

16586

28/9/19



GOVERNMENT OF KERALA

Abstract

Electronics and Information Technology Department- Granting Right of Way (RoW) permissions to M/s Tata Communications Limited for laying Optical Fibre Cables along road networks in Kerala for 2.13 kms-Sanction accorded-orders issued

ELECTRONICS AND IT (B) DEPARTMENT

G.O.(Ms)No.20/2019/ITD Dated,Thiruvananthapuram, 05/09/2019

- Read 1 G.O.(Ms)No.39/2015/ITD dated 15.09.2015
2 G.O.(Ms)No.07/2016/ITD dated 08.02.2016
3 G.O. (Ms) No.25/2018/ITD dated. 11.10.2018
4 Minutes of the meeting of Single Window Clearance Committee for RoW permission held on 17.09.2018
5 Letter No. TCL/KER/OSP/ROW(3)/IT/2017/02 dated 20.02.2017 from M/s Tata Communications Limited

ORDER

M/s Tata Communications Limited has requested as per letter read as 5th paper above, permission for laying Optical Fibre Cables for 2.13 kms of roads in the State of Kerala, along Thiruvananthapuram and Ernakulam districts as part of expanding their existing Optical Fibre Cable (OFC) network.

- 2) As per Order read as 1st paper above, Government have issued detailed guidelines for granting Right of Way permission to lay OFC along the roads under the purview of National Highways/Public Works Department/ Local Self Government Institutions/any other public authority. A Single Window Committee has been constituted as per Government Order read as 1st paper above with regard to granting of Right of Way (RoW) permissions to TSPs/IPs. The Single Window Committee, in their meeting held on 17.09.2018 considered the application of M/s Tata Communications Limited and recommended to grant RoW Permission to them for laying OFC for 2.13 kms, subject to certain conditions. The common guidelines on RoW issued as per Government Order read as 1st paper have been modified vide Government Order read as 3rd paper above.
- 3) As per the RoW guidelines issued vide Government Order read as 1st and 3rd paper above, the TSPs/IPs shall have to remit an amount of Rs.75,000/- per kilometre towards One Time Contribution, and should also furnish a Bank Guarantee @ Rs.50/metre for getting RoW permission. As stipulated in the said Government Order, M/s. Tata

Communications Limited has furnished a Bank Guarantee (No: 0393BGR0147519 dated 14.11.2018) for an amount of Rs:1,06,500 (Rupees: One Lakh Six Thousand and Five Hundred Only) from ICICI Bank Limited. In case of non compliance or violation of any provisions in the Government Order or agreement, the Bank Guarantee will be invoked. M/s. Tata Communications Limited has also remitted an amount of Rs. 1,59,750/- (Rupees: One Lakh Fifty Nine Thousand Seven Hundred and Fifty Only) as One Time Contribution (OTC) (excluding GST) in favour of the Director, Kerala State IT Mission. M/s. Tata Communications Limited shall have to remit directly the amount of GST on One Time Contribution to the concerned authority under Reverse Charge Mechanism.

4) In the above circumstances, Government are pleased to accord Right of Way permission to M/s. Tata Communications Limited for laying Optical Fibre Cables for 2.13 kms as appended as Annexure- I, subject to the terms and conditions stipulated in the Government Orders read as 1st and 3rd papers above and the guidelines attached thereto. M/s. Tata Communications Limited should strictly follow the conditions noted below and such other additional conditions that Government may impose from time to time:

a) M/s Tata Communications Limited shall provide a minimum of 100 Mbps bandwidth at Network Operating Centres (NOCs) and 50 Mbps at the District Point of Presence (PoP) and 10 Mbps Block / Taluk HQs to Government free of cost, throughout the duration of the agreement. This free bandwidth shall be provided within one year from the date of the agreement and this shall be provided to District Head Quarters (DHQ), Block Head Quarters (BHQ) and Taluk Head Quarters (THQ) that fall within two kilometres of road distance from OFC route.

