



Digital Infrastructure Providers Association



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Foreword



**Mr. Akhil Gupta, Chairman,
DIPA & Vice-Chairman,
Bharti Enterprises.**

It gives me immense pleasure in bringing to you the inaugural edition of DIPA Newsletter. We intend this Newsletter to be issued on a quarterly basis.

This newsletter showcases the role of DIPA in the development of vital Digital Infrastructure in India and gives an account of the activities, achievements and progress made by DIPA during the Quarter ended 31st March, 2022.

We look forward to your continued support and suggestions to further improve our working and the Newsletter.



**Mr. Tilak Raj Dua
Director General, DIPA**

Information and Communications Technologies (ICTs), combined with innovations in broadband connectivity and the rich ecosystem of applications and services, can transform the lives of individuals and entire countries. The infrastructure to provide connectivity is paramount, but only a first step, and the impediments to productive use - namely affordability, awareness and ability; are significant challenges.

Infrastructure providers are the backbone of the entire telecom network and with the advent of new technologies and expansion driven business strategies; they are expected to play a pivotal role in the growth story. Achieving the objectives of Government will require robust Information and Communication Technologies (ICT) which calls for setting up digital infrastructure including towers, micro sites, and fiberized backhaul networks among others. Realising all these developments and change are leading to a positive environment and is enabling Digital Infrastructure Providers Association (DIPA) and its members to work tirelessly towards a technology led transformation.

We are pleased to bring to you the first edition of DIPA Newsletter with an aim to apprise you of the efforts being undertaken to fulfil Government's vision of connecting every citizen of the nation across the country.

About Us

Digital Infrastructure Providers Association (Erstwhile Tower and Infrastructure Providers Association) was constituted in 2010 as an industry representative body registered under the Indian Society Registration Act, 1860.

Digital Infrastructure Providers Association (DIPA) represents the India's digital infrastructure industry that develop, build, own and operate the nation's wireless infrastructure. From infrastructure providers and equipment manufacturers to EV charging infrastructure and fibre deployers, we bring together a dynamic group of companies that enable consumers to lead a 21st Century connected life.

The association is dedicated to interact, discuss and deliberate with Indian Government Ministries, Policy Makers, Regulators, Financial institutions, and technical bodies etc. for the knowledge collection & dissemination for promotion of healthy growth in telecom services. Since its inception in the year 2010, DIPA has become one of the key driver for innovation and digital revolution in the Indian telecom ecosystem. We are well recognized locally and globally as the model association wherein the most complex issues of the industry are resolved through consensus-building, driving the business interests of our members forward. Taking up the common interests of the members and enabling their ease of doing business is one of the key objectives of DIPA.

As a leading industry association, we have been continuously working for the growth of ICT sector in the country. We are actively engaged with various Central and State Level Ministries/ Departments including Ministry of Communications, Ministry of Electronics and Information Technology, Telecom Regulatory Authority of India, Ministry of Road Transport and Highways, Ministry of Housing and Urban Affairs, Ministry of Home Affairs, Ministry of Environment, Forest and Climate Change, Department for Promotion of Industry and Internal Trade, Financial Institutions, etc. towards creating best-in-class digital infrastructure to support our members in various ambitious programs of Government of India like "Digital India". "Smart Cities", "National Broadband Mission" and so on.

DIPA is also engaged with other industry association such as CII, FICCI, ASSOCHAM, COAI, ISPAI, etc with the objective of presenting an industry consensus view to the Government on critical issues related to the growth and development of Digital Infrastructure Industry.



“

*This year has just begun and
since the beginning, it has
been an eventful one!
Working tirelessly, our team
has already bagged various
successes and this year,
we aim to bag many more!*

”



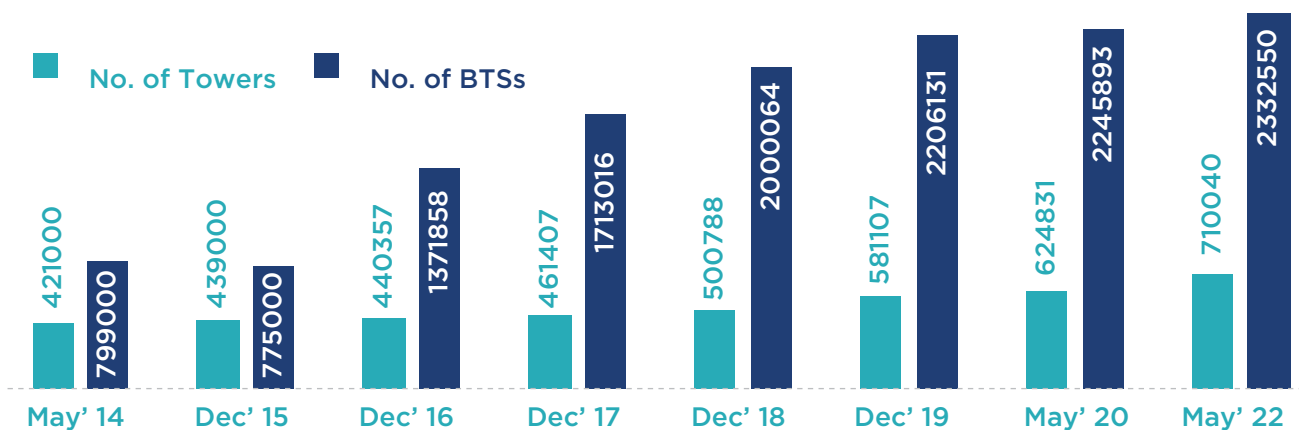
Digital Infrastructure Industry growth over the years

It was in 2010 that Digital Infrastructure Providers Association (DIPA) was constituted, then known as Tower and Infrastructure Providers Association (TAIPA), a representative body for Infrastructure Providers of the Telecom Industry. We've come a long way since then!

