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No. 585-Estt/ITE-20012/2/2020 Date: 28/12//2020

Subject: **West Bengal Telecom Infrastructure Guidelines, 2020 For Clearance and Permission to set up Mobile Tower or Base Tower Station (BTS) and Laying Optical Fibre Cable (OFC).**

Ref: This Office Notification vide No 584-Estt/ITE-20012/2/2020 dated 28.12.2020.

The State Government in the Department of Information Technology & Electronics has issued Notification under reference to formulate 'West Bengal State Broadband Policy 2020' wherein the instant ORDER features as Annexure A.

ORDER

In supersession of earlier Order(s) and/or Guideline(s) issued in this regard by the State Government in various Departments from time to time, the Governor is pleased hereby to make the following guidelines in order to bring uniformity, clarity, simplification and standardization in the process of giving permission to install and maintain the Underground Telecommunication Infrastructure – Optical Fibre Cable (OFC) and Overground Telegraph Infrastructure-Mobile Tower or Base Tower station (BTS) within the State of West Bengal. Through these guidelines, the State Government desires to develop an integrated Online Single Window System for all applicants/ licensee seeking permission to set up or renewal of Telecom infrastructure deployment viz. set-upBase Tower Station (BTS), laying underground Optical Fibre Cable (OFC), Cell on Wheels (CoW) and In Building Solution (IBS).This set of guidelines is notified for smooth implementation of West Bengal State Broadband Policy, 2020.

1. Short title, extent and commencement

a) These guidelines may be called the "**West Bengal Telecom Infrastructure Guidelines 2020For Clearance and Permission to set up Mobile Tower or Base Tower Station (BTS) and Laying Optical Fibre Cable (OFC)**
b) It shall extend to the whole of the State of West Bengal
c) It shall come into force with effect from the date of issue.

2. Definitions

(1) In the foregoing provisions, unless the context otherwise requires-

a) "Act" means the Indian Telegraph Act, 1885 (13 of 1885) as amended from time to time.
b) "applicant" means any person, or body or group of persons, or any member of the body or group of persons who submits application under these guidelines.
c) "appropriate authority" means the Central Government, the State Governments, Local authority or such authority, body, company or institution incorporated or established by the Central Government and/ or 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;
d) "clause" means the clause of the **West Bengal Telecom Infrastructure Guidelines 2020For Clearance and Permission to set up Base Tower Station (BTS) and Laying Optical Fibre Cable (OFC)**
e) "DoT" means Department of Telecommunications, Government of India
f) "land" shall have the same meaning as defined under section 2(7) of the West Bengal Land Reforms Act, 1955 and includes building upon it.
g) "licensee" means any legal person holding a license issued under sub-section (1) of section 4 of the Act and includes the Infrastructure Provider (IP), Telecom Service Provider(TSP) and Internet Service Provider (ISP).
h) "local authority" means any Local Self Government (LSG) including municipality, municipal corporation, development authority, district board, various Panchayati Raj Institution (PRIs) and/or other authority legally entitled to, or entrusted by the Central or any State Government with, the control, management of any municipal or local fund shall have the same meaning as defined under the section 3(7) of the Indian Telegraph Act, 1885.
i) "person" shall mean individual or any organisation, either applicant or licensee, who can sue or be sued.

j) "portal" shall mean the website which will be developed for issuance of telecom infrastructure clearance and permission for setting up telecom infrastructure in the State and hosted on the State Data Centre under aegis of the Dept. of IT&E.

k) "rule" means the Indian Telegraph Right of Way Rules, 2016.

l) "SACFA" means Standing Advisory Committee on Frequency Allocation (SACFA) of the DoT, Government of India.

m) "State government" means the Government of West Bengal having jurisdiction over the State of West Bengal.

n) "telegraphs infrastructure" means "overground telegraph infrastructure" and/or "underground telegraph infrastructure" as defined under the rule and includes only infrastructure tower having mast and installed from the ground, but not limited to the following-

   i. Telecommunication or Telecom infrastructure Tower, Telecommunication Cell Site or Base Tower Station (TCS/BTS) or Tower/post/pole or Telecom Tower or Mobile Tower, a place for tower, antenna, telecom transceiver machinery, related civil works, requisite wire and cable, power supply equipment, Diesel Generator set, cabin or cupboard for housing and the like, by whatever name may it be called.

   ii. Ground Based Tower (GBT), Ground Based Mast/Monopole (GBM), Roof Top Tower (RTT), Roof Top Pole (RTP).

   iii. Cell Phone Tower (CPT), Micro Cell Tower (MCT), antenna fixtures, fabricated antenna, tower Wi-Fi antenna.

   iv. Pre-fabricated or masonry structure, shelters or installation of Base Transceiver Station (BTS) and other related equipment or accessories.

   v. Ducts, underground Optical Fibre Cable (OFC), over ground Cable (Aerial) on the poles or electric poles.

   vi. Any other items as decided by the appropriate authority.

   However, West Bengal Telecom Infrastructure Guidelines 2020, shall not include Television Antennas or Dish Antennas installed for domestic purpose.

o) Cell on Wheels (CoW)- is a portable mobile cellular site that provides temporary network and wireless coverage to locations where cellular coverage is minimal or compromised. COWs provide fully functional service, via vehicles such as trailers, vans and trucks, to areas affected by natural disaster or areas with large user volume, such as major events

p) In Building Solution (IBS)- telecommunications solution which is used to extend and distribute the cellular signal of mobile operators within a building with high quality mobile communication for the indoor environments such as offices, shopping malls, hospitals and airports.

q) "TERM Cell" means Telecom Enforcement, Resource and Monitoring Cell of the Department of Telecommunication (DoT), Government of India which is competent agency to tender advice on Electro Magnetic Field (EMF) Radiation related matters of Mobile Towers.

r) "WPC" means the Wireless Planning & Coordination Wing of the DoT, Government of India.

s) "working day" means official working day as per State Government of West Bengal official calendar.

(2) Words and expressions used and not defined herein shall have the same meaning as defined under the Indian Telegraph Act, 1885 and the Indian Telegraph Right of Way Rules, 2016.

3. Applicability and Prior permission

The appropriate authority shall exercise the powers under the West Bengal Telecom Infrastructure Guidelines 2020 on an application for establishment and maintenance of underground or over-ground telegraph infrastructure by any licensee/ applicant within the state of West Bengal.

