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नगर रचना आणि मूल्यनिर्धारण विभाग
शाखा नांदेड

जा.क्र.मोबाइल टॉवर/कलम-३७(१ ए ए)/ससंनरनां/3000

घोडजकर इमारत, महाराणा प्रतापचौक
गांधीनगर, नांदेड- ४३१६०५
दिनांक :- २५/४/२०१३

प्रति,

१) मा. आयुक्त

नांदेड वाघाळा शहर महानगरपालिका
नांदेड

२) मा.मुख्य कार्यकारी अधिकारी
जिल्हा परिषद, नांदेड

३) मुख्याधिकारी, न.प. देगलूर, धर्माबाद, उमरी, कुंडलवाडी, कंधार, लोहा, मुदखेड, भोकर, किनवट, मुखेड
हदगांव, बिलोली.

४) मुख्याधिकारी, न.पं अर्धापुर, माहूर

विषय :- महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम-१९६६ चे कलम-३७ (१ए) खंड (क)
अन्वयेची अंतिम मंजूरीची अधिसूचना राज्यातील मंजूर विकास योजना क्षेत्रामध्ये मोबाईल टॉवरची
उभारणी व अनुषंगीक बाबीसाठी नविन विनियम अंतर्भूत करण्याबाबत.

संदर्भ :- मा.सहसंचालक, नगर रचना, औरंगाबाद यांचे पत्र क्र.मो.टॉ/कलम-३७(१ए)खंड (क) व कलम-
२०(४)/सह.सं.औं/१०३ दि.२९/३/२०१४

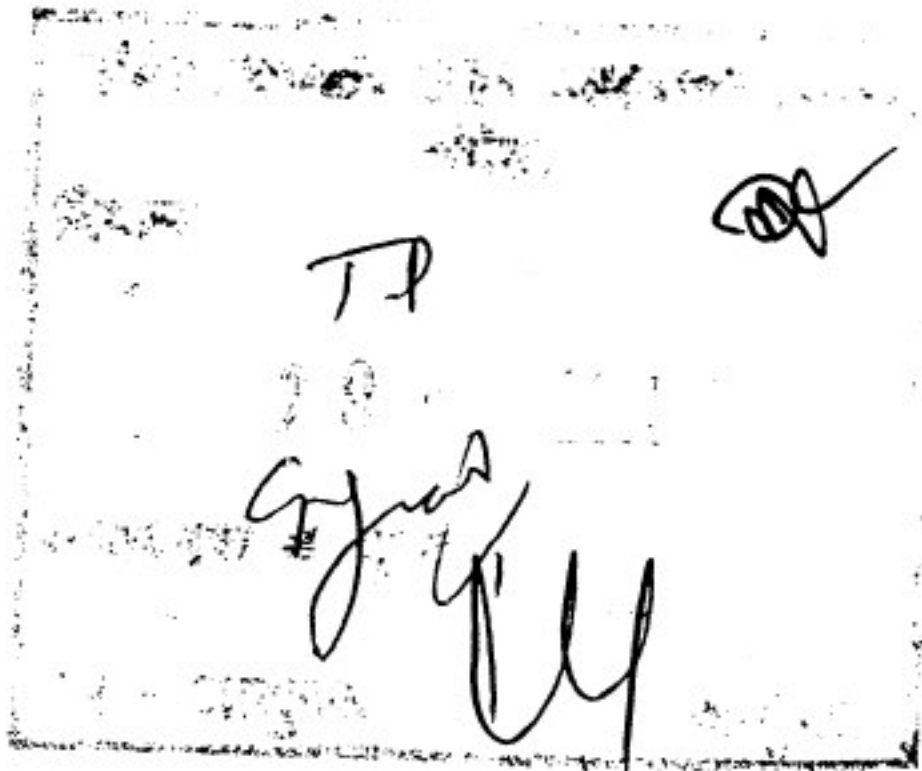
महोदय,

महाराष्ट्र शासन राजपत्रात प्रसिध्द महाराष्ट्र शासनाची मोबाईल टॉवर उभारणी संबंधीची अधिसूचना माहिती
व कार्यवाहीस्तव सोबत पाठविण्यात येत आहे.

आपला,

सहाय्यक संचालक, नगर रचना
नांदेड

प्रत :- मा. सहसंचालक, नगर रचना, औरंगाबाद विभाग, औरंगाबाद.



04-14/905
30/4/14

नगर रचना विभाग
नांदेड वाघाळा महानगरपालिका, नांदेड
द.र.वि. क्र. २०४
बाबीचा दिनांक... ३०-०५-१४
सहाय्यक/लिपीक



महाराष्ट्र शासन राजपत्र

असाधारण भाग एक-मध्य उप-विभाग

वर्ष ५, अंक ५५ (१०)]

मंगळवार, मार्च ४, २०१४/फाल्गुन १३, शके १९३५

[पृष्ठे ११, किंमत : रुपये ४.००

असाधारण क्रमांक ३७

प्राधिकृत प्रकाशन

नगरविकास विभाग

मंत्रालय, मुंबई ४०० ०३२, दिनांक ४ मार्च २०१४.

अधिसूचना

महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम, १९६६.

शासन निर्णय क्र. टीपीएस. १८१०/१९७५/प्र. क्र. नवीन ६५/१२/वियो/नवि-१३.—ज्याअर्थी, प्रस्तुत सूचना क्र. टीपीएस. १८१०/१९७५/प्र. क्र. नवीन ६५/१२/वियो/नवि-१३, दिनांक ३ ऑक्टोबर २०१३ रोजी राज्यातील सर्व नियोजन प्राधिकरणे, विशेष नियोजन प्राधिकरणे, विकास प्राधिकरणे आणि ज्या क्षेत्रांसाठी शासनाने वेळोवेळी विकास योजना मंजूर केल्या आहेत व त्या अंमलात आहेत, अशी अन्य प्राधिकरणे (यापुढे ज्यांचा उल्लेख “उक्त प्राधिकरणे” असा करण्यात आला आहे), यांच्या अंतिम विकास योजनेतील मंजूर विकास नियंत्रण नियमावलीमध्ये दूरसंचार सुविधांच्या जाळ्यांसाठी उपकरणांची व बेस स्टेशन यांच्या उभारणीसाठीचा सर्वसमावेशक विनियम अंतर्भूत करण्यासाठी, तातडीने काही फेरबदल करणे आवश्यक आहे, असे शासनाचे मत झाले आहे ;

आणि ज्याअर्थी, उक्त प्राधिकरणांच्या अंतिम विकास योजनेतील मंजूर विकास नियंत्रण नियमावलीमध्ये “दूरसंचार सुविधांच्या जाळ्यांसाठी उपकरणांची व बेस स्टेशन यांच्या उभारणीसाठीचा सर्वसमावेशक विनियम” अंतर्भूत करण्यासाठी मंजूर विकास योजनांमध्ये महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम, १९६६ (१९६६ चा ३७) च्या कलम ३७, पोट-कलम (१ ए ए), खंड (ए) द्वारे प्राप्त अधिकारान्वये फेरबदल करण्याकरिता महाराष्ट्र शासनाच्या नगरविकास विभागाने क्र. टीपीएस. १८१०/१९७५/ प्र.क्र.नवीन ६५/१२/वियो/नवि-१३, दिनांक ३ ऑक्टोबर २०१३ अन्वये, त्यासोबत जोडलेल्या अनुसूचीमध्ये नमूद केलेल्या प्रस्तावित नियमावलीच्या संबंधात (यापुढे ज्याचा उल्लेख “उक्त प्रस्तावित फेरबदल” असा करण्यात आला आहे), जनतेच्या हरकती/सूचना मागविण्यासाठीची नोटीस दिनांक ४ ऑक्टोबर २०१३ रोजीच्या महाराष्ट्र शासन राजपत्र असाधारण क्रमांक ५३ यामध्ये पृष्ठ क्रमांक १ ते ८ वर प्रसिद्ध केली आहे आणि उक्त फेरबदलाबाबत नोटीस प्रसिद्धीनंतर प्राप्त होणाऱ्या सूचना/हरकतींवर संबंधितांना सुनावणी देण्याकरिता व शासनास अहवाल सादर करण्याकरिता, नगररचना विभागाच्या विभागीय सह संचालकांना नियुक्त करण्यात आले होते. (यापुढे ज्यांचा उल्लेख “उक्त नियुक्त अधिकारी” असा करण्यात आला आहे) ;

आणि ज्याअर्थी, उक्त नियुक्त अधिकारी यांच्या अहवालांवर संचालक, नगररचना, महाराष्ट्र राज्य यांचा सल्ला घेतल्यानंतर उक्त फेरबदल काही बदलांसह मंजूर करणे आवश्यक असल्याचे शासनाचे मत झाले आहे.

आता त्याअर्थी, उक्त अधिनियमाच्या कलम ३७ चे पोट कलम (१ ए ए) खंड (सी) व त्यानुषंगाने प्राप्त अधिकारात शासन उक्त फेरबदल प्रस्तावास काही बदलांसह यासोबतच्या अनुसूची-अ मध्ये विहित केल्यानुसार अंतिम मंजूरी देत आहे आणि यानुषंगाने उक्त प्राधिकरणांच्या विकास

योजना मंजूरीच्या अधिसूचनांसोबतच्या, फेरबदलाच्या अनुसूचीमध्ये, शेवटच्या नोंदीनंतर, पुढील नोंद समाविष्ट करण्यात यावी, असे निदेशित करित आहे :-

“ नोंद

दूरसंचार सुविधांच्या जाळ्यांसाठी उपकरणांची व बेस स्टेशन यांच्या उभारणी, ह्या अधिसूचना क्र. टीपीएस. १८१०/१९७५/प्र. क्र. नवीन ६५/१२/वियो/नवि-१३, दिनांक ४ मार्च २०१४ सोबत जोडलेल्या अनुसूची-अ येथे नमूद केलेल्या, सर्वसमावेशक विनियमनुसार करणे आवश्यक राहिल ”

२. सदरहू अधिसूचना नागरिकांच्या अवलोकनार्थ कामकाजाच्या दिवशी कार्यालयीन वेळेत खालील कार्यालयात उपलब्ध करण्यात यावी :-

(१) संचालक, नगररचना, महाराष्ट्र राज्य, मध्यवर्ती इमारत, पुणे-४०० ००१.

(२) विभागीय सह संचालक, नगररचना, पुणे विभाग/कोकण विभाग/नाशिक विभाग/नागपूर विभाग/औरंगाबाद विभाग आणि अमरावती विभाग.

३. सदरहू सूचना शासनाच्या www.maharashtra.gov.in. या वेबसाईटवर देखील प्रसिद्ध करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

सुनिल मरळे,
अवर सचिव.

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, Date 4th March 2014

NOTIFICATION

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No. TPS-1810/1975/CR NEW 65/12/DP/UD-13.—Whereas, the Government of Maharashtra is satisfied that in the public interest, it is necessary to incorporate urgently a comprehensive Regulation in respect of setting up of Telecommunication Cell Site/Base Station and Installation of the Equipments for Telecommunication Network, in the sanctioned Development Control Regulations for the Final Development Plans of all the Planning Authorities, Special Planning Authorities, Development Authorities and other Authorities (hereinafter referred to as the “Said Authorities”) for which the Government has sanctioned such Final Development Plans from time to time which are in force, on the date of issue of the Notice No. TPS-1810/1975/CR NEW 65/12/DP/UD-13, dated the 03/10/2013 mentioned hereinafter ;

And whereas, pursuant to the above, Notice bearing No.TPS-1810/1975/CR NEW 65/12/DP/UD-13, dated the 3rd October 2013, under clause (a) sub-section (IAA) of Section 37 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) (hereinafter referred to as “the said Act”), regarding incorporation of a comprehensive “Regulation in respect of setting up of Telecommunication Cell Site/Base Station and Installation of the Equipments for Telecommunication Network” in the sanctioned Development Control Regulations of the Final Development Plans of the said Authorities, as specifically described in the Schedule appended thereto (hereinafter referred to as “the proposed modification”), was published by the State Government in the Urban Development Department, which appeared in the *Maharashtra Government Official Gazette* Extra-Ordinary No. 53, dated the 4th October 2013 on the Page Nos. 1 to 8, for inviting suggestions/objections from the general public and the concerned Divisional Joint Directors, of Town Planning were appointed as the Officers (hereinafter referred to as the “said Officers”) to hear suggestions/objections and submit their reports to the State Government ;

And whereas, after considering the reports submitted by the said Officers and consulting the Director of Town Planning, Maharashtra State, the Government of Maharashtra is of the opinion that the proposed modification should be sanctioned with certain changes ;

Now therefore, in exercise of the powers conferred by clause (c) sub-section (IAA) of the Section 37 of the said Act, the Government of Maharashtra finally sanctions the proposed modification with certain changes and for that purpose, amends the Notifications sanctioning the Development Plans of the said Authorities and accordingly directs that after the last entry in the Schedule of Modifications appended to the respective Notifications, sanctioning the Development Plans of the said Authorities, the following new entry shall be added, *viz.*

“Entry

“Setting up of Telecommunication Cell Site/Base Station and Installation of the Equipments for Telecommunication Network shall be governed by the Regulation specifically described in Schedule-A appended to Notification No.TPS-1810/1975/CR NEW 65/12/DP/UD-13, dated the 4th March 2014.”

2. This Notification shall be kept open for inspection by the general public in the following offices for the above period on all working days :—

(i) Director of Town Planning, Central Building, Pune.