We have achieved numerous milestones in the past few years. With a PAN India coverage of ~7 lakh Mobile Towers housing 23 lakh BTSs, we have been able to get 99% of the population covered under 4G.

With the tower tenancy at the end of Q3 FY 2021-22 at 1.58, our members have successfully erected 30,671 towers in the last 6 months, at an annualised growth rate of 9%.

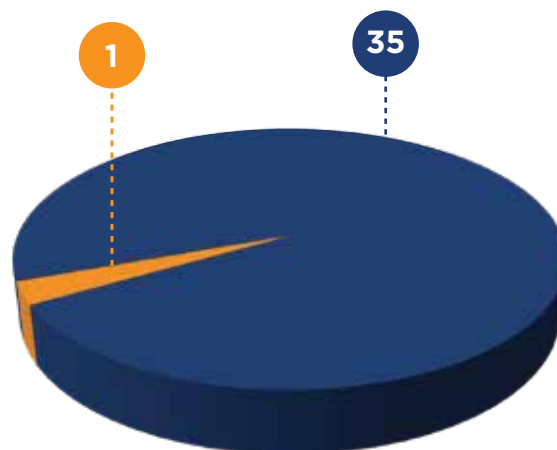
State Alignment Status



Regulatory developments and DIPA achievements

1. Right of way (RoW) Rules Implementation & RoW Portals

Background The Centralized RoW Rules, since before their notification, have been a source of constant and much needed support for the Indian Telecom Sector and hence DIPA has been continuously working towards getting RoW policy notified and streamlined at State levels for the smooth rollout of a Robust Digital Infrastructure.



35 Policies Notified

1 Draft Policies released, Notification Pending

- **Centralized RoW Portal** has been developed with help of Madhya Pradesh State Electronics Development Corporation (MPSEDC), in line with the MP State RoW portal. This portal can be accessed through sugamsanchar.gov.in. State/UT Portals that were already developed and operational have been integrated with the Centralized portal and the remaining will adopt the centralized portal. This Centralized Portal will help in the alignment and implementation of Policies at the State/Local body level and clearing pending RoW applications.
- **RoW Workshop**, to understand the issues and challenges in its implementation, was conducted in 2 stages – Centralised and State/UT level.

- **RoW Implementation at State/UT Level**

DIPA had been highlighting with DoT and State Governments, the issue of non-adoption and implementation of DoT RoW Rules 2016 at all State/UT levels. In this regard, DoT has issued a D.O. letter dated 29-11-2021 to all States/UTs for the implementation of IT RoW Rules 2016. DoT has also requested all States/UTs to integrate their respective Online portals with the Centralized portal. Also, Principal Secretary IT, Telangana has requested all DCs and Municipal Commissioners to expedite RoW permissions to all IPs.

8 State Policies have been notified in 2021-22

State Policies Management - Status 2021-2022			
S.No.	Status	State	Notification Date
1	Notified Telecom Infrastructure Policy	Lakshadweep	07-06-2021
2		Ladakh	01-07-2021
3		Andhra Pradesh	06-09-2021
4		Kerala (Tribal)	17-09-2021
5		Rajasthan	29-09-2021
6		Karnataka (RDPR)	02-12-2021
7		Karnataka (UDD)	12-01-2022
8		Tamil Nadu	25-01-2022
9		Daman & Diu and Dadar & Nagar Haveli	25-05-2022
10		Gujarat	25-05-2022

6 Amendments were issued to the existing State Policies

a. Madhya Pradesh - Amendment dated 26-07-2021

A Flat-rate based one-time rental for towers on Govt. properties; ranging from Rs. 20,000 - Rs. 50,000/- has been notified.

b. Himachal Pradesh - Amendment dated 10-08-2021

Inclusion of DIPA in the State Level Coordination Committee as a member for Policy Implementation

c. Goa - Amendment dated 12-08-2021

Amendment issued notifies a reduction in rental for Govt. properties in Rural areas for 5 years.

d. Kerala - Amendment dated 17-09-2021

After several meetings and continuous submissions from DIPA to CM, Kerala and CS/ Pr. Secretary (IT), Govt. of Kerala has issued an order agreeing on the following policy measures:

- Govt. land will be leased for the erection of tower/poles with a rent of Rs 5,000/year for 30 years
- Govt. buildings will be leased on a fixed rental of Rs 5,000/year for tower erection
- One-time fee of Rs 75,000/km for laying OFC will be waived off
- Nil charges for using utility poles of KSEB/LSGD /PWD for aerial OFC

e. Manipur - Amendment dated 25-09-2021

Manipur policy got gazetted and notified which was a long pending issue due to which it was not legally enforceable on departments

f. Punjab - Various amendments have been issued in the Punjab policy owing to meetings and submissions from DIPA.

i. Amendment dated 09-04-2021

Office Orders issued by Chief Town Planner, Punjab on a one-time fee of Rs 10,000

ii. Amendment dated 04-05-2021

Office Orders issued by Chairman, Punjab Pollution Control Board on NOC for DG sets. DG sets with less than 1 MVA exempted.

iii. Amendment dated 10-05-2021

Extension of Regularization of the

clause from the period 5.12.13 to 07.12.20 issued by Principal Secretary, DIC for the towers installed during the same period.