b) Free bandwidth provision shall be in the ratio of 1:1 (upload/download) and to the point to point links.

c) TSP shall ensure uptime of 99% in DHQ and NOC. This shall be 98.5% for BHQ and THQ during business hours.

d) M/s Tata Communications Limited shall furnish the location map showing the alignment of trenching for various reaches with cross section of trenching to the road authorities concerned and shall be got approved and an agreement shall be executed with the concerned road authorities. The TSP shall furnish the detailed road map of the route (as well as GIS route map) where OFC is to be laid with GPS co-ordinates as per the appropriate jurisdiction of the concerned road authority. The road authority shall ensure that cables are laid only in line with the lay out. No deviation from the approved layout shall be allowed by the road authorities. However, minor deviations may be allowed in the layout/approved plan submitted by the TSPs on the ground of technical feasibility.

e) Agreement shall be executed by the TSP with the Government. An agreement shall also be executed with the National Highway authorities before trenching is done on National Highways.

f) Trenching should be done only through the extreme edge of the road considering the future expansion of the Highways and for a stretch of 200m

at a time. No trenching will be allowed during rainy season. Proper precautionary measures may be made during execution of trenching such as fencing, lighting, sign boards etc. Digging works may be undertaken preferably in the night, avoiding busy hours and as far as possible, tarred portion should be avoided.

g) The trenching and restoration works should be done as per MoRTH specification and as per the instructions of the concerned agency designated by the owner. A completion certificate and Non Liability Certificate from all road authorities concerned and a certificate showing Bandwidth fulfillment from the Director, Kerala State IT Mission should be produced before Government by the TSP along with the application for release of Bank Guarantee on completion of laying work and fulfillment of all relevant conditions in the matter.

h) M/s Tata Communications Limited shall produce the NLC (Non Liability Certificate) in the format appended to this order from the road authority for returning the Bank Guarantee (Annexure- II). After completion of the work, the TSP shall furnish the road chainage details from the appropriate road authority.

i) Bank Guarantee shall be renewed by the TSP before the date of expiry of the BG.

j) M/s Tata Communications Limited shall be responsible for changing the cables whenever required at their own cost for the future development and 4 laning of Highways/future development of roads.

k) M/s Tata Communications Limited shall do the restoration work on their own under the supervision of the Department /Organization /Local Body owning the road and the road shall be restored to its previous condition within the stipulated time frame and quality standards as decided by Government from time to time. M/s Tata Communications Limited shall furnish a separate Bank Guarantee equal to 1/3rd (One third) of the estimated cost of restoration, to the Department /Organisation/ Local Body owning the road till the end of Defect Liability Period (DLP). This Bank Guarantee will be over and above the Bank Guarantee furnished to E&IT Department. M/s Tata Communications Limited shall also take necessary steps to renew the Bank Guarantees before the date of expiry.

l) M/s Tata Communications Limited shall be solely responsible for all accidents which occur due to the negligence from their part while trenching the roads for laying OFCs and they shall pay adequate compensation to the victims of such accidents as per the orders of the competent authorities or Court. The Licensee shall ensure proper filling of the excavated trenches before the close of the work of that day.

m) All provisions relating to PWD roads will be applicable to roads under the control of Local Self Government Institutions and other roads also.

n) Road Authorities shall give road trenching permission as per general norms and as well as terms and condition existing in their respective Departments.

o) Non- readiness of the site due to monsoon ban or such issues relating to non commencement of work shall be intimated to Director, KSITM. Completion of laying of OFC shall be promptly intimated to the Director, KSITM in writing with supporting documents. The Director, KSITM shall

inform the same to the Government on time. If the work completion is delayed, TSP shall furnish status report every six months to the Director, KSITM specifying the distance completed with route and pending at that point of time, with reason for non-completion of work.

p) M/s Tata Communications Limited shall submit OFC route mentioning road distance from OFC to DHQ, BHQ and THQ to the Director, KSITM.