(ii) Joint Director Town Planning, Pune Division/Konkan Division/Nashik Division/Nagpur Division/Aurangabad Division and Amaravati Division.

3. This Notification shall also be made available on the Government web-site www.maharashtra.gov.in.

SCHEDULE "A"

Regulation No. :—Regulation for setting up of Telecommunication Cell Site(s)/Base Station(s) and installation of the equipments for Telecommunication Network in the State of Maharashtra.

1. *Applicability.*—This Regulation shall apply to all existing and/or proposed Telecommunication Cell Sites/Base Stations installed or to be installed in any area in the State of Maharashtra to which the provisions of the Maharashtra Regional and Town Planning Act, 1966, apply and shall be implemented by the concerned Competent Authority within whose area, the land is situate.

2. *Definitions.*—(a) "Competent Authority" means the Planning Authority as defined in the Maharashtra Regional and Town Planning Act, 1966, over its area of jurisdiction and elsewhere, the Collector of the concerned District .

(b) "Telecommunication Cell Site/Base Station" (TCS/BS) for any Telecom Operator shall mean and include tower of requisite height and dimensions, delta, single pole antennae, microwave antenna, cabin of requisite dimensions for housing equipment, telecom transceiver machinery, related civil work, requisite wires and cables, power supply equipment, Diesel Generator (DG) Set/ Alternate power supply mechanism, cabin /cupboard for housing any or all of the aforesaid items as necessary.

3. *Control Over Development.*—No Telecommunication Cell Site/Base Station shall be setup or installed without the previous permission in writing of the Competent Authority. The permission shall be granted in the same manner as prescribed under Sections 44 to 47 of the Maharashtra Regional and Town Planning Act, 1966, in case of areas for which draft Development Plan has been prepared or final Development Plan has been sanctioned and under Section 18 of the said Act in respect of areas for which draft Regional Plan has been prepared or final Regional Plan has been sanctioned.

If the Competent Authority does not dispose of the application within a period of 60 days from the date of submission, the said application by the Telecom Service Provider/Infrastructure Provider (TSP/IP) shall be deemed to have been approved as per the provisions under Section 45 of the Maharashtra Regional and Town Planning Act, 1966.

4. *Procedure for Obtaining Development Permission.*—(A) All the applications for setting up or installation of any Telecommunication Cell Site/ Base Station (TCS/BS) or erection of a part thereof, shall be made to the Competent Authority by the concerned Telecom Service Provider (TSP) or the concerned Infrastructure Provider (IP), in such form and containing such particulars as may be prescribed by the Competent Authority or the Government.

(B) The application to the Competent Authority for obtaining the aforesaid development permission shall be accompanied by the following documents—

(a) All the documents as otherwise required to be attached for any development permission under the sanctioned Development Control Regulations for the area in which the site under application is located.

(b) Plans showing Location Map, Key Plan, Site Plan, Block Plan and Plans of the proposed work. In case of roof-top tower, the copy of Occupation Certificate or copy of sanctioned building plans or copy of Commencement Certificate issued by the Competent Authority or any other valid proof, in respect of the building on which the erection of roof-top tower is proposed, showing that such building is authorised.

(c) Notarised consent of the Owner of premises, which shall mean and include consent of the owner of property or no-objection certificate of the concerned registered Co-op Housing Society or notarised consent of 70% of the total number legal occupants in case of Apartments or Condominium or no-objection certificate of the lessor in case of a lease -hold property.

(d) Copy of agreement between the TSP/IP and the Owner of premises.

(e) Copy of Access Service License/Infrastructure Provider (IP) Registration Certificate, granted to the TSP/IP by the Department of Telecommunications (DoT), Government of India (GoI).

(f) "Copy of clearance from the Standing Advisory Committee for Frequency Allocations (SACFA) or copy of application made to SACFA for the said location submitted to Wireless Planning Commission (WPC) wing of the Department of Telecommunications (DoT), with registration number as WPC Acknowledgement, alongwith an undertaking that in case of any objection/rejection, TSPs/IPs will take corrective actions or remove the TCS/BS."

(g) "Acknowledgement receipt issued by Telecom Enforcement Resource and Monitoring (TERM) Cells in respect of the self-certificate submitted by TSP/IP regarding mobile towers/ Base Transceiver Station (BTS) (Ground-based or Roof-Top or Pole/wall-mounted) in the format as prescribed by Telecom Engineering Centre (TEC), DoT, establishing/certifying that all General Public areas around the TCS/BS will be within safe Electro-Magnetic Radiation (EMR) exposure limit as per peak traffic measurement after the antennae starts radiating."

(h) "Copy of Structural Stability Certificate for any ground-based Base Transceiver Station (BTS).