iv. Amendment dated 11-06-2021

- Clarification issued regarding lease deed on government land and buildings issued with a period of 20 years.
- Clarification issued for the fire NoC for high rise buildings. Only buildings with a height of more than 15 meters to be considered under this category
- Undertaking in place of SACFA clearance while applying for tower NOC

v. Amendment dated 05-08-2021

Register lease deed can be submitted after 6 months of issuing the NOC

Online Portals launched during 2021-22		
S.No.	Status	State
1	Operational	Meghalaya
2	Operational	Himachal Pradesh
3	Operational	Andhra Pradesh
4	Operational	Telangana
5	Operational	Goa
6	Partially Operational	Rajasthan
7	Partially Operational	Tripura
8	Partially Operational	Delhi (South MCD)
9	Partially Operational	Tamil Nadu
10	Under Development	Karnataka
11	Under Development	Manipur

49 SBCs have been held so far under the chairmanship of Hon'ble CS/Administrator of States/UTs and Sr. DDG LSA, DoT as the convenor. These SBCs have representations from various State Govt. departments such as the IT, Urban Development, PWD, Forest etc. have been very useful in resolving various policy as well as operational matters faced by our members in States

159 DLTC meetings held in 2021-2022 for states PAN India to discuss and resolve the policy and on-ground issues faced by IP1s at the State/Local level and hold discussions regarding the availability of Government Land/Building for the deployment of Digital Infrastructure. Also, **authorities have initiated actions on the long-pending tower and EB NOC cases.**

Post DIPA request in SBC – Delhi, **PWD has constituted a committee**, where DIPA is the member, regarding the **use of EB poles for street furniture for Telecommunications in Delhi.**

Punjab – With the kind support of CS, Punjab, a task force committee has been constituted under the Chairmanship of Secretary cum-Director, Industries & Commerce, Punjab about the rollout of 5G Telecommunication Services and to recommend amendments to the existing State Telecom Guidelines 2020.

DIPA had been representing the matter to GoTN, at all levels, for **notification of long-pending telecom RoW Policy and also clearing all pending RoW permissions** immediately. Vide this letter, **Principal Secretary (IT) has requested all DCs in the State:**

- a. Clear all pending RoW applications
- b. Support telecom infrastructure providers during natural disasters like cyclones/heavy rainfalls
- c. Take strict legal action against the obstructers/ person damaging/

unplayfully obstructing telecom/digital infrastructure

- d. Take appropriate legal action against any miscreants spreading misleading information relating to the health effects of EMF emissions from the Mobile Towers

DIPA has been **representing to the DoT and Govt. of Maharashtra for long-pending RoW permissions** on a priority basis. Considering our submissions, **MH LSA has requested Pr. Secretary (IT), MH to issue suitable directions/ instructions to respective authorities, and local bodies for urgently expediting pending RoW approvals** in line with provisions of the Indian Telegraph RoW Rules Nov'2016 and MH Telecom Infrastructure Policy 2018.

Deemed Approval at State Level – In furtherance of various meetings and submissions by DIPA, **Jharkhand and Haryana IT departments have started issuing deemed approval of RoW applications on a single-window portal.** Apart from the mentioned 2 states, as of now, Assam and Rajasthan are in process of enabling the same.

2. FDI In Telecom Sector

- **100% FDI in Telecom Sector through Automatic Route** DIPA had been highlighting the need to increase the FDI limit for IPs up to 100% under the automatic route. The same was being pursued through DoT, DPIIT and also various other industry bodies like FICCI under the EoDB initiative of DPIIT, Govt. of India. As part of telecom reforms as announced by DoT, the FDI limit for the telecom sector including the IP-1s has been increased to 100% under the automatic route. DPIIT also issued a notification dated 6-Oct-2021 in this

regard. Subsequently, DoT (CS-Cell) also issued revised guidelines for IP-1s on 22-12-2021 to incorporate revised FDI limits.

2. DoT Draft RoW Guide Lines 2022

- **DoT has issued a set of Draft RoW Guidelines, 2022 addressing deployment of Small Cell using Street Poles and other Street Furniture for smooth implementation of 5G rollout.**

DIPA has submitted its inputs on the Draft RoW Guidelines 2022 as were requested by DoT.

Operational Matters

1. Post DIPA's request and submissions regarding support and benefits to Industry during the Pandemic, **the Uttarakhand government has announced a subsidy of 30% or up to Rs. 50 Lakh of the total expenditure incurred during the installation of telecom towers in remote areas of Uttarakhand.**

2. BSNL Payment Backlog

After continuous submissions and follow-ups, from DIPA, **BSNL has increased the pay-out of IP members from 75% to a full 100%.** The pendency now stands at 1471 crores and DIPA is now requesting with Secretary (T) to recover the backlog/arrears.

3. Row Related Issues

i. **Uttarakhand** – Uttarakhand government is working on issuing notification for the implementation of Uttarakhand guidelines by all departments in true letter and spirit.

ii. **State Level Alignment of RoW Rules 2016** – On the basis of submission by DIPA dated 3.12.21, Sr. DDG, MP&CG has written to ACS to Chief Minister Chhattisgarh for alignment of Chhattisgarh RoW Rules 2016.

4. Other Operational issue

i. **Smooth Operations during the third COVID wave** - DIPA had been pursuing all State/UTs and Central departments to ensure 24x7 telecom operations during COVID-19 by allowing movement of our telecom field personnel. Based on our similar representation to DoT during rising concerns due to Omicron, **Secretary (DoT) has written a D.O. letter dated 6-01-2022 to all CS/Administrators for recognizing telecom as essential service** and hence staff/ field engineers/ technicians may be exempted from e-pass requirements and allowed movement basis Company ID Cards, including their transport.

ii. DIPA has been strongly taking up the **issues of Property Tax and Regularization of existing towers** with DoT and at all levels in the Local Government of Maharashtra including in SBC meetings with the Chief Secretary. Based on our submissions and subsequent directions of CS, a **committee has been constituted vide G.O. dated 10-Dec-2021 for rationalization of property tax & policy for regularization of old towers.**

iii. **NOC Clearance by Local Government at District Level in Punjab** – After continuous submissions from DIPA, a **DO letter has been issued by the Office of Director – DIC to Principal Secretary UDD to clear all applications as per the new policy.**

iv. **Permission to install towers in Jhajjar** – Post DIPA's submission and coordination with the State Nodal IT department, a DO letter was issued to DC Jhajjar to address the issue and the tower was then erected with the support of the local authorities.

v. **Sealing of sites by MC Ambala** – Matter was taken up by DIPA with CS - Haryana. Post submission, **DO letter was issued by Nodal Principal Secretary – IT to DC Ambala not to take any coercive action against the towers and to strictly follow Haryana RoW policy.**

vi. **NOC Pendency** – Post data submission by DIPA for all members, **the LSA unit of J&K and Ladakh has written to the Nodal Principal Secretary – IT for clearing applications and expediting the process.**

vii. **DIPA with IP members met Commissioner - Garhwal for taking up the issue of sealed sites by MDDA and HRDA dated 13th Dec'22.** Representation was made on behalf of the members, post which no further sealing of sites has been done. Also, during the second SBC meeting, DIPA has raised issues related to applying applications online for the

regularization of old towers. **After DIPA followed up with the state government, SOP was released for applying for the regularisation of old towers in the online portal.**

viii. Delhi MCD – Post-follow-ups by DIPA, following actions taken by MCD:

- a. Regularization of towers has been speeded up
- b. Implementation of the Settlement agreement of Jan 2017
- c. Matter regarding poles installed before 1.1.2016 has been resolved. They have agreed to charge Rs 20,000 for all such poles per Operator for 5 years
- d. De-sealing instructions of towers installed in O Zone Areas

ix. Uttar Pradesh – Tower NOC were getting rejected by authorities for want of No Objection Certificate from Pollution Control Board to install the DG sets at the telecom towers. The matter was taken up by DIPA with ACS – IT, UP government. Post follow-up, the orders/clarification were issued by Pollution Control Board in this regard. As per the orders NOC is not required for DG sets with a capacity up to 50 KVA. This will ensure early processing of tower NOCs which were getting rejected due to NOC from PCB.

x. Application submission for Tower NOC – On our members facing issues while submitting of application for Tower NOC post the notification of the newly notified Tamil Nadu Telecom Policy 2022, DIPA took up the matter with the office of Principal Secretary – IT. Post submission and follow up, notification was issued by the office of Principal Secretary – IT to all DCs of Tamil Nadu to accept the applications and expedite the Tower NOC as per the new policy.

xi. Delhi International Airport Limited (DIAL) – DIAL identified/approved 48 tower sites that were obstacles in the flight path and were causing hazards to flight safety at Delhi

International Airport. Post the continuous engagement with DIAL & IP members, as of 15th Feb 2022, **only 6 Sites have been left now to be lowered/relocated against 48 sites initially.**

Green Initiatives

1. With India covered with more than 7 lakh towers and 23 lakh BTS and each BTS is powered by up to 5KW energy, TRAI in its report has indicated an average fuel consumption of **8,760 litres of diesel every year** per tower assuming 8 hours of operation by diesel generator sets. This consumption of energy and diesel is leaving a huge carbon footprint on the map.

2. Due to sustained efforts of telecom infrastructure providers/ telecom service providers, **37% of the total towers i.e. 173384 towers out of 700519 towers have been turned into diesel-free towers so far. About 4286 towers are being powered by Renewable Energy Technology solutions** as well.

Total No. of Sites Powered by RET (a+b+c+d+e)	(a) Solar Sites	(b) Wind Solutions	(c) Bio based	(d) Fuel Cells	any other RET (e)	Sites with High Efficiency Battery Bank	Sites with any other Energy Solutions*	Sites converted from Indoor to Outdoor	No. of Diesel Free Sites
4286	4197	0	0	87	2	196686	114069	69266	173384

3. Steps taken by Infrastructure Industry to reduce diesel consumption

To optimize electricity usage through non-conventional sources of energy, IP1s are moving towards energy-efficient sources of energy solutions such as energy storage applications that can provide 20-25% of annual savings in current fuel costs to the operators.

i. Lithium-ion battery

Lithium-ion (Li-Ion) batteries deliver high power density, deep cycling capability and service life of 5 years longer than that of Lead Acid batteries. They also accept high charge currents and recharge very quickly. Li-Ion batteries are maintenance-free and ultimately deliver the lowest total cost of ownership.

ii. Renewable Energy Solutions

The telecom tower industry is aggressively aiming to use alternative energy resources to reduce its dependency on diesel. Since the RET (Renewable Energy Token) ecosystem has matured, deploying RET at feasible locations makes business sense. Tower companies continue to make efforts to adopt energy-efficient solutions and reduce cost solutions such as Solar, Wind and Biomass are gaining traction in the Telecom Industry.

iii. Diesel Free Sites

IPs continuously strive to reduce diesel consumption at sites. IP1s have made more than **1.05 lakh sites diesel-free** (sites that consume only a litre of diesel a day). Overall, 20% of the sites are diesel-free sites. The number of diesel-free sites has gone up to 1,73,384 as of June 2021, as compared to 90,911 sites as of December 2016. As a result, there is ~334 Mn litres saving of Diesel, annually.

iv. Use of Natural Gas on Telecom tower instead of Diesel

GOI has set a target for utilization of Natural Gas to the tune of 15% in the Indian fuel basket from the current level of 6% by 2030. This requires the replacement of the existing DG set but can add value & eliminate diesel, reduction in carbon footprint etc. The use of Natural gas will make infrastructure more sustainable.

The same is being pursued with PNGRB (Petroleum & Natural Gas Regulatory Board) and City Gas Distribution (CGD) entities for early availability; a joint committee has been formed with DIPA as convener.

v. Measures Adopted by IP1s on Energy Management

- Infrastructure providers have developed a **centralised system for monitoring** all sites.
- **Conversion of Indoor sites to Outdoor sites.** At present about 60% of sites are converted to outdoor, needing less energy.
- Installed **latest products** such as high-efficiency rectifiers, variable ACDG kits and DCDG kits.
- Usage of high-end VLRA **batteries** and Li-Ion batteries has gathered momentum.
- Use of **free cooling units instead of ACs** has led to a reduction in energy demand.
- Use of **RESCO Model**; green energy is supplied to a cluster of towers and the excess power is supplied to the community.
- State-of-the-art **remote monitoring systems and big data analytics** in their system.
- Spreading awareness regarding the importance of Green Telecom
- Upskilling and training of employees to implement Green Initiatives in the organisation.

The Infrastructure companies are tirelessly working towards the cause and we hope and aim to achieve a higher reduction in our carbon footprint in the coming future.

Interactions with Regulator, DoT and State Governments

DIPA has been continuously working with TRAI, DoT and State Governments for the smooth deployment of digital infrastructure in the country.

A. Telecom Regulatory Authority of India

TRAI has been repeatedly recommending the Enhancement of the Scope of IP1s as per their recommendations. We have had various interactions with the TRAI Chairman regarding a multitude of topics.

- 1. Chairman TRAI called a meeting (VC) with DIPA and IP members on 15-Nov-2021 to discuss the use of street furniture of provisioning small cells, aerial OFC etc. From our side, Chairman-DIPA led the discussions.**
- 2. TRAI has released various timely and much-needed consultation papers recently.**
 - i. Consultation Paper on “Regulatory Framework for Promoting Data Economy Through Establishment of Data Centres, Content Delivery Networks, and Interconnect Exchanges in India” on 16-December-2021**
 - ii. Consultation Paper on “Ease of Doing Business in Telecom and Broadcasting Sector” on 8-December-2021**
 - iii. Consultation Paper on “Auction of Spectrum in frequency bands identified for IMT/5G” on**

30-November-2021, based on the DoT’s reference on 13-Sep-2021

- iv. Consultation Paper on “Use of Street Furniture for Small Cells and Aerial Fibre Deployment” on 23-March-2022**
 - v. Most recent Consultation Paper on “Rating of Building and Areas for Digital Connectivity” issued on 25-March-2022 tends to deliberate on policy interventions that may be required for facilitating TSPs and IP1s in improving digital connectivity.**
- 3. TRAI has also released a few recommendations in line with the needs and requirements of the fast revolutionising digital infrastructure industry in the country.**
- i. Recommendations on “Roadmap to Promote Broadband Connectivity and Enhanced Broadband Speed” on 31-August-2021**
- 4. Furthermore, DIPA currently is working with TRAI and other associations in the telecom sector, on pilot projects to develop the best guidelines for the use of Street Furniture in the deployment of Small Cells and Aerial OFC.**

B. Department of Telecommunications

- i. Meeting with Secretary (T), Shri K. Rajaraman to apprise him of various ongoing issues of IP1s and factors hampering the deployment of digital infrastructure in the country.**
- ii. Meeting with Additional Secretary (T), Shri V. L. Kantha Rao to discuss the details of towers and investments by the IPs along with a detailed discussion on the ongoing issues in the telecom sector.**

- iii. In a **meeting with DGT, Shri Nizamul Haq**, DIPA put forth the industry's views on RoW Rules, 2016 and its implementation for due consideration.
- iv. In an insightful **discussion with Member (T), Shri A. K. Tiwari**, DIPA was intimated that Enhancement of the Scope of IP1s is under consideration and soon to be processed in DoT.
- v. In a discerning **conversation with Hon'ble MoSC, Shri Devusinh Chauhan**, DIPA highlighted the issue of non-alignment and implementation of the RoW Rules, 2016 in major states like Gujarat.

3. State Governments

- i. Meeting with **PS, Punjab, Shri Tejveer Singh** to discuss the deployment of Robust Digital Infrastructure in the state of Punjab by utilising Street Furniture to deploy Small Cells.
- ii. **DG - DIPA met with Advisor to Administrator - Chandigarh Mr Dharampal** to discuss various issues regarding the implementation of Chandigarh RoW policy, Pending Tower NOC and support required for rollout of telecom infrastructure including Street Furniture.
- iii. **DIPA on behalf of members has met CEO - Dehradun Cantonment Board regarding the threat of sealing the sites for the want of NOC.** A brief presentation was made by DIPA and members post which it was assured that **no tower will be sealed till the time both the parties agree on mutual terms.**
- iv. **NTIPRIT Sessions** - DIPA was invited by NTIPRIT to deliver sessions on Broadband for All, Sharing of Telecom Infrastructure and Green Telecom.

Key Legal matters and Taxation related issues facing the industry

1. Legal Matters/Cases

i. Delhi MC Matter in Delhi High Court LPA no. 571/572 of 2011

- MCD mobile tower policy is under challenge. Main issues: a) Imposition of exorbitant fee for permission of installation of tower (Rs 5 lac/tower for 5 years & Rs 1 lac/service provider for sharing). b) Restriction on selection of sites for installation of tower sites. Settlement Agreement was signed between IP-1s and MCs in 2017 and taken up on record by Delhi HC.
- Off late, two issues have emerged after the settlement deed was signed and taken on record by Hon'ble HC.
 - a. On 30.07.2020, North DMC issued a letter which states that basis the advice of Law Department of South and North MCDs, it has been decided that rates for Pole sites installed prior to 01.01.2016 will be taken on parity of mobile towers and hence will be charged accordingly.
 - b. SDMC has issued a circular in 2021, stating that SDMC has resolved to revise the charges for Cell Towers/Poles irrespective of height (RTT/GBT/GBM/RTP such as Rs 10,000 p.m. or 1 lac p.a. and 25% extra will be applicable per sharing. Charges as per settlement agreement are 1.5 lac (For period 08-04-2010 to 31-12-2014) or 2 lac (Prospective from 01-01-2015) for 5 years irrespective of sharing.
- On being challenged, Delhi HC directed that no coercive steps shall be taken and who have made payment under the settlement shall be granted permission for erection and construction of towers in

accordance with the judgment of the learned Single Judge and the settlement agreement. Order is now applicable to North MCD as well.

- Now post legal recourse and continuous DIPA follow-up, issue regarding poles installed before 1.1.2016 is also mitigated. MCs have agreed to charges Rs 20k for all such poles per Operator for 5 years.

ii. Pune Municipal Property Tax matter (Shashti) Matter in Bombay High Court

- Background: In this matter, the Commissioner (Taxation) of Municipal Corporation Pune has issued demand notice and attachment warrants for the recovery of the Tax on Mobile Towers. Further, several offices of the Tower Cos were sealed by PMC under the attachment warrants issued without following due process of law. Both IPs & TSPs have approached Bombay High Court against the demand notices & attachment warrants issued by PMC. Stay was granted and court further directed PMC to de-seal the offices. All WPs were clubbed. **Now PMC has moved the Hon'ble HC in Sep 2021 to vacate the stay granted.**
 - In Feb 2022, HC noticed on a draft policy has been prepared at the Government level after obtaining information from some of the local bodies and the process of getting information is still in progress. Also, **HC noted that it is satisfied that progress is made to come out with a comprehensive policy in respect of the levy of property tax on mobile towers and other related issues.**
- In the March, 2022 hearing, Advocate General appearing for Corporation submitted that committee formed by

the state government received representations from all stakeholders against the draft report and same is under consideration. Further, the draft report has been circulated amongst various concerned departments of the state government for their views if any.

The Advocate General requested for a further time of 3 weeks which the Court allowed. **Advocate General assured that Court no coercive action will be taken, in the meantime against the petitioners without the direction of the Court.**

- Lately, UDD department of Maharashtra govt. verbally came up in an industry meeting that it is coming with new guidelines in which certain clauses were not industry friendly. **DIPA has submitted objections regarding the New Guidelines for Telecom Infrastructure.**

iii. Simarjeet Singh matter in Punjab & Haryana HC

Background: The petitioner Simarjeet Singh is the owner of the building on which Roof Top Poles were being installed. Due to complaints from neighbour residents, Greater Mohali Development Authority issued a show cause notice to the petitioner with reasons such as why tower has been installed (instead of roof top poles), Height is more than prescribed height, Cables were in open and not underground & Bad effect on health due to EMF issues. Petitioner challenged the above show cause notice in Punjab & Haryana High Court.

- In Mar'21, HC passed an interim order **staying the installation of towers on the residential buildings till further orders.**
- In Apr'21 Hon'ble HC again passed an interim **order by which stay order** on installation of telecom towers on roof tops **was kept in abeyance.** Hon'ble HC stated that entire matter needs deta examination

and question whether any alternative mode except using roof tops of buildings, particularly, residential in nature needs to be answered and formed a committee to monitor erection of towers. Status report to be submitted by committee before next hearing. Committee has to monitor that no violations of 2016 rules take place and is at liberty to point out any deficiencies which come to their notice and any suggestions for improvement. In Feb 2022, New parties (neighbors) have opposed the application and they have been impleaded as opposite parties.

- Because of the court proceeding, state government department sought opinion from AG. Unfortunately, the opinion was not in concurrence either with law or with govt. regulations. **DIPA pushed for its rectification and correction with appropriate authorities.**

iv. Haryana Tower Policy matter

Background: The Municipal Department of Haryana enacted the bye-laws on lines of Integrated Policy in Sept & Oct 2013. Few authorities like Faridabad MC & Fatehabad Panchayat were insisting on compliance with Bye-laws and have issued notices warning coercive action in event of non-compliance. These were challenged by Indus Towers. Then new CCIP policy came in 2017. The same again has been challenged by Indus Towers and ATC. **Haryana CCIP 2017 Policy and notices by various MCs challenged in P&H High court mainly on following grounds:**

- Telecom is a central subject and state/MCs have no jurisdiction
- CCIP 2017 Policy is arbitrary and violative of RoW Rules 2016

- Exorbitant fees charged violative of Act 301 & 304 of Constitution (exorbitant fees unjust restrictions on the trade). Moreover, industry is not getting any benefits for the payment of fees.
- The policies/rules by state and MCs being arbitrary and irrational.
- Petition has also stated and challenged the various charges like composition fee and annual charges vid separate mentioning distinct paragraphs.

In Mar' 22, this Full Bench matter could not be taken up as one of the judges recused himself from the case. No exact date of hearing has been fixed by the Court

v. Chhattisgarh HC judgement for Chhattisgarh MC Rules 2010 challenged in Supreme Court by Industry (ATC)

Background: Multiple writ petitions were filed by different telecom infra companies against the state circular dt 18.11.2009 and Chhattisgarh Municipal Corporation (Erection of Temporary Tower or Structure for Cellular Mobile Phone) Rules, 2010 (for short, 'the 2010 Rules') through which permit fee was enhanced by 5 times and renewal fee by way of 10 times and settlement fee by 15 to 50 times of the one-time permit fee. In this matter, in a nutshell, Hon'ble High Court held that

Indian Telegraph Act 1885 is not applicable to mobile towers. Mobile towers are not part of telegraph infrastructure. Further RoW rules, 2016 are applicable to installation of mobile towers on **public property only** (not on private property).

- Industry (ATC) has challenged this Chhattisgarh High Court Judgement in Supreme Court of India.
- **In this lately, DOT with follow-ups, inputs and push from DIPA, has filed a counter affidavit supporting the**

averments of IPs and prayed that SLP shall be allowed. Matter is still with Registrar Court of Supreme Court.

vi. A Writ Petition No. 2548 of 2022 has been filed by Jagruk Nagrik Sangathan & Ors against The State of Maharashtra & Ors in Bombay High Court with prayer for removal of certain telecom towers in Pune area on mainly two grounds:

- Health hazards due to EMF radiations
- Illegality as no permission is granted
- DIPA (TAIPA) has been impleaded as one of the respondents.

2. Taxation Related Issues

i. DIPA had a Pre-Budget meeting with the Hon'ble Finance Minister. Pre Budget-Memorandum for the Annual Budget of Financial Year 2022-23 was given to the Ministry of Finance with the following suggestions:

- Grant of Input Tax Credit under GST provisions on Telecom Towers under section 17(5) of the CGST Act.
- Increase in tax depreciation rate from 15% to 65% on batteries for industrial/commercial use to ensure cost recovery within 3 years' economic life of the batteries.
- Carry forward of business losses in case of Merger/ Amalgamation under section 72A.
- Reversal of Amendment made in Section 254 which curtailed the powers of ITAT in grant of stay of tax demand.
- Settlement of cases by CIT (A) in a time-bound manner.

- Rationalization of TDS provisions to exclude transactions related to purchase of electricity/purchase of diesel u/s 194Q of the Income Tax Act.

ii. **The input tax credit on telecom towers is currently not available as telecom towers are not included in the definition of “Plant and Machinery” under section 17(5)(d) of the CGST Act, 2017. A written representation was submitted to the Finance Ministry towards the Goods & Service Tax department with reference to the enquiry/direction issued by DGGI, Meerut to our member telecom Infrastructure providers seeking details of Input Tax Credit (ITC) availed during the period 2017 till date in relation to all the items purchased during the said period. In this regard, the denial of ITC under the GST law on all items/ equipment at the telecom tower site will lead to huge exposure to the entire industry amounting to approx. 15,000 Crore with unnecessary litigations to the industry**

Our flagship event and media interactions & other developments

*To celebrate the dawn of this bright new year and TAIPA's transition into DIPA, we started the year with our Annual Flagship Event themed at the elephant in the room **"Robust Digital Infrastructure – Key to Digital Transformation"**.*

The event was graced by eminent dignitaries namely:

Shri Devusinh Chauhan

Hon'ble Minister of State for Communications, Govt. of India

Dr R. S. Sharma

IAS, CEO, National Health Authority, India

Dr P.D. Vaghela

IAS, Chairman TRAI

Shri K. Rajaraman

IAS, Chairman (DCC) and Secretary (DoT)

Additionally, to acquaint us better with the Global Scenario and perspective we had the following dignitaries:

Ms Jeanette Whyte

Head of Public Policy Asia Pacific, GSMA

Mr Jack Haddon

Head of Research APAC, TowerXchange

Over and above, to enhance our knowledge and know-how of the State/ Local level challenges and solutions we were graced by the presence of:

Shri Niranjana Kr. Arya

IAS, Chief Secretary, Govt. of Rajasthan

Shri Tejveer Singh

IAS, Principal Secretary, Govt Reforms, Govt of Punjab

EY, our knowledge partner for the event, along with DIPA, released the report – "Digital InfraCo – unlocking the tower power" that was unveiled during the event with a brief by Shri Prashant Singhal, TMT Market Leader, EY.

ANNUAL FLAGSHIP EVENT

ROBUST DIGITAL INFRASTRUCTURE

DIVE INTO THE FUTURE



Shri Devusinh Chauhan
Hon'ble Minister of State
for Communications,
Government of India





Dr. R.S. Sharma (IAS)
CEO National Health Authority



Dr. P.D. Vaghela (IAS)
Chairman TRAI



Shri K Rajaraman (IAS)
Chairman DCC,
Secretary (T), DoT



Shri Niranjan Kr. Arya (IAS) Chief
Secretary Government
of Rajasthan



Shri Tejveer Singh (IAS)
Principal Secretary
Government of Punjab



Ms. Jeanette Whyte
Head of Public Policy,
APAC, GSMA



Mr. Jack Haddon
Head of Research
Towerschange



Shri Akhil Gupta
Chairman DIPA



Shri Prashant Singhal
TMT Emerging Markets
Leader, EY



Shri T.R. Dua
Director General, DIPA



Shri K Rajaraman, IAS, Chair...