4. Appropriate Authority

a) On behalf of Government of West Bengal, the Department of Information Technology & Electronics (DoIT&E) shall be designated as the **Nodal Department** and **Appropriate Authority for the State of West Bengal**. A designated officer nominated by the Department of Information Technology and Electronics, Government of West Bengal (DoIT&E) shall act as the designated **Nodal Officer (NO)** for entire gamut of activities involving Telecom infrastructure clearance, setting up, deployment, appropriate restoration w.r.t public inconvenience and maintenance of telecom infrastructure, including resolution of any dispute arising thereof, at State levelfor Telecom infrastructure deployment in public interest.

b) In pursuance with the order vide no.246(19)-JS(IT)/IT/0/10/2014*dated*21July-2016,the District Magistrate (DM) of the concerned district shall be the responsible authority for scrutinising application submitted by any applicant for establishment of telecommunication infrastructure within the respective district. The DM shall also head the **District Level Committee (DLC)** which shall comprise representatives from local bodies and other related departments viz.

PWD, UD&MA, P&RD, Forest of State Government and TERM cell of DoT, GoI among others. The **DLC** shall also meet at least once in a month, if required more than once a month, to dispose of applications seeking clearance for laying underground optical-fibre cable and/ or permission to set-up Mobile Tower or BTS in the district.

a. **In case of PWD**: The Superintending Engineer of the district or his nominee not below the rank of Executive Engineer,will be the representative-member for PW Department in a district.

b. **In case of UD&MA**: The Deputy Magistrate & Deputy Collector, posted at the District Collectorate and looking after UD&MA affairs in the Collectorate will be nominated as the representative-member for UD&MA Department.

c. **In case of P&RD**:District Panchayat & Rural Development Officer (DPRDO) of the district being the ex-officio Member-Convenor of the District Level Committee will be nominated as the representative-member of P&RD.

Provided that the **District Level Committee (DLC)**will facilitate and supervise permission to grant/ allow or reject application seeking permission subject to certain conditions, to set up telecom infrastructure in the district. The DLC will be solely responsible for granting NOC and shall keep the **State Level Clearance Committee (SLCC)** and **State Level Appellate Authority (SLAA)** abreast of regular developments.

c) For grievance redressal arising out of decision taken by the **DLC**, a **State Level Clearance Committee (SLCC)** shall be constituted on behalf of the State Government, with designated officers (nodal officers from the State) from various stakeholders viz. PWD, UD&MA, P&RD along with the nodal officer from DoIT&E. **The SLCC shall take up grievance application and clear it within fifteen (15) official working days from its receipt by DLCC**. The SLCC shall also meet at least once in a month, if required more than once a month, to dispose of applications seeking clearance for laying underground optical-fibre cable and/ or permission to set-up Mobile Tower or BTS in the State.

d) In case of any grievance/ complaint remaining unresolved at SLCC or in case of any dispute, the said issue will be heard by the **State Level Appellate Authority (SLAA)**. The **SLAA** shall be headed by the Additional Chief Secretary/ Principal Secretary/ Secretary of the DoIT&E[1] and shall be responsible for closure of application within stipulated time of fifteen (15) official working days from the date of receipt of the issue from the SLCC. **SLAA** shall also have the power to amend, cancel or endorse the decisions of SLCC. The SLAA shall revisit the Telecom Infrastructure Guidelines at regular intervals for proposing amendment, if any.

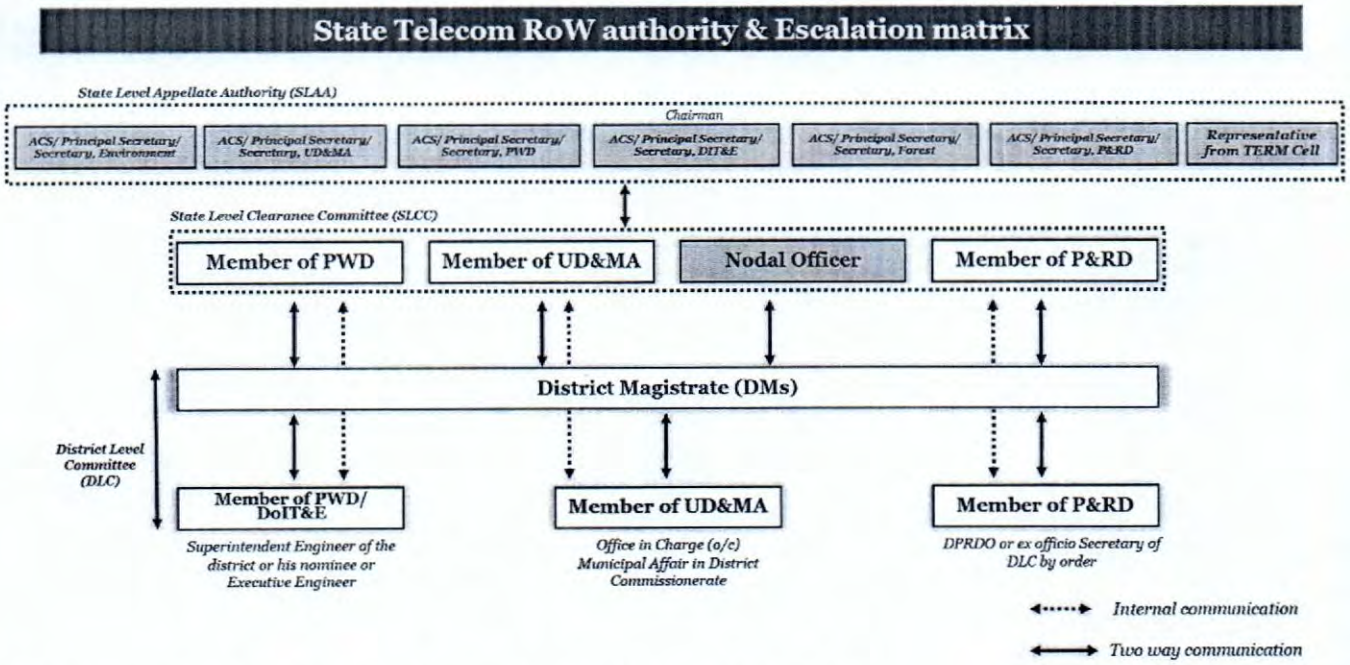
e) Amendment to the guidelines will be undertaken from time to time based upon inputs received from various stakeholders by way of issuance of amendment Notification and with concurrence from the Finance Department as and when the same relates to fees, charges and other receipts etc.

f) The **State Level Appellate Authority (SLAA)**shall have the following composition:

ACS/ Principal Secretary/ Secretary	***Department of Information Technology & Electronics***	**Chairman**
ACS/ Principal Secretary/ Secretary	*Department of Environment*	Member
ACS/ Principal Secretary/ Secretary	*Department of Forest*	Member
ACS/ Principal Secretary/ Secretary	*Department of Panchayat & Rural Development*	Member
ACS/ Principal Secretary/ Secretary	*Department of Urban Development & Municipal Affairs*	Member
ACS/ Principal Secretary/ Secretary	*Department of Public Works Department*	Member
Representative	*TERM Cell in Kolkata Telecom District*	Member
Representative	*TERM Cell in West Bengal circle (excluding Kolkata)*	Member

g) The SLAA shall also replace the existing State Level Committee on issue of clearances for Mobile Towers, notified vide no. 267/1(31)-SIT/IT/P/22/2009 (Vol.-III) dated 30th May 2013.

[1] In consonance with the power delegated by the Chief Secretary of West Bengal vide notification no. 546-IT/P/50/2010 dated 6th January 2017, the ACS/ Principal Secretary/ Secretary of the Department of Information Technology and Electronics is the Nodal Officer resolving Right of Way (RoW) issues in the State.



5.Prior permission for establishment of telegraph infrastructure

No person shall erect, install or establish telegraph infrastructure without obtaining prior permission from the appropriate authorities by applying through online-portal comprising Single Window Clearance System (SWCS) to be developed for this purpose and hosted on the State Data Centre or any other approved internet cloud storage as may be deemed fit in public interest.

6.Application seeking permission/ clearance (NOC)

a) **One application for all Telecom infrastructure deployments-** If an applicant/ licensee intends to seek NOC or clearance or permission to install Mobile Tower or Base Tower Station (BTS) or seek permission for laying Optical Fibre Cable (OFC); then applicant/ licensee is required to fill **Common Application Form (CAF)- FORM 1** along with the pre-requisite documents to be uploaded and make an online payment based on the proposed work/ Telecom infrastructure deployment by referring section:8 (Fees and Charges) through a unique portal made for this purpose namely - Single Window Clearance System (SWCS),hosted in the State Data Centre (SDC) or any other approved internet cloud storage as may be deemed fit in public interest. The stipulated time to clear any application seeking permission to set up BTS or laying of OFC is 30 (thirty)official working days by the concerned appropriate authority i.e. DLCC. The submitted Common Application Form (CAF) shall route to the appropriate Nodal Officer of the concerned department for verification, inspection and issuance of necessary clearance or NOC via "Online Single Window Clearance System".

i. **In case of installation on Private Property (building/land)the applicant shall upload the following documents–**

1. The applicant/ licensee is required to seek approval from the owner of the property in form of written consent, over, along, across, in or upon which telegraph infrastructure is to be established or pass through. The consent letter shall be uploaded along with the Common Application Form (CAF) submission.
2. Self-attested copy of ownership document of the building/land, jointly signed by the applicant and the owner.
3. Self-attested copy of Lease Agreement Deed/Consent Agreement Deed, jointly signed by the applicant and the owner.
4. Self-attested copy of the structural strength certificate of the concerned building/ land for setting up proposed telegraph infrastructure (mast/post/column/pole etc.)
5. A self-attested copy of the audit certificate uploaded on TERM Cell Portal (*https://tarangsanchar.gov.in/emfportal*) along with a screen-shot containing successful submission of the same, needs to be uploaded in the Single Window Clearance System by the Licensee (to be actually submitted within 90 days after installation of the tower and it commences radiating) - ***A time counter will be in place for push communication in the Single Window System.***

ii. **In case of Public and/ or Government site (building), the applicant shall upload the following documents–**

1. The written consent or copy of agreement from the concerned authority having legitimate rights over the respective government land/ building / premises.

2. Self-attested copy of the structural strength certificate of the concerned building/ land for setting up proposed telegraph infrastructure (mast/post/column/pole etc.), to be obtained from a certified / registered structural engineer and jointly signed by the applicant and the authorised representative having legitimate rights over the respective government land / building / premises.

iii. **Additional documents to be uploaded in the portal –**

1) Location map from any publicly available sources (scale 1:1000) showing the site with its latitude- longitude.
2) Certification of the technical design by a structural engineer attesting to the structural safety, of the overground telegraph infrastructure besides the one already mentioned above, if available.
3) Height of the proposed Mobile Tower or BTS along with its elevation and capacity of tower or antenna prescribed by the DoT, Govt of India or any other agency as may be notified by the Govt of India, from time to time.
4) No Objection Certificate (NOC) or Consent to establish and consent to operate, issued by West Bengal Pollution Control Board (WBPCB), conforming to the standards laid down under notification vide G.S.R. 371(E) dated 17-05-2002 issued by the Ministry of Environment & Forests, GoI. The extension for uploading the document/should be in.PDF/.JPEG format
5) No Objection Certificate (NOC) issued by the Fire Safety Department of the State Government in case of high-rise buildings, where fire clearance is mandatory.
6) Scanned copy of the self-declaration for Undertaking any loss or injury due to accident caused by the tower to the effect that the applicant shall take special precaution for fire and lighting as well as bearing the sole responsibility for any civil or criminal case arising there from.
7) For Forest/ Protected Areas, a copy of the clearance from Environment and Forest Department of the State Government respectively, as and when applicable.

(b) **Laying Optical Fibre cable infrastructure-**

1) The applicant/ licensee shall have prior permission from any or all of the concerned government authorities viz. Forest Department, Water Resource Department, Electricity Distribution Companies, NHAI, Archaeological Survey of India, Local Bodies, any other and/or all such authorities under the Central & State Government as well as from the private owners, as the case maybe, through whose jurisdiction the underground cable would pass.
2) The applicant/ licensee is required to seek clearance from the Nodal person of the respective departments viz. PWD, P&RD, UD&MA and/or others, as the case may be, by applying through Single Window Clearance Portal developed for the purpose. The competent authority (DLC) shall examine and dispose the application within 30 (Thirty) official working days.
3) Few important points regarding clearance are:
   i. The applicant is required to upload the district wise area details for laying the optical fibre cable.
   ii. The applicant shall have no Right on the property which has been approved to use for the Telecom establishment and/ or maintenance of Optical Fibre Cable infrastructures.
   iii. The applicant shall be liable for repair/restoration of any damage caused to the property during implementation within the prescribed timeline.
   iv. Prescribed Timeline for Restoration of the site of work where Laying of OFC takes place: *The proposed restoration work, as per specification proposed and self-declared by the applicant with the application, shall be completed within three (3) calendar days from the date of completion of the laying activity. Besides, no laying activity excluding the subsequent restoration shall be undertaken for more than seven (7) calendar days at a timei.e. from the date of commencement of laying of OFC at a specific place.* Therefore, *both laying of OFC and restoration thereof shall not be more than ten (10) calendar days from the commencement of the laying of OFC at any place after receipt of NOC till completion of restoration of the site bringing it back to its erstwhile state.*
   v. Adequate bank guarantee to indemnify the restoration work, self-assessed and self-certified by the applicant shall be submitted with the application form (CAF) with regard to the proposed restoration to bring back the work-site to its erstwhile state. The restoration shall be completed within prescribed timeline (Ref. Para 6.b.3.iv).The submitted bank guarantee will be reviewed by the competent authority during disposal and if not found to be adequate, requisite query will be raised asking the applicant to submit additional amount of bank guarantee to indemnify the proposed restoration work. The bank guarantee will be released by the competent authority through after satisfactory completion of restoration work within the prescribed timeline. In case, the restoration is found to be inadequate and creating inconvenience to the public at large, the applicant, including the organisation it represents, may be debarred from applying in future seeking NOC for other sites etc.After receipt of intimation of completion of restoration activity from the Applicant, the DLC shall have time of fourteen (14) official days to inspect and either issue Show Cause Letter seeking clarification as to

incompleteness of such restoration work or release Bank Guarantee. This activity shall be done through the Online Single Window Clearance System.

vi. The bank guarantee shall comprise:
   1. Instrument of Bank Guarantee issued by any scheduled Bank;
   2. Forwarding letter from the bank stating that the enclosed Bank Guarantee issued by the said scheduled bank will indemnify the restoration work declared to be undertaken by applicant bearing the CAF number generated by the Online Single Window Clearance System for issuing NOC and the said Bank Guarantee does not indemnify any other activity of the applicant at the point of time of the declaration.

vii. The competent authority is authorised to raise a one-time query seeking all form of clarification or pending documentation (if applicable)even with regard to bank guarantee and *inclusive of the CAF validation* too.

viii. Indemnity bond addressed to the Government Organisation and/or Local Self Government including Corporation/Body/Board/Commission/Institution etc land/or any individual and/or institution/organisation for private property in a prescribed format indemnifying (i) any liability for the damage caused by the Mobile Tower/ infrastructure installed by the ISP/ TSP (ii) claims against any losses, death, disability or injuries that may be inflicted upon third party as a result of the actions of the TSP/ ISP (iii) claim against any accidents on account of the Mobile tower/ infrastructure installed or against any claim thereafter during the period of operation & Maintenance of such mobile tower at all times.

ix. The TSP/ ISP shall ensure security and safety of all mobile tower installations and shall be solely responsible for compensation for any damage/ claims or replacements sought for at the cost and risk of TSP/ ISP to the concerned authority.

x. No additional timeline will be provided for seeking any form of clarification or submission of the clarification requested. All the applications need to be cleared and NOC shall be released on the thirty (30) official working days from the receipt of the application *excluding the maximum time period of 15 (fifteen) official working days to be provided to the applicant to comply with the query, if raised by the competent authority at any of the three levels i.e. DLC, SLCC and SLAA.*

xi. In case of non-compliances noticed, the State level clearance committee (SLCC) may direct the designated Nodal Department/s under whose jurisdiction the road /land falls, to raise demand for compensation for the damage to be collected from the applicant/licensee and/or may initiate process for cancellation of the NOC granted. The said activity will now be conducted offline / physically but effort shall be taken to include it as an online activity too.

4) The pre-requisite documents required to be uploaded are listed below:

i. Copy of the license granted by the Central Government organisation(s) (as applicable) for laying OFC;

ii. Authorization letter from various State Govt. Agencies/PSU / Local Self Government (LSG) entity and/or private individual/entity et al for use of their land for OFC laying (as applicable);

iii. Certification of clearances from the local bodies or local administration to undertake the work (if applicable);

iv. Details of underground telegraph infrastructure (OFC) proposed to be laid;

v. Laying plan (for OFC) in the form of strip plan, showing distance of work from C/L of the road, width of their laying activities and proposed cable/ PITs/ instruments etc., laying specification, elevation (level) of laying w.r.t road surface, details of crossing the water bodies aside the bridge/ culvert on the road (if any) etc.

vi. Details of the route planned for proposed underground excavation for laying telecom accessibility infrastructure. The route map should also clearly indicate the possible interference, either in establishment or maintenance of such telecom accessibility clearance infrastructure with existing infrastructure that have been laid previously along the proposed route;

vii. Details of mode and the time duration for execution of the work;

viii. List of measures proposed to ensure public safety during the execution of the work and probable mitigation steps to address inconvenience to public;

ix. Scanned copy of Self-accessed (Applicants) Bank guarantee form detailing the project including modus operandi or mode and methodology of the work undertaken in line with the restoration process, duration of the work, specific time of work and other details needs to be uploaded along with the application (CAF) as per Para 6.b.3.v and 6.b.3.vi respectively as enumerated above;

x. An undertaken to own the responsibility and Cost to restore the work post Telecom infrastructure deployment as per Para 6.b.3.viii and 6.b.3.ix respectively as enumerated above.

xi. After receipt of intimation of completion of restoration activity from the Applicant, the DLC shall have time of fourteen (14) official days to inspect and either issue Show Cause Letter seeking clarification as to

incompleteness of such restoration work or release Bank Guarantee. This activity shall be done through the Online Single Window Clearance System.

7.Disposal of application/ Grant of permission by appropriate authority

(a) The appropriate authority will examine, enquire, validate both new application and/or request for renewal and dispose of on the basis of following salient features:

i. **Single window clearance** of the application made by the applicant/ licensee

ii. **One-time administrative and clearance/permission Fee- Refer Para 8 (Section: Fee and Charges)**

iii. **One-time clarification query-** The District Level Committee (DLC) may seek any form of clarification, missing documents, inappropriate bank guarantee, Self-declarations, Financial break down structure and other requisite parameters in a one-time request. This will facilitate to speed up the approval process and meet the prescribed timelines. Similarly, the SLCC and SLAA will also raise a one-time query, if necessary. *The maximum time period of 15 (fifteen) official working days shall be provided to the applicant to comply with the query, if raised by the competent authority at any of the three levels i.e. DLC, SLCC and SLAA.* During the time-period of compliance by the applicant, the diminishing day count for disposal at each of DLC, SLCC and SLAA levels *shall be kept on hold until compliance is made by the applicant.* Post completion, the diminishing day-count shall commence.

Note:*All applicants shall validate all the details and enclosed documents before making the final CAF submission.*

iv. **Deemed to have been approved**: If the application (CAF) lies pending with the DLC; at the end of the stipulated time of thirty (30)official working days from its receipt *excluding the maximum time period of 15 (fifteen) official working days to be provided to the applicant to comply with the query, if raised by the DLC at any of the three levels i.e. DLC, SLCC and SLAA.*, the application will automatically move to the State Level Clearance Committee (SLCC) for review and disposal within fifteen (15)official working days. In case SLCC, fail to dispose the application within fifteen (15) official working days *excluding the maximum time period of 15 (fifteen) official working days to be provided to the applicant to comply with the query, if raised by the SLCC*, the application will move to **State Level Appellate Authority (SLAA)** for disposal within fifteen (15) official working days from the receipt, *excluding the maximum time period of 15 (fifteen) official working days to be provided to the applicant to comply with the query, if raised by the SLAA* and *fail to dispose of decisively i.e. either by accepting and directing the DLC to issue NOC or by rejecting the application by issuing a reasoned order*, will *result in deemed to have been approved.* The status of the application will be considered as approved and be communicated back to DLC via system generated process for final communication to the applicant/ licensee enclosing the requisite NOC.

v. **Ease of Business Policy**: The awarding authority shall either issue approval or raise query pertaining to insufficiency while processing application within seven (7) official working days from the receipt. The nodal officer/ competent authority can raise a one-time query after thorough screening and the applicant is bound to revert within fifteen (15) official working days from the date of receipt. In case, the applicant fails to comply within the stipulated period of fifteen (15)official working days, the application will be considered as "*void*" (*owing to non-compliance on the part of the applicant*) and the refund process will be initiated via system generated process and that shall be completed in maximum of next one hundred and twenty (120) official working days from the date of such rejection, by the State Nodal Department i.e. Department of Information Technology & Electronics, Government of West Bengal.

vi. **Permission for Temporary Movable Structures:** For the Cell on Wheels (CoW) deployment, the applicant shall seek NOC from the respective DLC headed by the District Magistrate (DMs) in case of districts and for Kolkata, applicant shall seek NOC from the Kolkata Municipality Corporation (KMC). No permission fee is required for CoW up to 60 days. Post 60 days, the CoW will be considered as a permanent structure and applicant is required to seek permission/ NOC by applying through the Single Window Clearance System via CAF (application form).The escalation will follow the same procedure as stated above. Any form of breach or non-disclosure made by the applicant will result in termination and suspension of the service by the applicant and the service provider the applicant represents, for a period of one (1) year from the date of such occurrence. Only in case of permission for municipal areas i.e. both at Municipality in districts and Municipal Corporations in districts as well as in Kolkata; NOC from concerned Traffic Police authority shall have to be submitted along with the CAF, in public interest.

vii. **For In Building solution (IBS)-** In case of any IBS deployment, NOC needs to be procured from the owner of the land or premises where the installation request is sought, be it either Government or Private. No 'One-time

Fee' shall be collected via the Single Window Clearance System for any IBS deployment in any Government establishment. However, charges can be levied for provision of power, fixtures, etc. if accepted from the said Government establishment by the applicant following due diligence within the said Government authority which shall lie beyond the scope of Single Window Clearance System.

(b) All applications received through the Single Window system will be notified via Form-2 and put-on display for fourteen (14) official working days from the date of receipt .**Public Grievance Process and Grievance ID**: A specific mail ID to report any form of objection shall be created and notified which will receive any objection raised in connection with either setting up Mobile Tower or Laying OFC anywhere in the State. The said objection sent to the prescribed MAIL ID shall bear the respective application form number (CAF) against which the object is raised. Any form of objection shall be sent by the person/organisation raising the said objection to the prescribe e-mail ID tagged with the CAF number within a stipulated timeframe of fourteen (14) official working days from the date of publication of the said application in Form-2. The CAF verification and validation by the competent authorities (DLC)shall have to be undertaken parallelly alongside disposal of the public notification. The competent authority will peruse and dispose of the said objection following due diligence within seven (7) official working days from the date of receipt of the objection. After Day 21, the DLC shall issue NOC to the applicant up till Day 30 as prescribed, *excluding the maximum time period of 15 (fifteen) official working days that shall be provided to the applicant to comply with the query, if raised by the DLCC.*

(c) **Example of an Application Process Disposal**: *If an Applicant submits an application seeking NOC for setting up Mobile Tower or Laying of OFC by submitting all pre-requisite documents including self-assessed Bank Guarantee; the DLC shall have first 7 (seven) days to scrutinise and raise 'One-time Query' seeking clarification regarding technical or fulfilling additional financial pre-requisites, the Applicant shall have a maximum of 15 (fifteen) days to comply. During the period of such compliance, the count-down for approval days for the DLC shall be kept on hold. Once compliance is made by the Applicant, the DLC shall dispose of the petition either accepting the submission of the Applicant or raising Escalation to the SLCC citing reason for rejection. At the same time, by Day 14 (within first 14 days) if any Public Grievance is raised and sent to the prescribed MAIL ID tagged with the CAF number, the same shall come into the notice of the DLC. If received, the DLC shall commence disposal of the same for which DLC shall have a maximum time of seven (7) days. Thereafter, between 21st Day and 30th Day, the DLC shall issue NOC to the Applicant provided there is no escalation to the SLCC. In case of inability of DLC to dispose of the application within the stipulated period of 30 (thirty) days excluding the period of compliance by the applicant against query raised, if any, the said application will be escalated to the next level i.e. SLCC. Therein, it shall have to be disposed of within next 15 (fifteen) days excluding the period of compliance by the applicant against query raised, if any, the said application will be escalated to the next level i.e. SLAA. Therein, it shall have to be disposed of within next 15 (fifteen) days excluding the period of compliance by the applicant against query raised, if any. Whenever, the said application is approved by any of the escalated authorities, the said application will be sent back to the DLCC for issuance of the NOC. While in the event of non-disposal of the application by the SLCC within stipulated time-period, the application shall be considered to have been deemed-approved and the same will be sent back to the DLCC for issuance of the NOC.*

(d) The appropriate authority shall monitor the restoration process and on successful completion of the restoration process within stipulated time prescribe above vide Para 6.b.3.iv, the competent authority may facilitate the releasing of the Bank guarantee certificate vide Para 6.b.3.v respectively.