OR

In case of any roof-top BTS tower, Structural Stability Certificate for the building, based on written approval of any authorized Structural Engineer of the State/Local Body/Central Building Research Institute (CBRI), Roorkee/ IIT/ NIT or any other Agency authorized by the Competent Authority :

Provided that such NOC shall not be required for the single pole antennae or cellular signal boosters.

(i) Copy of the type test certificate issued by Automotive Research Association of India (ARAI) to the manufacturers of the Diesel Generator (DG) Sets.

(j) Notarised undertaking from the Applicant/Owner of premises :—

(i) That the cabin will not be utilized for any purpose other than the Telecommunication Cell Site/Base Station.

(ii) That if the said activity is discontinued by the Applicant, the said cabin will be demolished forthwith by the Applicant /Owner of premises.

(k) No objection certificate from the Authority concerned under the Civil Aviation Ministry (hereinafter referred to as the said Authority) in case of any building falling in any area where such no objection certificate of the said Authority is required under the relevant rules or law.

(l) No objection certificate of the Maharashtra Pollution Control Board regarding compliance with the norms prescribed for noise levels and smoke levels for the power generating sets having capacity above 100 kw, to be provided for Base Transceiver Stations.

(m) No objection certificate of the Chief Fire Officer of the concerned Urban Local Body, and elsewhere, of the Director of Fire Services, only in case of High Rise buildings having height of 15 mtr. or more measured from ground level.

(n) Copy of clearance from the State Environment Department as well as the Forest Department, in case of forest, protected areas, if applicable.

(o) Data Sheet containing the information regarding —

(a) Name of Telecom Service Provider/ Infrastructure Provider,

(b) Location,

(c) Tower Reference—

(i) Height and Weight of Tower,

(ii) Ground Based Tower/Roof Top Tower,

(iii) Number of Antennae planned on Tower,

(iv) Permissible maximum EMF Radiation Level,

(v) Proposed maximum EMF Radiation Level.

(p) Requisite fees, charges, as applicable.

(C) In case of area under Coastal Regulation Zone and/or in case of a listed Heritage building/Heritage precinct and/or in case of cessed buildings and/or in case of area under Environmentally Sensitive Zone (ESZ), notified by the Ministry of Environment and Forest (MoEF), Government of India (GoI), all the applications for installation of any TCS/BS or erection of a part thereof, shall be made to the concerned Competent Authority, which will forward it to the Maharashtra Coastal Zone Management Authority (MCZMA) or National Coastal Zone Management Authority (NCZMA), as the case may be, and/or Heritage Conservation Committee concerned and/or MHADA and/or High Level Monitoring Committee (HLMC) appointed/constituted by MoEF, respectively.

(D) The erection of the Base Station including tower, shall be commenced within ninety days from the date of receipt of permission from the Competent Authority and report of erection shall be made to the Competent Authority.

5. *Leviable charges.*—The Competent Authority, while granting permission under sub-regulation (3) hereinabove, shall levy and collect the following charges:—

(a) *Development Charge.*—Development charge shall be levied and collected by the Competent Authority as per the provisions under section 124-B of the Maharashtra Regional and Town Planning Act, 1966. For the purpose of assessing the development charge, the setting up of Base Station on land and on roof-tops shall be classified under commercial category. In an area where the Collector is the Competent Authority, the Development Charge shall be collected by the concerned Branch Office of the Town Planning Department on behalf of the Collector, at the rate of 1% of the rate of developed land mentioned in the Annual Statement of Rates for the relevant year, prepared by the Inspector General of Registration, Government of Maharashtra, calculated over the foot print area occupied by the Telecommunication Cell Site/Base Station.

(b) *Administrative Fee.*—Over and above the development charge as stipulated in clause 5 (a) above, TSP/IP shall pay to the Competent Authority, a one time non-refundable Administrative fee, in accordance with the location of the installation as shown in the Table hereinbelow:—

TABLE

Sr. No. (1)	Competent Authority (2)	Administrative Fee (3)
		Rs.
1	Municipal Corporation of Greater Mumbai (MCGM).	50,000
2	Municipal Corporation (Other than the M C G M)	30,000
3	Class A Municipal Council	25,000
	Class B Municipal Council	20,000
	Class C Municipal Council and Nagar Panchayats	15,000
4	Special Planning Authority	30,000
5	Competent Authority in Other Areas	10,000

Provided that the State Government may revise these rates from time to time by publishing a Notification to that effect in the *Official Gazette* :

Provided further that in an area where the Collector is the Competent Authority, the Administrative fee shall be collected by the concerned Branch Office of the Town Planning Department.

