the building shall have to be obtained.
- For the installation of mobile towers on notified heritage buildings the specific clearance from the concerned authority shall be a condition precedent.
- The mobile towers shall be permitted to be installed only on buildings having occupation and completion certificate with sewerage and electricity connection.
- The Eligible company shall be required to apply online with all required relevant documents including the requisite NOCs/clearances, consents and undertakings. The Documents shall also include:
 - Copy of relevant licenses / Infrastructure Provider Registration Certificate from Department of Telecommunications.
 - Copy of the type test certificate issued by automotive Research Association of India (ARAI) to the manufacturers of the Diesel Generator (DG) Sets.
 - Copy of Clearance from Fire Safety Department only in case for high rise building where fire Clearances is mandatory.
 - For Forest protected area, the copy of clearances from State Environment & Forest Department, if applicable.
 - Permission of Air-force /Airport Authorities shall be mandatory in case of the building/site falling in their funnel areas.
 - Other clearance like SACFA (Standing Advisory Committee on Radio Frequency Allocation) and any other required Document as per the GO issued from time to time.

2.1.2: Condition for Establishment of Mobile Towers

- Sharing of tower between multiple Mobile Tower Companies shall be adhered.
 - The tower shall be shared by at-least three operator companies

- The operator applying for the approval of installation of mobile tower shall ensure that the other companies sharing that mobile tower, do not have or share for any other mobile tower within the radius of 300 meters, nor they have applied for the same. The operator applying for approval shall submit an undertaking to this effect.
- However, on the basis of justified technical requirements like coverage requirements, capacity requirements, available spectrum and frequency usage restriction etc., the number of operators sharing the mobile towers can be reduced to two, but in no case this number can be reduced to less than two.
- Structural Stability Certificate shall be produced by Mobile Tower Company after every 2 years.
- Mobile Tower companies shall take third party Insurance to ensure the coverage of citizens in the vicinity of tower.
- Existing Mobile Towers GIS details shall be provided by the companies for the repository creation and monitoring.
- The operator shall abide by all building byelaws and such other laws governing use of space and erection of tower as applicable from time to time in Uttar Pradesh.
- It shall be the responsibility of the operator to ensure that the buildings are structurally safe & sound and capable of taking the load of antenna as well as the pre-fabricated structure.
- The operator shall have comprehensive insurance policy at its own cost, which shall be mandatory for all the structures, which will be required for installation of mobile tower.
- The operator shall comply with the safety standard, norms on EMF exposure and other guidelines in accordance with the condition of license issued by the competent authority in the Govt. of India and shall submit a test report conducted by reputed third party that their towers are within the safety norms provided by the competent authority in the Govt. of India.
- For the regularization of existing towers, same conditions/procedure for the application and documentation shall be required, as those are required for the permission of new mobile towers. However, approval to such existing towers shall also be granted by the same Competent Authority, only subject to the condition of fulfillment of all the norms and applicable compounding fees and charges. Otherwise, the requisite action regarding issuing the notices and dismantling the un-authorized towers shall be taken by the concerned authority, Uttar Pradesh as per the related legal provisions.
- The permission granted can be cancelled/ withdrawn at any time, if the public interest warrants so, at any time, giving three month notice to the concerned.
- There shall be no further change in the plan and design of the prefabricated shelter and tower without prior approval of the Competent Authority in contradiction to the approved plans.
- The Tower establishment should be in accordance to the laws & Acts by GOI and UP Govt. as amendment from time to time. The Company shall be required to abide by it, failing which suitable actions as deemed necessary shall be taken in this regard.

- District Administration /Officials of the GoUP shall have the right to inspect the site at all times without any prior notice.
- If any damage is caused to any person or property because of the tower, machine room, battery equipment etc., erected by the operator, the operator shall be solely responsible for paying all kinds of compensations and damages to the concerned and will be liable to face any civil or criminal proceedings.
- For Single Window Clearances maximum 20 days is earmarked to resolve the issues.
- The Company would liable to pay all taxes/levies as per the acts and regulations.
- Fixation of standards for exposure limits of radio frequency field emissions from mobile base stations, monitoring their compliance, all radiation related technical issues, issues of Access Service License / Infrastructure Provider registration and SACFA clearance for frequency allocation at any location are dealt with by DoT. Copy of SACFA clearance for the said location issued by WPC (Wireless Planning and Coordination) Wing of Department of Telecom shall be required.
- In case of violation of any statutory requirement the tower shall be demolished forthwith beside imposing of penalty.

2.1.3: Approval by State Government/ Local body/Authority:

- The applicable fees as per approved norms/ standing guidelines shall be paid to the respective bodies; Local Bodies, DM, Municipal Authorities etc.
- The respective bodies shall decide one time administrative fees for the installation of mobile towers & shall also decide the fees for placing the tower on Government building.
- Online applications shall be routed to its Local Development Authorities for requisite approval.
- On receipt of the fee & the required Document, Permission shall be granted in a time bound manner and latest within 20 days failing which it will be treated as deemed permission. However, in case the application/ documentation is found to be incomplete, then the Competent Authority shall inform the Applicant of the same to rectify such defect latest within seven (07) days of filing the Application.
- In case the application for permission is rejected within the stipulated time, the authority shall be required to respond to the applicant with proper reason of rejection.
- Wherever permissions have already been granted under erstwhile policy(ies)/guidelines, the same shall hold good and no fresh permission will be required under these guidelines.
- In cases where applications for permission have been submitted under erstwhile policy(ies)/guidelines but permission(s) have not been issued, then in such cases, documents and applicable fees (if not paid earlier) may be submitted & permission shall be issued in accordance with these guidelines.

2.2: Committees

2.2.1: Formation of committees

- A committee under the chairmanship of District magistrate shall be constituted to resolve all issues and for the effective implementation of Tower policy. The members of the committee shall be:
 - ADM (Admin)
 - Representatives from local bodies/Municipal corporation/Development Authority
 - Representatives from Power corporation under Department of Power, GoUP
- IT & Electronics Department shall form a committee to resolve the issues arising due to escalation by the Mobile Tower Company. The Committee under the chairmanship of Principal Secretary (IT & E) shall also be responsible to issue advisories and amendments from time to time considering the changing business scenario. This Committee shall report the unresolved issues to the Standing committee in a time bound manner. The members of the Committee shall be:
 - Representative of concerned DM
 - Managing Director, Agency under IT & Electronics Department, GoUP
 - As & when required, Representatives from Department of Urban Development, Forest Department, Fire & Safety Department (Police Department), Rajya SamPatti Vibhag, Power Department, Housing & Urban Planning, UP pollution Control Board and any other department related to the issue raised.
 - Representative of TERM Cell, Department of Telecommunications, GOI
 - For the smooth implementation, control and regulations of Mobile Towers in Uttar Pradesh, Standing Committee shall be formed under the Chairmanship of Chief Secretary (GoUP).
 - Chief Secretary, GoUP
 - Principal Secretary, Department of IT & Electronics, GoUP
 - Principal Secretary, Urban Development, GoUP
 - Principal Secretary, Forest Department, GoUP
 - Principal Secretary, Fire & Safety Department (Police Department), GoUP
 - Principal Secretary, Rajya SamPatti Vibhag, GoUP
 - Principal Secretary, Power, GoUP
 - Principal Secretary, Housing & Urban Planning, GoUP
 - Representative from UP pollution Control Board, UP
- The above committees shall coordinate/consult with TERM Cells, the on field state units established by Department of telecommunications, GOI on technical & other related issues.

2.3: Online Interface

- One of the Agency under IT & E, shall be required to develop and maintain online portal so that application for the mobile towers can be submitted online through the portal.
- All the approving agencies i.e. Local Authorities / Departments shall have the access to the portal.
- Every application shall have unique reference number which shall be valid for all the communications related to it.
- The Portal shall have the information pertaining to Grievance-Redressal Mechanism, Indian Government Websites (GIGW) guidelines, dedicated helpline number, FAQs, Government orders etc.
- MIS reports from the Portal shall be used to measure the progress of the Applications.
- Applications related to Exit / Relocation / Shutdown of tower request shall be processed through the portal.
- Quarterly MIS shall be sent to the both the committees stated above.
- The Other features of the portal shall include:
 - Submission of the applications for commissioning of Mobile Towers across the Uttar Pradesh.
 - Every application submitted shall have its Unique Reference Number
 - All the supporting documents relating to the application shall be uploaded by the applicant online.
 - SMS / email alerts regarding the status of the application
 - SACFA (Standing Advisory Committee on Radio Frequency Allocation) approval shall be integrated with online portal.
 - Any financial arrangement such as payment gateway etc. for submission of required fee shall be integrated with the portal.

2.3.1: Exit-This policy enables assisting in relocation of Mobile Tower.

- Applicant shall apply for shutting down any specific tower on the portal mentioning its unique reference number.
- The applicant shall have to submit online requisite certificate (wherever applicable) while shutting down/shifting the towers
- Relocating request shall be raised on portal by the applicant.

2.4: Promoting Green Towers -This policy aims 100% Green Towers which starts from the following

- Mobile Tower Companies will reduce the total Carbon emission by 5% on yearly basis and bring it to down to the standard level.

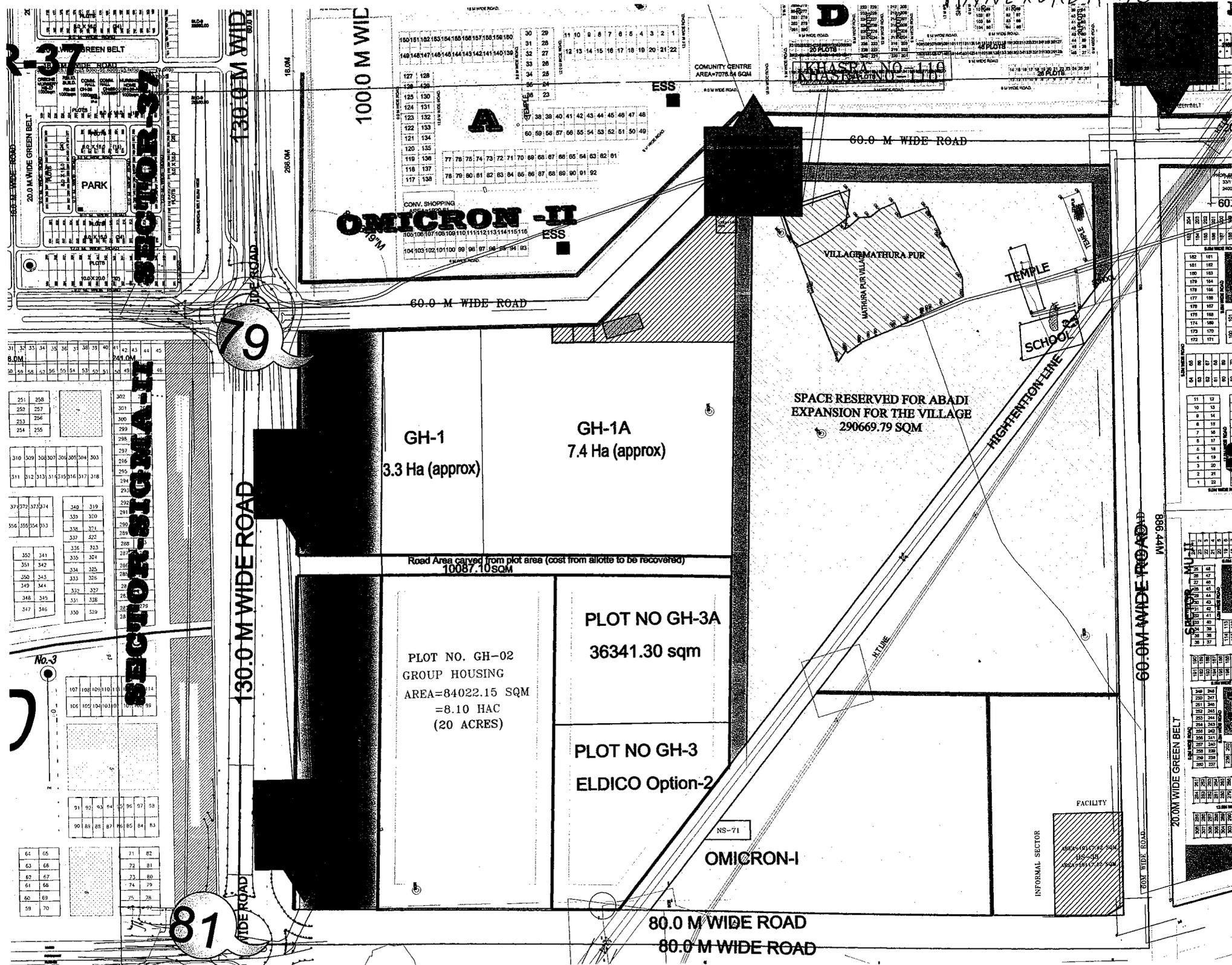
- Every year, 10% of total new tower installation shall be required to be factored as Green technology tower.
- Encouragement of Solar Panels.