Hon. MoSC Devusinh Chauh...



Prashant Singhal, EY



Dr P.D. Vaghela, IAS, Chairm...



T.R. Dua, Director General, ...



Shri Tejveer Singh, IAS, Pr. ...



Jack Haddon, TowerXchange



Jeanette Whyte, GSMA



Akhil Gupta, Chairman DIPA



Shri Devusinh Chauhan

Hon'ble Minister of State for Communications, Govt. of India



Shri K. Rajaraman

IAS, Chairman (DCC) and Secretary (DoT)



Dr P.D. Vaghela

IAS, Chairman TRAI



Mr. Akhil Gupta

Chairman, DIPA & Vice-Chairman, Bharat Enterprises



Mr. Tilak Raj Dua

Director General, DIPA

The telecom sector has been in the news for quite a while with its exponential growth while acting as a strong backbone for the nation even prior to the advent of COVID 19. DIPA has worked through the pandemic to keep the telecom sector's functioning smooth and unhampered.

1. TAIPA wants telecom infra personnel in priority list for COVID-19 vaccine

In a letter to Telecom Secretary Anshu Prakash, TAIPA Director General T R Dua said that the frontline workforce of telecom infrastructure providers continues to provide services on a regular basis despite grave risks posed by the COVID-19 pandemic. Hence, it is essential that they are categorised under the frontline workers category so that they are given priority for administering the COVID-19 prevention vaccine.

2. In a letter to centre, TAIPA urges enabling active infrastructure sharing

The Tower and Infrastructure Providers Association (TAIPA), a representative body for the telecom tower sector, has urged the telecom department to implement the recommendations of the Digital Communications Commission (DCC) regarding sharing of active infrastructure.

3. TAIPA seeks urgent intervention of DoT for ensuring 24x7 telecom connectivity amid lockdown curbs

As the government of India is implementing curfew and lockdown situations in many states due to surging COVID-19 cases, it becomes of utmost importance to ensure the continuity of telecom tower operations 24x7. The industry body Tower and Infrastructure Providers Association (TAIPA) has requested the telecom department (DoT) to ensure continued connectivity during the lockdown period.

4. Telecom industry cautions against rumours of 5G causing covid

The telecom and the related infrastructure industry have come together to refute rumours that 5G connectivity is causing the second wave of Covid-19. Industry bodies have cautioned the public against falling prey to such misinformation.

5. Swift action by DoT, States to dispel myth around 5G-Covid

Intervention by the telecom department and action by state governments to counter misleading messages linking 5G technology with spread of COVID-19 were timely and helped matters significantly, industry body TAIPA has said. The advent of 5G is set to be a "game changer" for the telecom industry, and expected to spur major economic opportunities in next three to five years, T R Dua, director general of the Tower and Infrastructure Providers Association (TAIPA) said.

6. TAIPA rebrands as DIPA to expand domain in emerging technologies space

Under its new avatar as DIPA, it aims to extend this leadership now to all aspects of digital infrastructure for the entire ICT industry and thereby contribute to India becoming a robust digital economy, DIPA Chairman Akhil Gupta said. He also said that TAIPA represented telecom infrastructure players which led to the sharing of infrastructure on a non-discriminatory basis between service providers.

7. Telcos seek andhra support to keep connectivity during cyclone

The Digital Infrastructure Providers

Association (DIPA) has sought urgent support from the Andhra Pradesh government to ensure unrestricted connectivity of telecom services even during the time cyclone “Gulab” hits some districts in the state. In a letter to state Chief Secretary Aditya Nath Das, it has urged the state government to allow Cell on Wheels (CoWs) for installation without any permission requirement, if the situation arises, for providing continuous telecom services in the affected areas.

8. Gatishakti National Master Plan gives major boost to robust digitalv infrastructure

According to Digital Infrastructure Providers Association (DIPA), the leading telecom industry association, The National Master Plan will give a major boost to the Robust Digital Infrastructure and possesses lot of relevance to the telecom sector including Unified Portal for Approvals of Infrastructure Projects, Cross-Sector collaboration with other utilities like Water, Gas, Electricity, Broadcasting, Railways etc for sharing Infrastructure - Common Ducts, Uniform Policy at all States/UTs & Central Ministries/Depts. for Telecom RoW - Uniform timelines, fees, documentation etc., Availability of Land/Properties of other Ministries/Depts. for deploying telecom infrastructure - Airports , Post-office, Metro/Rail Stations, Highways, Sharing of Telecom Infrastructure with other utilities by Enhancing the Scope of Telecom Infrastructure Providers.

9. Cyclone Jawad: DIPA seeks intervention to ensure telecom connectivity

Digital Infrastructure Providers Association (DIPA) seeks timely support/intervention during the forthcoming cyclone “JAWAD” impacting the districts of Andhra Pradesh, Odisha

and West Bengal. The association has been committed to contain the effect of the situation on telecom services and to ensure the availability of Telecom connectivity on 24*7 basis to meet this urgent/ emergent/ disaster situation.

10. Tower firms seek Jharkhand, Bihar govt's intervention against threat of disruption of services by unions

Digital Infrastructure Providers Association (DIPA) an apex representative body of digital infrastructure providers in India have sought the intervention of Jharkhand and Bihar governments on the grounds that a “self-proclaimed” union has illegally threatened to disrupt telecom services in respective states if their monetary terms are not fulfilled.

All in all, it has been a remarkably lively start to the year, and we aim to make it even better and make the flame shine brighter as we move forward.

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