6. *Planning Norms For Erection of TCS/BS.*—(a) Notwithstanding the land use provisions under the relevant Development Control Regulations (DCR) pertaining to any Development Plan (DP) or Regional Plan (RP), subject to the compliance of other provisions of these Regulations, it shall be permissible to install TCS/BS, on,—

(i) all land uses as earmarked in any DP or RP,

(ii) all lands which are designated for non-buildable reservations in any DP or RP, subject to the condition that the maximum permissible area for installation of such TCS/BS shall not be more than 5% of the area of the reserved site or 100 sq.m, whichever is less, and shall be located in one corner of the reserved site.

(iii) all lands which are designated as open spaces/recreational open spaces/recreational grounds in a sanctioned layout, where such installation shall be permissible only with the no-objection certificate of the concerned registered co-operative housing society or consent of 70% of the total number of legal occupants/plot holders of such layout, subject to the condition that the maximum permissible area for installation of such TCS/BS shall not be more than 5% of such area or 100 sq.m, whichever is less, and the same shall be located in one corner of such area.

(iv) all buildable reservations in any DP or RP, except for buildings of uses mentioned in Clause No. 6(f), where such installation shall be permissible on the roof top, but only after development of the said reservation.

(v) all open lands in slum areas belonging to the Government/Public Authority/Planning Authority, where only ground-based TCS/BS shall be permissible and no Roof-Top Tower shall be permissible, save as provided in Clause 6(a) (vi) hereinbelow.

(vi) public buildings in slum areas, like public toilets, community centres etc., constructed by any Public Authority or to be constructed by the TSP/IP, where construction of Roof Top Towers shall be permissible, subject to maintenance and compliance of other terms and conditions specified by the concerned Authority.

(b) No permission for installation of TCS/BS shall be granted in wildlife areas and/or ecologically important areas, without ecological impact assessment and review of installation site. The Forest Department should be consulted before installation of TCS/BS in and around protected areas (PAs) and Zoos.

(c) The TCS/BS must have clear access by means of an existing road having minimum width of 6 mtr. for locations falling in congested area as earmarked on any DP or RP and 9 mtr., for locations falling outside such congested area. However, in exceptional circumstances, the Competent Authority may relax such road width suitably, but in no case, shall it be less than 5 mtr.

(d) In case of both ground-based towers and roof-top towers, there shall be no nearby buildings right in front of the antenna(e) of equivalent height, taking into account the tilt of the lowest antenna on tower, as per the details in the Table below :—

Table

Sr. No.	Number of Antenna(e) Pointed in the Same Direction	Building /Structure Safe Distance from the Antenna(e) at the Same Height
(1)	(2)	(3)
		(in mtrs)
1	1	20
2	2	35
3	4	45
4	6	55

Provided that the antennae at the same height only are to be counted, as the beam width of the mobile antennae, in the vertical direction, is very narrow.

(Explanation.—The distance figures in the above Table are based on empirical estimation, considering that all the antennae are emitting at their maximum RF power of 20 Watts and exactly in the same direction with the same height.)

Provided further that above norms shall automatically stand revised as per the latest guidelines issued by the DoT from time to time.

(e) In case of Wall Mounted /Pole Mounted Antenna(e) :—

(i) Wherever the antennae are mounted on the wall of a building or pole or along the road, their height should be atleast 5 mtr. above ground level/road level.

Provided that such installations shall have to comply with the prescribed radiation limits.

(ii) As far as safe distance of buildings from antenna(e) is concerned, guidelines as in Clause 6 (d) above shall apply.

(f) Installation of Base Station antenna(e) shall not be permissible within the premises of schools, colleges, and hospitals as well as on the adjoining land /building within 3 mtr. from the boundary of premises of schools, colleges and hospitals. Also antenna(e) shall not be directed/positioned towards any school/college/ hospital building.

(g) The existing Base Station antenna(e) approved earlier on any school/ college/ hospital building shall not be renewed further after the expiry of period of approval and the same shall be removed immediately thereafter, subject to the provisions of Clause 8 (d).

(h) Access to Base Station Antenna site shall be prohibited for the general public, by putting in place suitable measures such as wire-fencing, locking of the door to the roof, etc.

(i) The roof-top TCS/BS towers shall be put only on buildings which are declared structurally strong enough to bear the load of such installation. The base connection to the building should be got designed from a qualified structural engineer. Structural safety certificate of the composite structure [Building + Tower(s)] shall have to be obtained from any of the recognized Government Institutes.