q) Road authorities concerned shall permit M/s Tata Communications Limited to lay OFC from OFC route to BHQ, DHQ and THQ at feasible locations.

r) The validity of RoW permission granted shall be for 15 years from the date of this Government Order or till the period of currency of the license of M/s Tata Communications Limited issued by the Government of India, whichever is earlier.

s) If it is found at any stage that the TSP has laid extra cable over and above the sanctioned distance, they are liable to pay proportionate One Time Contribution and Bank Guarantee.

t) M/s Tata Communications Limited shall furnish OFC lay out diagram, with GIS co-ordinates, to the Director, KSITM and to the appropriate road authority concerned. The road authority shall ensure that lay out diagram is matching with the route details as mentioned in the Annexure- I.

u) There should not be any loss to the Government in this regard and this should be taken into account.

v) M/s Tata Communications Limited should apply for RoW permissions for extending the Government Connectivity, immediately after the completion of work of their Optical Fibre Cable routes.

w) M/s Tata Communications Limited should furnish the action plan for connecting PoP locations for the fulfilment of their previous Bandwidth commitments within one month from date of this order. The TSP should also furnish the GIS route map in the format specified by the Director, KSITM for identifying the PoP locations coming under the OFC routes. The proof of remittance of GST on One Time Contribution under reverse charge mechanism should be submitted by the TSP to the Director, KSITM within one month from the date of issue of this order.

x) M/s Tata Communications Limited should fulfil all the pending bandwidth commitments within 3 months from the date of issue of this order.

5) The Director, KSITM is permitted to allocate the bandwidth on distributed manner, so that multiple terminations can be avoided at a single PoP location. The Director, KSITM shall also monitor and ensure the compliance of Bandwidth commitments of TSPs by having constant coordination with all TSPs concerned and to workout an equitable distribution for obtaining free bandwidth in the NOC, DHQ, BHQ and THQ.

6) The Director, KSITM shall report to Government on time, any lapse on the part of M/s Tata Communications Limited in compliance of the conditions mentioned in this order.

7) The Right of Way permission shall come in to force only from the date of execution of the agreement by the TSP with Government.

8) All the terms and conditions laid down in the agreement and such additional conditions that Govt may impose from time to time shall be

strictly adhered to by M/s Tata Communications Limited. The Chief Engineer, (PWD)/(LSGD) shall report any violation in the provisions of the Government agreement conditions from the part of the company. M/s Tata Communications Limited shall be liable to execute supplementary agreements (if any) as stipulated by Government from time to time.

9) This Government Order is a generic permission and before digging any stretch, the plan of digging, route plan and restoration plan may be got approved from the Executive Engineer of PWD or the appropriate authority concerned.

(By order of the Governor)
VINOD. G
JOINT SECRETARY

To:

The Additional Chief Secretary, LSGD

The Principal Secretary, PWD

The Chief Engineer, National Highways, PWD, Thiruvananthapuram.

The Chief Engineer, Bridges & Roads, PWD, Thiruvananthapuram

The Chief Engineer (Projects), KSTP, Thiruvananthapuram.

The Chief Engineer (LSGD), Thiruvananthapuram.

The Managing Director, Roads and Bridges Development Corporation of Kerala Ltd. 2nd Floor, Preethi Building, M.V Road, Kochi-682 025

The Chief Executive Officer, Kerala Road Fund Board, TC 4/1654, Mayooram, Belhaven Gardens- 695003

District Collectors (Thiruvananthapuram / Ernakulam)

The State head, M/s Tata Communications Limited, Videsh Sanchar Bhavan, Kakkanad, Kochi-682030

The Principal Accountant General (A&E) / (G&SSA), Kerala, Thiruvananthapuram.

The Director, Urban Affairs, Thiruvananthapuram

The Director of Panchayaths, Thiruvananthapuram.

The Director, