

PUNJAB URBAN PLANNING & DEVELOPMENT AUTHORITY MOHALI (POLICY BRANCH)

To

Additional Chief Administrator,
PUDA, Patiala, Jalandhar and Bathinda

All Estate Officers,
PUDA, Patiala, Jalandhar, Bathinda and Amritsar.

No.PUDA-Policy-A-1-2008/ 314-320
Dated: 3-3-2008

Subject:- Revised policy for granting permission to installation of Communication Towers / Antennae to be installed by Tele-Com Operators in areas falling under the purview of PUDA.

The policy already circulated vide letter No. 684-703 dated 8.3.2005 has been re-considered in the 53rd of Finance & Accounts Committee vide agenda item No. 53.06 and revised policy for granting permission to installation of Communication Towers/antennae to be installed by Telecom Operators in areas falling under the purview of PUDA has been substituted as under:-

1.0 Installation / regularization of Communication Towers / Antennae will be permitted.

i) On built up portion of the commercial, industrial & institutional sites.

ii) On the open space within the commercial, industrial & institutional sites outside the prescribed setbacks. Area covered by the parking and earmarked for any other amenity will not be permitted for installation of tower.

1.0 No installation of tower shall be permitted on any listed heritage building or for any other building prohibited for any new construction. Request to grant permission / regularisation for installation of Communication Tower / Antennae.

2.0. Request to grant permission / regularisation for installation of Communication Tower / Antennae shall be received in the office of concerned Estate Officer in form AT-I along with bank draft for Rs. 1,00,000/- (Rs. One lac only) per tower as building application tax. Separate applications will be submitted for each tower. The application shall be accompanied by:

- i) Consent letter of Property/Building owner.
- ii) Four sets of Ferro Prints and two prints on tracing cloth/tracing film.
- iii) A Bank draft of Rs. 1,00,000/- (Rs. One lac only) drawn in favour of concerned Estate Officer.
- iv) Structural safety certificate from any one of the following Institutes.
 - Indian Institute of Technology (IIT), Delhi.
 - Central Building Research Institute (CBRI), Roorkee.
 - Rail India Technical and Economic Services Ltd. (RITES), Delhi.
 - National Council for Building Material, Faridabad.
 - Indian Institute of Technology (IIT) Roorkee.
 - Punjab Engineering College, Chandigarh.
 - Thappar Institute of Technology, Patiala.
 - Guru Nanak Engineering college, Ludhiana.
 - Recognized Structural Engineer.
- v) An indemnity bond shall be given on a stamp paper of Rs. 100/- duly attested by the competent authority indemnifying PUDA in case of accident or any cause arising due to concerned company's installations in annexure 'A'

(ii) That the applicant shall submit an undertaking on stamp paper of Rs.10/- duly attested by the competent authority to the effect that they will take special precautions for fire safety and lightening.

(iii) That the applicant shall furnish to assessor (House Tax) and PUDA, copy of the agreement concluded between the cellular or basic telecom operator and the owner of the building. A proof in this regard is to be submitted by the applicant to the Estate Officer concerned.

(iv) Generator sets installed at the tower site to cater to the power requirements of the antennae should conform to the noise and emission norms prescribed by Punjab Pollution Control Board (PPCB) An NOC to this effect is to be submitted from Punjab Pollution Control Board (PPCB).

3.0 In case the tower is shared by any other cellular operator/operators, an additional amount of Rs. 50,000/- (Rs. Fifty thousand only) per sharing shall be payable.