(j) While according permission for installation of TCS/BS, permissible for erection of a cabin at ground level may be granted. However, the same shall not be allowed in the prescribed marginal open spaces. The area of such cabin shall not be more than 20 sq. mt. for each TSP/IP, subject to the certificate of structural safety. Built-up area of such cabin(s) shall not be counted towards built-up area or FSI.

(k) No permission for installation of TCS/BS shall be granted on buildings which are unauthorized and structurally unsafe. If permission for installation of such structures is granted on a building, which is declared as unauthorized at a later point of time, the Competent Authority shall first take recourse to the provisions of sections 52, 53, 54 and 55 of the Maharashtra Regional and Town Planning Act, 1966 or other relevant laws, as the case may be, against such unauthorised building and in case the Competent Authority, after completing the due process of law, decides to undertake any action of demolition against such unauthorised building then such decision shall also be conveyed to the concerned TSP/IP with a direction to relocate the TCS/BS within a period of 90 days, after which the Competent Authority shall not be under any obligation to send any further intimation to the TSP/IP concerned before demolishing such unauthorised building, and it shall not be liable to pay compensation for the loss of the Base Station as a consequence of the demolition of the unauthorized building. The TSP/IP shall indemnify the Competent Authority to this effect, while seeking permission for installation of TCS/BS,

(l) Permission for installation of TCS/BS, once granted shall remain valid for next 5 years. The TSP/IP shall apply for renewal of permission to the Competent Authority. The Competent Authority, while considering renewal, shall insist upon submission of fresh structural stability certificate for buildings more than 30 years of age. Administrative fee shall be levied and collected as prescribed in Clause 5 (b) hereinabove, for every such renewal. If TSP/IP fails to apply for renewal alongwith all necessary documents before the expiry of earlier permission, then such TSP/IP shall be liable for action under the provisions of the Maharashtra Regional and Town Planning Act, 1966.

(m) In case of any existing TCS/BS on a slum structure, every effort shall be made to relocate such TCS/BS on a nearby suitable public building or any other authorised structure or open land in the slum. If such relocation is not possible, then such TCS/BS may be allowed to be continued on such slum structure subject to its structural suitability, till the TCS/BS is shifted to any other authorised structure or till the redevelopment of the slum, whichever is earlier.

(n) While granting permission for TCS/BS, the Competent Authority shall stipulate that TSP/IP shall conduct regular audit in accordance with the directions/guidelines issued by TERM Cell or DoT from time to time.

7. *Electro-Magnetic Field (EMF) Radiation Norms.*—(a) Prior to installation of TCS/BS, the TSP/IP shall have to obtain Site clearance from the Standing Advisory Committee on Frequency Allocation (SACFA) of the Department of Telecommunication (DoT) for every site from the point of view of interference with other wireless users, aviation hazards and obstruction to any other existing microwave links.

(b) The Electro-Magnetic Field (EMF) radiation from BTS towers shall be subject to the regulations framed by the DoT from time to time. The TSP/IP shall periodically conduct audit and monitor EMF radiation in Urban localities, hospitals and educational/industrial /residential / recreational premises, especially around the Protected Areas (PAs) and ecologically sensitive areas, in accordance with the guidelines issued by DoT in this regard. It shall be binding on TSP/IP to follow the mechanism prescribed by the DoT/TERM Cell at local level for ensuring control on the EMF radiation and for notifying on continual basis the radiation level at critical location. For all the existing as well as new BTSs/Towers, TSPs are required to submit self-certificates periodically in the format prescribed by TEC, DoT, in order to ensure that normally all general public areas around the TCS/BS site are within the safe EMR exposure limits. Audit of the self-certification furnished by the TSPs shall be done by the TERM Cell periodically. TERM Cell shall carry out test audit of the BTS sites on random basis as per the guidelines received from DoT and also in respect of all cases where there is a public complaint. The TERM Cell shall have due regard to the instructions issued by DoT regarding technical audit of TCS/BS, including radiation of towers within safe limits. These shall include Roof Top/Ground Based/Pole Mounted/Wall Mounted Towers. The TERM Cell shall also verify antenna orientation, safe distance from the Tower (exclusion zone) etc. For non-compliance of EMF standards, Telecom Service Provider shall be liable for penal action by the TERM Cell and/or Department of Telecommunication (DoT). Any violation noticed may attract heavy penalties on TSPs and may also lead to shut down of TCS/BS, in case the violation persists.

8. *Miscellaneous Provisions.*—(a) Any complaint concerning illegal installation of TCS/BS on any building or any query of any nature regarding the installation of telecommunication equipment, shall be addressed to the Competent Authority which shall intimate the concerned TSP/IP about the same with a direction to resolve the issue under intimation to the Competent Authority, within such period as may be prescribed by the Competent Authority.