3: District Administration-This policy attempts to provide Single Point of Contact (SPOC) for the role/involvement/assist for distances.

- Every District Administration shall appoint Single Point of Contact (SPOC) who shall be interacting with Tower companies. The Role of the SPOC shall be:
 - Responsible for day to day activities with Tower companies
 - The entire mobile tower request raised in his jurisdiction shall be monitored regularly.
 - Status update to the committees as & when required or on periodic basis.
 - Follow up on issues / Grievances.
 - Escalation to the respective Committees
- First level of grievance redressal.

4. Glossary

1. MIS-Measuring the Information Society
2. GIS-Geographic Information System
3. GRC-Grievances Redressal Committee
4. SPOC-Single Point of Contact
5. Genset- Diesel/Petrol Generator.
6. EMF-Electromagnetic Field.
7. NOC-No Objection Certificate.
8. TRAI-Telecom Regulatory Authority of India.
9. Engine -Generator-A machine which is used to Generate Electricity.



OMICRON-II

SPACE RESERVED FOR ABADI
EXPANSION FOR THE VILLAGE
290669.79 SQM

GH-1
3.3 Ha (approx)

GH-1A
7.4 Ha (approx)

Road Area carved from plot area (cost from allottee to be recovered)
10087.10 SQM

PLOT NO GH-3A
36341.30 sqm

PLOT NO. GH-02
GROUP HOUSING
AREA=84022.15 SQM
=8.10 HAC
(20 ACRES)

PLOT NO GH-3
ELDICO Option-2

OMICRON-I

FACILITY

INFORMAL SECTOR

SECTOR-SIGMA-II

130.0 M WIDE ROAD

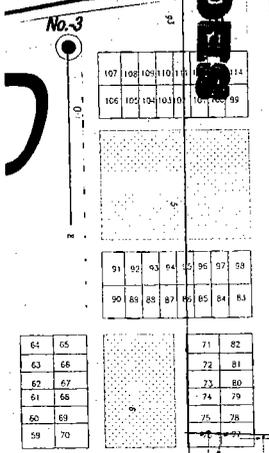
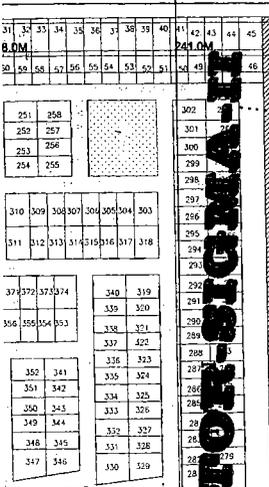
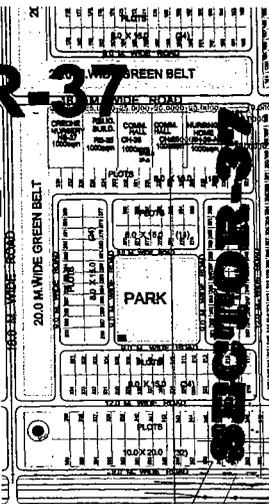
60.0 M WIDE ROAD

60.0 M WIDE ROAD

80.0 M WIDE ROAD
80.0 M WIDE ROAD

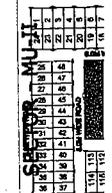
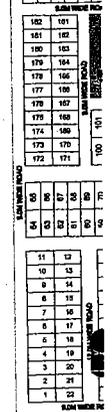
60.0 M WIDE ROAD

20.0 M WIDE GREEN BELT



79

81



LANDUSE	2001 (hec)	PERCENTAGE	2011 (hec)	PERCENTAGE	2021 (hec)	PERCENTAGE
RESIDENTIAL	1310	25.8	3000	22.10	5000	22.36
INDUSTRIAL	1596.96	31.5	3027.3	22.3	4201.23	18.88
COMMERCIAL	99.74	2	720	5.3	1200	5.39
INSTITUTIONAL	570.63	11.2	2502.7	18.4	3473.99	15.51
GREEN AREAS	1361.9	26.8	3000	22.10	5000	22.36
TRANSPORTATION	137.32	2.7	1280	9.45	3339.78	15.01
SEZ			40	0.3	40	0.78
TOTAL	5075	100	13750	100	22255	100



MASTER PLAN FOR GREATER NOIDA -2021 & EXPANSION AREA