

FINANCE DEPARTMENT

Notification

Dated:

In exercise of the powers conferred by the Section 4 of the Capital of Punjab (Development and Regulation) Act, 1952 and the rules made thereunder, the Administrator, Union Territory, Chandigarh is pleased to make a comprehensive mobile tower policy in supersession of the Policy/Guidelines for permission for installation of Tower and pre-fabricated shelters at Chandigarh annexed at 'A' with memo No. 26/6/22-UTFI(3)-2001/8250 Dated 3.12.2004 and orders dated 5.6.2008 of the Chief Administrator, U.T. Chandigarh, with the following provisions:-

1.
 - i) Mobile or wire-less telephone towers shall be allowed on non - residential buildings in Chandigarh.
 - ii) However, in the areas like Sectors 1 to 6 and southern Sectors, having high cell site density and only few non-residential buildings, where it is not possible to avoid the installation of Communication Towers/Antenna in residential buildings, the Micro Cell based stations can be considered, in order to provide seamless un-interrupted mobile services.
 - iii) Further, to provide the proper network services of the mobile towers outside the Sectoral Grid of Chandigarh, the installation of mobile towers may be allowed in the agriculture areas, only subject to the fulfillment of the provisions of The Punjab New Capital (Periphery) Control Act, 1952.
 - iv) For the installation of mobile towers on notified heritage buildings, the specific clearance of the Chandigarh Heritage Conservation Committee shall be obtained.
 - v) The mobile towers shall be permitted to install only on buildings having occupation/ completion certificate/ sewerage connection/ electricity connection.
2. Only operator, duly approved to carry out its operations by the Govt. of India, shall apply to the Estate Officer, U.T. Chandigarh/ Commissioner, Municipal Corporation, Chandigarh with all required relevant documents including the requisite NOCs/clearances, consents and undertakings.
3.
 - i) The tower shall be shared by at-least three mobile operator companies and the Cellular Operator (hereinafter called operator).
 - ii) 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 the undertaking in this regard.

- iii) 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.
4. i) Total height of the pole from ground zero shall not exceed 30 meters. However, in case of roof top tower, the height of tower shall be reduced by the building height on which the said tower is to be installed, so as to comply with the condition of maximum permissible height of 30 meters.
- ii) However, permission of Airforce/Airport Authorities shall be mandatory in case of the building/site falling in their funnel areas.
5. It shall be the responsibility of the operator to ensure that the buildings are structurally safe & sound and capable of taking a 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 it will be putting and raising for installation of mobile tower.
6. No genset shall be allowed for installation of mobile towers, in view of the pollution concerns in the city and all the towers and microcell based stations shall be supported by the battery backup only.
7. The final permission for installation of towers shall be granted with the concurrence of land/building Owning Agency (Private Agency or Public Agency).
8. Every application shall be supported by the following documents regarding undertakings, clearances and consents etc., which the mobile tower operator shall obtain at its own level:-
- (i) The approval document in favour of the concerned company by the Govt. of India to carry out its operations.
 - (ii) Written permission to install the mobile towers from the building owner.
 - (iii) The occupation/completion certificate/ sewerage/ electricity connection for the building on which the tower is proposed to be raised.
 - (iv) The safety clearance from the Airport Authority of India/Air Force Station.
 - (v) Structural design, clearance and stability certificate from a certified structural engineer in Form 'J' of the Capital of Punjab (Development and Regulation) Act, 1952 and a certificate regarding structural design/safety of the tower from a structural engineer registered with the Chandigarh Administration.
 - (vi) The operator shall comply with the safety standard, norms on EMF exposure and other guidelines in accordance with the condition of licence 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 and in case of any violation in this regard, the tower shall be demolished forthwith beside imposing of penalty.

- (vii) NOC from TRAI.
 - (viii) Clearance document from Chandigarh Heritage Conservation Committee in case the tower is proposed to be installed on notified heritage buildings.
 - (ix) Undertaking by the operator applying for approval to ensuring that the tower is being shared only with those companies, which fulfill the condition of maintaining the distance of 300 meters between the two towers of same company.
 - (x) Documents of comprehensive insurance policy for all the structures, which will be constructed or raised on the site.
 - (xi) The operator shall be bound to submit any other document or certificate demanded by the Competent Authority, required to scrutinize the case.
9. The Competent Authority for granting the permission of installation of mobile towers shall be the Estate Officer-cum-D.C., U.T. Chandigarh. Except for various villages falling under the jurisdiction of M.C., Chandigarh (namely; Maloya, Kajheri, Burail, Dadu Majra, Attawa, Badheri, Buterla, Palsora, Hallomajra & Manimajra), which have been transferred to the Municipal Corporation, Chandigarh, for which the Competent Authority for grant of permission shall be the Commissioner, Municipal Corporation, Chandigarh.
 10. Only one approval will be granted to each tower, which shall be applied sought by the main mobile operating company. The said company shall be responsible for submitting the documents of all the sharing companies and shall ensure that the sharing companies also fulfill the eligibility criteria and other conditions for installation of mobile towers.
 11. 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 of the policy 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 Estate Officer, U.T. Chandigarh as per the related legal provisions.
 12. Any applicant aggrieved by the orders of the Estate Officer, U.T. Chandigarh or the Commissioner, M.C., Chandigarh, may prefer to file an appeal before the Finance Secretary-cum-Secretary, Urban Planning, Chandigarh Administration within 30 days of passing of such orders by the concerned authorities.
 13. The permission granted can be cancelled/ withdrawn at any time, if the public interest warrants so, at any time, giving one month notice to the concerned.
 14. The permission should be valid for such time as the operator holds a valid license for such operations from the Competent Authority. However, the operator shall submit a Certificate every five years from a Structural Engineer, regarding the continued safety of the building and related structures like tower, pre-fabricated structure etc.

15. The site shall be used only for setting up of tower and battery equipments. No commercial activity at site shall be permitted.
16. There shall be no further change in the plan and design of the pre-fabricated shelter and tower without prior approval of the Competent Authority in contradiction to the approved plans.
17. In case of roof top tower, the installation shall be made in such a way that minimum setback of 4'-0" from the building lines of all the sides of building shall be maintained within prescribed service zone.
18. The structure of the tower shall be installed on the roof the building in such a way that the roof should have at least one load-bearing wall beneath the tower.
19. The height of the antenna (i.e. height of the building plus height of tower) should be as per submitted specification and should not violate the directions and limits prescribed by any authority in this regard.
20. The pre-fabricated structure shall be temporary in nature and shall not be an inseparable part of the roof top.
21. The operator allowed the use of space for the tower 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 Chandigarh. In addition, the Chief Administrator, Chandigarh shall be competent to issue any such directions as deemed fit, which the operator shall abide.
22. Officials of the Chandigarh Administration/Estate Office shall have the right to inspect the site at all times without any prior notice.
23. 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 case there from.
24. Fees and charges as prescribed from time to time by the Chandigarh Administration shall be paid by the operator. In addition, whatever taxes/levies etc. which are leviable by any Govt. or by any statutory authority shall also be payable by the operator.

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Finance Secretary-cum-
Chief Administrator,
Chandigarh Administration.