(b) The TSP/IP, who has erected TCS/BS without due permission, shall apply to the concerned Competent Authority for regularization within 180 days from the date of coming into force of this Regulation. In case such application is made within the prescribed period, then the offence, if any, registered against the TSP/IP may be compounded by the Competent Authority under section 143 of the Maharashtra Regional and Town Planning Act, 1966, subject to the provisions of these regulations.

(c) The TSPs/IPs who have earlier erected TCS/BS with due permission, shall apply afresh, for validation of the previous permission, to the Competent Authority within a period of 90 days from the date of commencement of this Regulation, in order to ensure due compliance of this Regulation. However Administrative fee in such cases shall not be leviable if appropriate fee/Development charge, not less than the amount prescribed under Clause 5 (b) above, has already been paid. In case the amount paid is less than what is prescribed hereinabove, the difference in amount shall be recovered from the TSP/IP.

(d) Any existing TCS/BS not conforming to any of the above provisions shall have to be removed within one year from the date of commencement of this Regulation, unless the same is specifically

regularized by the Competent Authority following due compliance by TSP/IP. However, operation of such non-conforming Telecommunication Cell Site/Base station shall be discontinued within a period of 30 days from the date of receipt of notice from the Competent Authority to that effect, which shall however be issued only after obtaining the consent of the TERM Cell of DoT.

(e) The Licensees shall try to share the tower for fixing their respective antennae provided the prescribed conditions are duly fulfilled, so as to ensure curtailing of multiple towers and optimizing the use of the existing ones.

(f) Sign boards and Warning signs ("Danger", "RF Radiation", "Restricted Area", "Don't Enter" etc.) shall be provided at TCS/BS antenna sites which are clearly visible and identifiable.

(g) The TSP/IP shall display the details of the following on a board (minimum size 24" x 48") separately or prominently on the cabin, for the perusal of general public in such a way that the same shall be clearly visible and identifiable.

- i. Name of TSP/IP :—
- ii. Location :—
- iii. Tower Reference :—
 - (a) Height, (b) Weight (c) Number of antennae planned on tower, (d) Permissible EMF radiation level (e) Proposed EMF radiation level.
- iv. Due date for next renewal.
- v. Contact Person's name, address and Telephone Number
- vi. Address of Complaint Redressing Authority with Telephone Numbers
- vii. Police Control Room- 100
- viii. Fire Control Room – 101
- ix. Ambulance – 102
- x. Other important information, if any.

Provided that in case of Telecommunication Cell Site/Base station on roof-top, the aforesaid information shall be displayed on the ground floor of the building.

(h) The Competent Authority shall display the list of authorized TCS/BS on their official web-site, alongwith the date of permission and due date for renewal of permission.

(i) TCS/BS Tower shall be inspected for distortion of members, torques of nuts and bolts at least once in five years. However, in case of areas affected by any natural calamity, such as cyclone, earthquake, flood, etc., such inspection shall be carried out immediately after such incident *suo motu* or on being directed by the Competent Authority. Such inspection shall be carried out only by a qualified structural engineer and a certificate to that effect shall be submitted to the Competent Authority.

(j) TCS/BS Towers located in highly corrosive environment shall be painted every year. Other towers shall be painted at least once in five years to give additional protection.

(k) The Competent Authority shall make efforts to provide Single Window clearance to TSP/IP for disposal of their applications in a time bound manner.

(l) In order to effectively address Public Grievances relating to installation of TCS/BS and issues related to telecom infrastructure, the State Government may set-up—

(i) State Level Telecom Committee (STC) consisting of officers from TERM Cells, State Administration, representative(s) of concerned TSP(s) and eminent public persons etc.

(ii) District Level Telecom Committee (DTC) consisting of officers from District Administration, representative(s) of concerned TSP(s) and eminent public persons etc.

9. Notwithstanding anything contained hereinabove, all the Regulations/Bye-Laws/Memorandum /Directions /Guidelines in this regard, issued or to be issued from time to time, by the Department of Telecommunications, Government of India, shall prevail and be binding on TSP/IP and also on all the Competent Authorities concerned, in which case, this Regulation shall stand modified to that extent.

10. *Powers of Interpretation and Removal of Doubt.*—If there is any overlapping provision or any conflict between the existing Development Control Regulations and the provisions of this Regulation and if any interpretation is required regarding the clauses of this Regulation, then the matter shall be referred to the Urban Development Department, Government of Maharashtra, whose decision shall be final.

By order and in the name of the Governor of Maharashtra,

SUNIL MARALE,
Under Secretary to Government.