(e) The competent authority i.e. DLC shall dispose the application within a period not exceeding thirty (30)official working days from the date of submission of the application *excluding the maximum time period of 15 (fifteen) official working days that shall be provided to the applicant to comply with the query, if raised by the DLCC.* Both SLCC and SLAA shall dispose of escalation raised to their level either optionally or automatically via system-generated process, a similar *maximum time period of 15 (fifteen) official working days shall be provided to the applicant to comply with the query, if raised by any of them.*

(f) Successful applicant will be issued an online license through the Single Window Platform; Telecom clearance certificate attached in Form-3.

(g) Maximum validity for telecom accessibility clearance and permission to set up telecom infrastructure in form of any above ground infrastructure installation or underground- laying of the optical fibre cable is for 15(three) years. But all the applicants (TSPs/ISPs) shall seek renewal of the NOC/ clearance/ permission in every three (3) successive years by paying same one-time fee as prescribed in fee and charges section through the Online Single Window Clearance System.

(h) From the date of notification of these guidelines, all such already permitted installations beyond their respective validity, as has been given until the date of this notification, shall also seek renewal through this portal following same process.

(i) During the renewal process, submission of documents as pre-requisite shall be exempted and only be required to be submitted if raised by any of the competent authority i.e. DLC, SLCC and SLAA. The time-period of disposal shall remain same for giving opportunity for Public Grievance to be redressed following due diligence.

(j) Renewal application shall also be published in Form-2 and public objection raised thereof shall be redressed accordingly.

8. Fee and charges

- The requisite fees for various clearance shall be the following and may be reviewed and modified as and when deemed required and to be notified with concurrence from the Finance Department from time to time.
- Establishing BTS @ Rs. 10,000 per tower for three (3) years to be renewed thereafter by paying same fees;
- Laying OFC @ Rs. 1000 per Kilometre for three (3) years to be renewed thereafter by paying same fees
- Land usage for Tower on State Govt land @ 10% of prevailing IGR rate therein as yearly lease rental fees to be payable in advance for three (3) years at a time.

- The appropriate authority shall not charge any fee other than those prescribed above for both over-ground and underground telegraph infrastructure except the Special fee provisioning required (as an exceptional case).
- All fees shall be paid online into the State Government exchequer via GRIPS portal at the Head of Account created by the Finance Department, Government of West Bengal with concurrence of the Accountant General, West Bengal.
- Department of IT&E may revise above fees and charges any time, as deemed fit with approval from the Finance Department.

9. Obligations of applicant/licensee in undertaking work

The applicant/ licensee shall ensure that-

a) Prior to commencement of establishment and maintenance of telegraph infrastructure and at all times, the measure to mitigate public inconvenience and ensure public safety, including structural safety of such telegraph infrastructure are taken adequately and implemented.

b) The work of establishment and maintenance of telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the Appropriate Authority.

c) The Ground Base Tower (GBT) or Roof Top Tower (RTT) or Roof Top Pole (RTP) shall be installed and commissioned at substantial distance as mandated or stipulated by TERM or Department of Telecommunications or any other authority as may be notified from time to time.

d) If any damage is caused to any person or property because of the tower, machine room, battery equipment etc., erected by the applicant/ licensee, the applicant/ licensee 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 as per extant provisions of law.

e) A completion report shall be submitted by the applicant/licensee to the appropriate authority within 30 (Thirty) official working days of completion of works with final specifications of the installations of the telegraph infrastructure and a scanned copy of the self-declaration for submission/ uploading of the Acknowledgment receipt issued by TERM Cell of the self-certificate submitted by Licensee (to be actually submitted within 90 days after installation of the tower and it commences radiating) needs to be uploaded in the Single Window Clearance System (even after the NOC has actually been issued) - ***A time counter will be in place for push communication in the Single Window System.***

f) In case of violation of any statutory requirement, a show cause notice of thirty (30) official working days will be issued to the licensee of which licensee has to revert with the clarification within a further of thirty (30) official working days thereof. In case the clarification is not satisfactory, due process may be initiated for withdrawal of the NOC accorded for the installation of the telegraph infrastructure. Subsequently, the said telegraph infrastructure shall be removed /sealed forthwith besides initiation ofdue process following extant provisions of law. As and when such order of withdrawal is issued, the requisite cost of such removal shall be borne by the licensee and in absence of such, the same may be considered as default and further process of law shall be initiated to reimburse cost required for such removal.

10. Powers of appropriate authority to supervise the work

a) The Appropriate Authority that lies with the Department of IT&E under Government of West Bengal may supervise the establishment and maintenance of telegraph infrastructure to ascertain if the conditions imposed for grant of NOC / permission, are observed by the Licensee.

b) The Appropriate Authority may, on the basis of such supervision, impose such other reasonable conditions as it may think fit following due diligence.

c) If the Appropriate Authority comes to the conclusion that the Licensee has wilfully violated any of the conditions of grant of permission, it may withdraw, for reasons to be recorded in writing, the permission granted to the Licensee, provided that no action shall be taken unless the Licensee has been given an opportunity of being heard.

d) District Administration /Officials of the State Government as may be prescribed by the Appropriate and Competent Authorities, shall have the right to inspect the site at all times without any prior notice.

11. Regularization or compounding of existing telegraph infrastructure

a) Wherever permissions have already been granted under erstwhile policy/orders, the same shall hold good and no fresh permission will be required under these guidelines unless falls void for want of renewal.

b) For all the existing telegraph infrastructure wherein, permission has not been obtained by the concerned licensee the necessary application for obtaining clearance for all those telegraph infrastructures shall be submitted within six months of issue of these guidelines, after which the said telegraph infrastructure (BTS) shall be deemed as unauthorized. Requisite fees shall have to be paid with the application afresh.

12. Seizure and removal of unauthorized telegraph infrastructure

If any person/applicant/licensee establishes any telegraph infrastructure without obtaining due and proper prior permission from the prescribed authority, or violates the terms and conditions of the permissions or fails to pay the requisite amount of fee and charges within stipulated time as prescribed under these guidelines, the prescribed authority may seize and removal the same and the expenses incurred for such seizure and removal shall be borne by the person/applicant/licensee vide Para 9.f.

13. Removal/ Change in Location

The competent authority in consultation with the DLC and with approval from the SLCC may only remove or alter location of the Mobile tower or OFC or other related telecom infrastructure, if required in public interest.

14. Dispute resolution

Any dispute arising between the applicant / licensee and the permission awarding authority, out of disposal regarding an application seeking to establish telecom infrastructure clearance i.e. setting up Mobile Tower or BTS and/or Laying of OFC, either permission for new or for renewal, shall be redressed by the SLCC within the prescribed timeframe. In case, if any dispute remains unresolved by the State Level Clearance Committee (SLCC) then the issue will be heard by the State Level Appellate Authority (SLAA) to be headed by the Additional Chief Secretary/Principal Secretary/Secretary of the Department of Information Technology and Electronics, Government of West Bengal; which shall have the power to amend, cancel or endorse the decisions of SLCC within the established time frame. This SLCC shall revisit the West Bengal Telecom Infrastructure guidelines at regular interval for proposing amendment, if any and propose for amendment which may be notified following due process.

15. Miscellaneous

- The Department of Information Technology and Electronics, Government of West Bengal of IT&E in consultation with the Finance Department, will come out at an early date, with notification addressing the following areas pertaining to special provision required for issuing clearance for
  - the hilly region, teagardens and forest area;
  - emergency restoration work post calamity and/or unforeseen events;
  - Overhead Optical Fibre Cable (OFC) laying;
  - Safe Distance Installation of Telecom Infrastructure (*Installation and commissioning of the Telecom Infrastructure need to be made at a substantial distance from - in case of river boundary, lake / nullah / tank boundary, ancient monuments/ archaeological sites, school/ college/ hospital/ religious premises*).

This notification issues with the concurrence of the Finance Department vide their U.O. No. Group S/2020-2021/0008 dated 16.12.2020 and with approval of the State Cabinet accorded on 22.12.2020.

By order of the Governor,

Sd/-
Principal Secretary to the
Government of West Bengal.

FORM 1

West Bengal Telecom Infrastructure Guidelines2020

[See Clause 6(a)]

Application for permission for establishment of telegraph infrastructure / Base Tower Station/ Mobile Tower / Telecom Tower / OFC etc.

(Separate applications to be submitted for each site, for each installation)

To

The Appropriate Authority

.....

A	Details of the applicant/ licensee	
	Name of applicant/Licensee	
	Complete Registered Postal Address with PIN	
	Contact No. (Land/Mobile) with e-mail	
B	**Details of the Proposed work**	
1	Underground or overground	
2	Specific name and nature or work	
3	Complete Site address (for BTS/ Tower/post/pole/Aerial cable etc.)/Route plane (for laying OFC etc.)	
4	Area of land or roof-top in Sq. Mt. (for Tower/post/pole/Aerial cable etc.)/ Length in Km. (for laying OFC etc.) and route (with starting point & End point)	
5	Signed project report with details of installation of all items/machineries with description of all dimensions / length/height/wt./vol. Technical specification with technical vetting from competent authority (to be enclosed separately)	
6	Whether consent given by the land/ building owner (Yes/No)	
7	Name and address of the owner of the land or building with contact no.	
C	**Other information**	
1	The mode of and the time duration for execution of the work	
2	The inconvenience that is likely to be caused to the public and the specific measure to be taken to mitigate such inconvenience	
3	Any other matter relevant, in the opinion of the Licensee, connected with or relative to the work proposed to be undertaken	
D	**Details of fee and charges deposited**	
1	Application Fee- Rs. 1000 per application Fee for administrative expense / Restoration charge / compensation charge (Separate sheet may be attached	Rs. ..... Deposited on ..... Deposited in the account of .....

Department of Information Technology & Electronics Govt. of W.B.

	showing details of deposits with copy of receipts) Special Fee (on a case basis)	
E	**List of documents attached**	Whether attached (Yes/ No)
1	Copy of the license/ registration certificate granted by the Central Government	
2	Copy of consent letter given by the land/ building owner (copy of deed to be submitted in case of private land)	
3	Signed project report with details of installation of all items / machineries with description of all dimensions / length/ height / wt./ vol. technical specification with technical vetting from competent authority	
4	Copy of structural stability certificate	
5	Copy of no objection certificate issued by the Fire and Emergency Department in case of high-rise buildings where fire clearance is mandatory	
6	Copy of SACFA clearance / copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as WPC acknowledgement (to be submitted as soon as the location is finalized and tower is installed)	
7	Acknowledgment receipt issued by TERM Cell of the self-certificate submitted by Licensee (to be submitted within 90 days after radiating the tower)	
8	Any other document	

Declaration

1. I hereby declare that I have carefully read the guidelines. I fully comply with the terms and conditions therein
2. I understand that this application, if found incomplete in any respect and/ or if found with conditional compliance or not accompanied with the processing fee, shall be summarily rejected.
3. I understand that processing fee is non-refundable irrespective of whether or not the permission isgranted to me.
4. I declare that if at any time any averments made or information furnished by me is found incorrect or false, my application shall be liable to be rejected and any permission granted on the basis of such information/ documents shall be liable to be cancelled/ rejected.

Signatures and name of the authorized signatory with seal

Date:

Place:

FORM- 2

West Bengal Telecom Infrastructure Guidelines2020

[See clause 7(b)]

OFFICE OF THE APPROPRIATE AUTHORITY

No. Date:

PUBLIC NOTICE

The applicant .....(particular of applicant) has submitted application dated..... in this office for granting permission for erection, installation or establishment of telegraph infrastructure under the West Bengal Telecom Infrastructure Guidelines2020 on the land or building mentioned below:-

Detail of location (Name of village, city, ward No., street name with PIN etc.)	Name/ Nature of Work	Whether underground telegraph infrastructure or over-ground infrastructure	Area/ length, route (with starting point & End point)

Therefore, it is hereby informed to all concerned that if, anybody has any objection on granting permission for installation or establishment or telecommunication infrastructure on the land or building above, he may submit objection along-with supporting documents to the office of the undersigned during office hours on any working day within 14(Fourteen) official working days from the date of the issue of this notice.

In absence of any objection within above stipulated time it any be presumed that nobody has objection in this matter will be disposed off accordingly.

Signature & Seal

Appropriate Authority

Dept. of Information Technology & Electronics Govt. of W.B.

FORM- 3

West Bengal Telecom Infrastructure Guidelines2020

[See clause 7(d)]

OFFICE OF THE APPROPRIATE AUTHORITY

No. **Date:**

To,

---------- (Applicant)

Subject: Grant of permission for erection, installation or establishment of telecommunication infrastructure on the land or building under The West Bengal Telecom Infrastructure Guidelines-2020

(1) The above applicant has submitted application dated _____ for permission under The West Bengal Telecom Infrastructure Guidelines2020 for establishment of telegraph infrastructure on the land/ building mentioned below:-

Detail of location (Name of village, city, ward No., street name with PIN Etc.)	Name/Nature of Work	Whether underground Telegraph infrastructure or Over-ground infrastructure	Area/length, route (with starting point & End point)

(2) That the application and documents/statements submitted by the applicant have been examined. Reports received from owner of the Land/building and report from (any other agency) have also been examined. Considered amount of fee and charges **has/has not** been duly deposited by the Applicant. Considering all facts and circumstances in connection with the matter it is concluded that that the desired permission **should/should not** be granted to the applicant in consonance with provisions of the West Bengal Telecom Infrastructure Guidelines, 2020.

(3) Therefore, the application is hereby **accepted,**and **permission granted** for establishment of telegraph infrastructure on the land or building mentioned herein above as applied for under the West Bengal Telecom Infrastructure Guidelines, 2020 with the following terms and conditions:

(i)
(ii)
(iii) ..... etc.

It may be noted that this permission may be withdrawn for violation for any terms and conditions, provisions of the Act, the rules and orders from the state Government or Central Government in this regard.

OR

(3). Therefore, the application is hereby rejected for establishment of telegraph infrastructure on the land or building mentioned herein above as applied for under the West Bengal Telecom Infrastructure Guidelines, 2020 due to the following reasons:

(i)
(ii)
(iii) ..... etc.

Signature & Seal AppropriateAuthority

No. 585-Estt/ITE-20012/2/2020 Date: 28/12//2020

Copy forwarded for kind information and necessary action to :-

- The Secretary to the Government of India, Department of Telecommunications, Sanchar Bhawan, New Delhi 110001.
- The Secretary to the Government of India, Ministry of Electronics & Information Technology, 6, CGO Complex, New Delhi-110003.
- The Additional Chief Secretary / Principal Secretary/ Secretary, Department(all).
- The Managing Director, WBEIDC Ltd, Block – EP & GP, Sector-V, Salt Lake, Kolkata-700 091.
- The Dy Director General, Telecom Enforcement Resources & Monitoring (TERM) Cell, West Bengal, 82, Ballygunj Place, 2nd Floor, Kolkata-700 019.
- The Dy. Director General, Telecom Enforcement Resource & Monitoring Cell, Kolkata Licensed Service Area, QA Bhawan, ,Block –EP&GP, Sector-V, Salt Lake, Kolkata-700 091.
- The Chief General Manager, BSNL, West Bengal Telecom, 1, Council House Street, Kolkata-700 001.
- The Chief General Manager, BSNL, Calcutta Telephones,34, BBD Bag (South), Kolkata -700001.
- The District Magistrate, District(all),West Bengal.
- The OSD to the Chief Secretary, Govt. of West Bengal.
- The PS to the Hon'ble MIC(IT&E Department),GoWB.
- The Sr. PS to the Principal Secretary to the Govt. of West Bengal, IT&E department.
- The Advisor, Telecom Regulatory Authority of India, Kolkata Regional Office, Bharat Bhawan, 1st Floor, 3, C.R. Avenue, Kolkata 700072.
- The Director General, COAI, Sector 2, 14, Bhai Vir Singh Marg, Sector 4, Gole Market, New Delhi, Delhi 110001.
- The Chief Executive Officer, Webel Technology Limited, BP-5,Sector-V, Salt Lake, Kolkata-700091.
- The Head(Operation), Tata Tele Services Ltd, PS-Srijan Tech Park, DN-52,12th Floor, Sector-V, Salt Lake, Kolkata-700 091.
- The Chief Operating Officer, Vodafone Idea Limited, 8, Major Arterial Road, Tower-C, DLF IT Park, 15th & 16th Floor, New Town, Kolkata-700 156.
- The Nodal Officer, Bharti Airtel Ltd, Infinity Building, 7th Floor, Sector-V, Salt Lake Electronics Complex, Kolkata-700 091.
- The Assistant Manager-Legal, Tower Vision India Pvt Limited, Signet Tower, DN-2,Unit No 1101, 11th Floor, Sector-V, Salt Lake, Kolkata-91.
- The Manager-Regulatory, Reliance JIO Infocomm Ltd, Ecospace, Business Park, 3B,4th Floor, Rajarhat, Kolkata-700 156.
- The Advisor, Indus Towers Ltd, Godrej Waterside, 8th Floor, Tower-I, Unit-801,Plot No-5, Block- DP,Sector-V, Salt Lake, Kolkata-91.
- The Head, American Tower Corporation India, 145, Rash Behari Avenue, 4th Floor, Kolkata-700 029.
- The Director General, TAIPA, 2nd & 3rd Floor, 7, Bhai Veer Singh Marg, Gole Market, New Delhi-110 001.

- The Circle Head, Aircel, 3rd Floor, Globsyn Crystal Building, Plot-11 & 12, Block- EP&GP, Sector-V, Salt Lake, Kolkata-700 091.

Joint Secretary to the
Government of West Bengal
Information Technology & Electronics Department

Dept. of Information Technology & Electronics * Govt. of W.B. *