- 4.0 Each application received in the office of Estate Officer for installation of Communication Tower/Antenna shall be examined in the terms of:
- i) Suitability of site / building.
 - ii) Structural safety of the building/site where tower is to be installed.
 - iii) Structural safety of tower/antennae.
 - iv) Location and distance from High Tension Electric line, if any.
 - v) Maximum height permitted in the area.
 - vi) Height Restrictions due to air-funnel or due to location of defence installations including restrictions imposed by any statutory authority.
- 5.0 The licensee shall share the towers for fixing their respective antenna provided that the prescribed conditions are duly fulfilled so as to ensure curtailing of multiple towers and optimizing the use of the existing one.
- 6.0 In case of any complaint against such tower construction, the same shall be referred to the office of Director General, Cellular Operators Association of India and Secretary General, Association of basic Telecom Service to investigate the complaints and take remedial measures wherever necessary.
- 7.0 After the case is examined and clearance from Town Planning, Engineering and Architectural Wings are obtained, permission to install towers will be granted on form ST-I subject to following conditions:-
- i) Height of the tower shall be within the permissible limits. In case the building / site falls in an air-funnel or any other prohibited area, then prior permission of height etc. of such authority shall be obtained.
 - ii) Construction at site shall be in accordance with the structural / construction details submitted with the plan and shall be carried out under the supervision of a qualified structural engineer.
 - iii) Constructed tower shall be of the design and structure, as approved by the authority and shall be erected under the guidance and supervision of a qualified engineer.
- The licensee shall share the towers for fixing their respective antenna provided that the
- iv) Structural safety of the building and tower shall be the responsibility of the telecommunication company.
 - v) Permission granted shall be valid for a period of 1 year that can be renewed further on annual basis on payment of Rs. 50,000/-.

- vi) No change in the location, plan or design of the tower shall be made without prior approval of the sanctioning authority.
- vii) Estate Officer or any officer/official duly authorized by him will have the right to inspect the site and structure at all times without any prior notice.
- viii) Annual periodic report shall be submitted by the operator about the safety of building and the installation.
- ix) Company shall be liable to pay all taxes, fees, charges etc. that may be levied by any authority from time to time.
- x) In case of violation of any terms and conditions, permission granted can be withdrawn or cancelled at any time. However, before withdrawing / cancellation of permission, an opportunity, to the operator company shall be provided.
- xi) The permission granted can also be withdrawn at any time in the public interest.
- 8.0 In case of refusal, Estate Officer shall communicate the decision on form RT-1, specifying the reasons for such refusal.
- 9.0 In case any tower of the antenna is erected without a valid permit in the property, the Estate Officer concerned shall issue notice to the land/building owners for getting the structure regularized in form RT-2.
- 10.0 All applications for installation of Communication tower/antenna shall be disposed off within a period of 2 weeks from their receipt in the office of Estate Officer.
- 11.0 The above policy shall be applicable with immediate effect.

Sd/-

Administrative Officer (Policy)
for Chief Administrator.

Endst.No.PUDA-Policy-A-1-2008/ 321 Dated: 3.3.2008

A copy of above is forwarded to the Director-cum-Secretary, Department of Information Technology, SCO No. 193-95, Sector 34-A, Chandigarh for information & necessary action.

Sd/-

Administrative Officer (Policy)
for Chief Administrator.

Endst.No.PUDA-Policy-A-1-2008/ 322-28 Dated: 3.3.2008

A copy of above is forwarded to the following for information and necessary action:-

The Spice Communication Pvt. Ltd.
The Bharati Mobile Ltd. (Airtel).
The HFCL Infotel Ltd.
The Reliance Infocom Ltd.
The Vodafone.
The Tata Tele Services.
The BSNL.

Sd/-

Administrative Officer (Policy)
for Chief Administrator.

AT-I

Draft for application for erection of Towers/Antennae

No.

Dated:

To

Estate Officer,
PUDA,_____.

Subject:- Application for regularization/erection of the Tower/Antennae.

Sir,

I / We have erected/intend to erect a tower/antennae along with cabin on property No./roof top of the building No._____located at_____. As per procedure laid down in the Building By-laws, I/we/am/are enclosing the following documents:

1. Consent letter of building owner.
2. Four sets of Ferro Prints and two prints on tracing cloth/tracing film.
3. Structural safety certificate from any one of the following institutions:-
 - Indian Institute of Technology (IIT), Delhi.
 - Central Building Research Institute (CBRI), Roorkee.
 - Rail India Technical and Economic Services Ltd. (RITES), Delhi.
 - National Council for Building Material, Faridabad.
 - Indian Institute of Technology (IIT) Roorkee.
 - Punjab Engineering College Chandigarh.
 - Thappar Institute of Technology Patiala.
 - Guru Nanak Engineering college Ludhiana.
 - Recognised Structural Engineer.
4. That I/we are enclosing a demand draft / call deposit receipt No. amounting to Rs. 1,00,000/-, in favour of Estate Officer, PUDA_____ drawn on_____ Bank as one time permission charges (building application tax) @ Rs. 1,00,000/- per tower and Rs. 50,000/- per tower as annual license renewal fee.
5. In case the tower is shared by any other cellular operator/operators, an additional amount of Rs. 50,000/- (Rs. Fifty thousand only) per sharing shall be payable.
6. That I/we are enclosing an indemnity bond on a stamp paper of Rs. 100/- duly attested by the competent authority indemnifying PUDA to the effect.
 - A) That I/we shall be solely responsible for any damage to the building and for public safety from the tower erected on property No._____situated at_____.
 - B) That I/we fully understand that in case of buildings, which were/are unauthorized or which may be so declared at a later point of time, permission for installation or towers shall be granted on fulfillment of all the above conditions but shall not imply any change whatsoever on the status of the unauthorized building and shall be without prejudice to the right of PUDA to demolish the said building through the due process of law. In undertaking such demolition PUDA will not be under any obligation to send prior intimation to the owner of the tower, nor will it be liable for loss of the tower as a consequences of demolition of the unauthorized building.

7. That I/we are enclosed an undertaking on stamp paper of Rs. 10/- duly attested by the competent authority to the effect that I/we will take special precautions for fire safety and lightening.
8. That I/we are enclosing a proof that I/we furnished to Assessor & Estate Officer, a copy of the agreement concluded between me/us and the owner of the building.
9. That I/we shall furnish an NOC from Punjab Pollution Control Board (PPCB) for the generator sets to be installed at the Tower site to cater to the power requirements of the antennae after the same is inspected by PPCB.

You are requested to regularize/to grant permission for erection of tower/antennae

Encl. as above

Applicant

Form ST-I

PUNJAB URBAN PLANNING & DEVELOPMENT AUTHORITY

To

No.
Dated:

Subject:- Permission for installation of Communication Tower on plot / site
No._____Sector/Phase_____Urban Estate_____.

Sir,

With reference to your application dated_____for installation of Communication Tower on plot / site No._____Sector / Phase_____Urban Estate_____the permission to install tower is granted subject to the following conditions:-

- i. Construction at site shall be in accordance with the structural / construction details submitted with the plan and shall be carried out under the supervision of a qualified structural engineer.
- ii. Constructed tower shall be of the design and structure, as approved by the authority and shall be erected under the guidance and supervision of a qualified engineer.
- iii. Structural safety of the building and tower shall be responsibility of the telecommunication company.
- iv. Permission granted shall be valid for a period of one year that can be further renewed on annual basis on payment of Rs. 50,000/-.
- v. Company shall be liable to pay all taxes, fees, charges etc. that may be levied by any authority from time to time.
- vi. No change in the location, plan or design of the tower shall be made without prior approval of the sanctioning authority.
- vii. Height of the tower shall not exceed_____feet.
- viii. Estate Officer or any officer / official duly authorised by him will have the right to inspect the site and structure at all times without any prior notice.
- ix. Annual Periodic report shall be submitted about the safety of building and the installation.
- x. In case of violation of any terms and conditions, permission granted can be withdrawn or cancelled at any time. However, before withdrawing / cancellation of the permission, an opportunity to the operator company shall be provided.
- xi. The permission granted can also be withdrawn at any time in the public interest.

One set of sanctioned plan is enclosed for further action.

Estate Officer
PUDA_____

Form RT-1

PUNJAB URBAN PLANNING & DEVELOPMENT AUTHORITY

To

No.
Dated:

Subject:- Refusal for installation of Communication Tower on plot/site
No. _____ Sector/Phase _____ Urban Estate _____.

