

From

Financial Commissioner & Principal Secretary,
to Govt. Haryana, Town & Country Planning Deptt.,
Chandigarh.

To

The Director General,
Town & Country Planning,
Haryana, Chandigarh.

Memo No. 7/19/2012/-2TCP
Dated: the Chandigarh 13th January, 2012

Subject: Policy for setting up of Mobile Towers in the Controlled Area.

Reference: DTCP office memo no. 10688-10710 dated 06.09.2005.

In exercise of the powers under Section 11 of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (hereinafter referred as Act, 1963), Governor of Haryana is pleased to convey the policy under subject mentioned above. The earlier policy circulated by Director, Town and Country Planning vide his office memo no. 10699-10710 dated 06.09.2005 is superceded by the following policy:

Vacant land on which mobile towers are to be installed:-

1. Location:

- I. First preference should be given to the location of mobile/communication tower in Commercial, Industrial, Institutional zones.
- II. The mobile tower can also be installed in the open areas (except set back area of the building) within the Commercial, Industrial and Institutional sites.
- III. Where it is not possible to avoid the location of mobile tower in residential area, place/area should be explored to locate it in park/greenbelts within residential sectors or open spaces/community buildings in the sectors.
- IV. No communication tower shall be installed unless Structure Stability Certificate (SSC) has been issued by the Institutes mentioned in Rule 38 (xxix-a) of Punjab Scheduled Roads and Controlled Areas Restriction of

Unregulated Development Rules, 1965 (hereinafter referred as Rules, 1965)/or mentioned in para No. 4 of this letter.

- V. The residential area be avoided and if, it is not possible to avoid the installation of Communication Towers/Antennae in residential areas, Micro Cell based stations should be provided where there are high number of users. Micro Antennae tend to be mounted on street level poles or external walls of existing buildings. The location of each and every Micro Cell/Antennae marked on the plan is to be submitted by the applicant/agency in the Department for obtaining the prior permission from the Department for the same and consent from house owners to install the same may also be submitted.

2. **Ownership of the land:**

The registered lease-deed & Leave & License agreement can be accepted for ownership of land where communication/mobile tower is to be installed. The lease period should be minimum 11 years.

3. **Approach:**

The site should be located on any revenue rasta.

4. **Stability Certificate:**

Every cellular operator will submit the structural safety certificate from one of the following institutes regarding steel structure and foundation – (a) IIT Delhi, (b) PEC University of Technology, Chandigarh, (c) National Institute of Technology, Kurukshetra, (d) Indian Institute of Technology, Roorkee (e) Central Building Research Institute (CBRI), Roorkee or (f) any such reputed Institution/or Institutes mentioned in Rule 38 (xxix-a) of Rules, 1965.

5. **Tariff:**

One-time non-refundable permission fee of Rs. 2,00,000/- in Hyper/ High Potential Controlled Areas, Rs. 1,50,000/- in Medium Potential Controlled Areas and Rs. 1,00,000/- in Low Potential Controlled Areas. Further, an additional fee @ 25% shall be charged per sharing if the site is shared by various applicants. One time fixed charges will be taken from the cellular operator/owner if the site falls within agriculture zone. Scrutiny fee of Rs.10/- per sq. metre will also be levied. If the site is located in urbanisable zone, then conversion charges of commercial Use

will be levied. External Development Charges (EDC) will be levied as fixed by Haryana Urban Development Authority (HUDA), if located in Urbanisable zone. Cellular operator will intimate DGTCP regarding sharing of site by two or more cellular operators. For sharing of site, 25% extra charges of conversion charges will be charged. The concerned cellular operator shall submit the necessary fee in concerned District Town Planner office located at District Head Quarters with necessary details like Structural Stability Certificate, Indemnity Bond, if required. The fees and charges are to be paid in form of Demand Draft in favour of Director General, Town & Country Planning.

6. **Maximum Height:**

Maximum height of mobile/communication tower from the ground level should not exceed 75 mtrs. subject to the clearance from Defense, Civil Aviation.

7. **Indemnity Bond:**

Applicant will be asked to submit Indemnity Bond on a stamp paper, indemnifying Director, Town & Country Planning against any loss of life/property in the event of mishap.

8. **Tower installed without permission:**

Director, Town and Country Planning, Haryana under Section 14 of Act of 1963 can compound offence of erecting mobile/communication tower by Cellular operator/owner without permission, provided it fulfills the required parameters as stated in this letter by levying an additional fine @ 50% of the requisite fee/tariff besides usual fee/charges.

9. **Validity of permission:**

Permission for setting up of mobile/communication tower will be granted for two years which will be renewed by further one year after paying CLU renewal fee. After expiry of lease agreement, the Cellular Operator has to seek fresh permission. The lease agreement should be registered before the Competent Authority.

10. **Timeframe for approval of CLU application for setting up of mobile towers:**

After the receipt of complete application from Cellular Operator, concerned District Town Planner (DTP) will send the application to Circle

Officer i.e. Senior Town Planner (STP) within ten working days. The concerned STP will forward the case within 7 working days to the Directorate. The Directorate will decide the case within two months from the date of receipt of application. This provision will be applicable to the cases, where the land is situated in the Controlled Area for which the Development Plan has been published and no violation of any Act is reported. However, if there is violation of the Act and/or Development Plan has not been published, then there will not be any specified time period for grant of CLU permission for setting up of mobile tower as approval of Government may be required in such cases.

11. Permission granted can be withdrawn at any time if the public interest so demands.

Sd/-
Superintendent,
For Financial Commissioner & Principal Secretary,
to Govt. Haryana, Town & Country Planning Deptt.,

Endst. No. M-9/7/19/2012/2TCP/

Dated: 13th January, 2012

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

1. Monitoring & Coordination Cell, Government of Haryana, Haryana Civil Secretariat with reference to your memo no. 9/3/2011-MC dated 13.01.2012. I am also directed to inform you that vide DGTCP office Endst. No. Misc-9/JE(B)/2011/18837-41 dated 15.12.2011, all the Departments were requested to incorporate the policy circulated vide DGTCP office memo no. Misc-9/JE(B)/2011/16736-40 dated 15.11.2011. The copy of memo dated 15.11.2011 and 15.12.2011 is enclosed for your information. As far as filing of the consolidated policy before Hon'ble High Court in CWP No. 10412 of 2008 and other connected matters is concerned, it is intimated that Department of Town and Country Planning, Haryana is not party in any of the Writ Petitions. Therefore Director General, Urban Local Bodies may be requested to file the consolidated policy in the Hon'ble High Court.
2. Chief Coordinator Planner (NCR), Haryana, HUDA Complex, Sector 6, Panchkula with the direction to incorporate this policy in the Zoning Regulations of Development Plans.

Sd/-
Superintendent,
For Financial Commissioner & Principal Secretary,
to Govt. Haryana, Town & Country Planning Deptt.,