Sir,

With reference to your application dated _____ for installation of Communication Tower on plot / site No. _____ Sector / Phase _____ Urban Estate _____, the permission to install tower is refused due to following reason /reasons:-

- (i) Inadequacy of structural safety of the building.
- (ii) Inadequacy of structural safety of the tower.
- (iii) Location of the tower outside the zoned area/area earmarked for parking and providing amenities.
- (iv) Height of the proposed Tower exceeds the maximum height permissible in the area.
- (v) Presence of H.T. electrical lines in close vicinity.
- (vi) Any other reason/s (specify).

ChequeNo. _____ dated _____ drawn on _____ (Name of the Bank) for Rs. 1,00,000/- is enclosed.

Estate Officer
PUDA _____

Form RT-2

Draft of notice for regularization of Towers/Antenna in the Urban Estate of PUDA_____

No.

Dated:

To

Mr/Mrs./Ms/-----

Subject:- Erection of the tower / antennae without a valid permit in property No._____.

Your attention is invited on the subject mentioned above. The tower along with cabin has been erected in property No._____without the valid approval from PUDA. It has been observed that so far no request has been received for getting the structure regularized. You are hereby given an opportunity to get the structure regularized, failing which PUDA will proceed as per law to get the unauthorized structure removed. The structures shall be regularized on the following terms and conditions.

An application shall have to be made to the Estate Officer, PUDA_____ for regularization of the tower / antennae along with cabin put up on property No./roof top of the building No._____located at_____. The application should be made along with the following documents:-

1. Consent letter of Property / Building owner.
2. Four sets of Ferro Prints and two prints on tracing cloth / tracing film.
3. Structural safety certificate from any one of the following Institutes.
 - a) Indian Institute of Technology (IIT), Delhi.
 - b) Central Building Research Institute (CBRI), Roorkee.
 - c) Rail India Technical and Economic Services Ltd. (RITES), Delhi.
 - d) National Council for Building Material, Faridabad.
 - e) Indian Institute of Technology (IIT) Roorkee.
 - f) Punjab Engineering College Chandigarh.
 - g) Thappar Institute of Technology Patiala.
 - h) Guru Nanak Engineering College Ludhiana.
 - i) Recognised Structural Engineer.
4. One-time permission charges of Rs. 1, 00,000/- per tower as building application tax and Rs. 50,000/- per tower as annual license renewal fee.
5. In case the tower is shared by any other cellular operator / operators, an additional amount of Rs. 50,000 per sharing shall be payable.
6. An indemnity bond shall be given on a stamp paper of Rs. 100/- duly attested by the competent authority indemnifying PUDA in case of accident or any cause arising due to concerned company's installations.
 - i) That they shall be solely responsible for any damage to the building and for public safety from the tower erected on property No._____situated at_____.
 - ii) In case of buildings which were unauthorized or which may be so declared at a later point of time, permission for installation of towers on it shall be granted on fulfillment or all the above conditions. However, that shall not imply any change whatsoever in the status of the unauthorized building and shall be without prejudice to the right of PUDA to demolish the said building through the due process of law. In undertaking such a demolition, sPUDA will not be

under any obligation to send prior intimation to the owner of tower, nor will it be liable for loss of the tower as a consequence of demolition of the unauthorized building. The operators shall indemnify PUDA to this effect.

7. That the applicant shall submit an undertaking on stamp paper of Rs. 10/- duly attested by the competent authority to the effect that they will take special precautions for fire safety and lightening.
8. That permission shall not be granted for any residential premises or any listed heritage building or for any other building prohibited for any new construction.
9. That the applicant shall furnish to assessor (House Tax) and PUDA, copy of the agreement concluded between the cellular or basic telecom operator and the owner of the building. A proof in this regard is to be submitted by the applicant to the Estate Officer concerned.
10. Generator sets installed at the tower site to cater to the power requirements of the antennae should conform to the noise and emission norms prescribed by Punjab Pollution Control Board (PPCB) An NOC to this effect is to be submitted from Punjab Pollution Control Board (PPCB).
11. The licensee shall share the towers for fixing their respective antennae provided that the prescribed conditions are duly fulfilled so as to ensure curtailment of multiple towers and optimizing the use of the existing one.
12. In case of any complaint against such tower construction, the same shall be referred to the office of Director General, Cellular Operators Association of India and Secretary General, Association of Basic Telecom Service to investigate the complaints and take remedial measures wherever necessary.

You are hereby requested to apply for regularization of the already erected tower and submit the documents as asked for within 15 days, failing which the Estate Officer will have to proceed with the action under various provisions of Punjab Regional & Town Planning & Development Act, 1995 and Bye Laws made thereunder.

**Estate Officer
PUDA**

INDEMNITY BOND FOR ERECTION OF TOWER AND ALLIED BUILDINGS

This indemnity bond is executed at _____ on this day of (Month)_____ (Year) by Shri/M/s_____ resident of _____ (aged) Years, who is owner of Plot/Site/Building No. _____ Phase/Sector _____ Station (hereinafter called the owner) in favour of Punjab Urban Planning & Development Authority (herein after called the PUDA).

Whereas the owner has submitted to the PUDA plans for regularization / sanction of erection of tower & allied buildings over plot/site/building No. _____ under the provisions of the Punjab Regional and Town Planning and Development Act, 1995 and the Rules / Policies made thereunder.

And whereas the PUDA has agreed to regularize / sanction the aforesaid construction subject to the condition that the owner shall indemnify the PUDA in the event of any loss or damage caused to the adjoining buildings / properties on account of the construction of the said erection of tower an buildings either at the time of digging of the foundation or in the course of its construction or even thereafter and also against any claim of any concern thereto.

And whereas the owner has agreed to execute an indemnity bond to the above effect and also to abide by the terms imposed by PUDA to the grant of sanction of erection of tower / allied buildings.

NOW THIS DEED WITNESSES

1. That in consideration of the sanction of the plans of the owner for regularization / construction of the erection of tower and allied buildings, the owner undertakes that he/they shall at any times keep the PUDA harmless and free from any liability, loss or damages following from any injury or damage caused to either adjoining properties or to any person as a consequence of the construction of tower and allied buildings at the time of digging of its foundation or during the course of its construction or at anytime thereafter.
2. The owner agrees and undertake that in the event of any claim made by any person or persons against the PUDA either in respect of the sanction granted by the PUDA to the owner for erection of tower and buildings or in respect of the construction or the manner of construction of the erection of tower and building by the owner or the consequences flowing from the said sanction the owner shall be responsible and liable and not the PUDA.
3. The owner agrees and undertakes to indemnify the PUDA fully in respect of any amount which the PUDA may be required to pay to any persons either by way of compensation of damages or on any other account as a result of any claim or suit or any other proceedings concerning the sanctioning of the construction of the erection of tower and building or the making thereof and also in respect of costs and expenses which the PUDA may incur on defending any action.
4. Without prejudice to the above undertaking the owner hereby binds itself to pay to the PUDA to the full extent any amount which the PUDA may be required to pay person in connection with, relating to or concerning the sanctioning of the erection of tower and allied building or the making thereof.
5. That I/we fully understand that in case of buildings, which were/are unauthorized or which may be so declared at a later point of time, permission for installation of towers shall be granted on fulfillment of all the above conditions but shall not imply any change whatsoever on the status of the unauthorized building and shall be without prejudice to the right of PUDA to demolish the said building through the due process of law. In undertaking such demolition, PUDA will not be under any obligation to send prior intimation to the owner of the tower, nor will it be liable for loss of the tower / allied structure as a consequence of demolition of the unauthorized building.
6. The permission granted is also subject to the terms and conditions of allotment of site / plot / building and in case of violation of any of the terms and conditions of allotment, the permission so granted shall not in any way restrict PUDA to take action against violation under the provisions of Punjab Regional and Town Planning and Development Act, 1995 and the Rules / Policies made thereunder.
7. The owner further agrees and undertakes that this bond shall remain in full force and effect, till the owner faithfully observes and performs the undertaking herein before contained.

In witness whereof the owner with the above names has signed this bond on this _____day of _____ at _____.

INDEMNIFIER

Witness:-

1. .
2. .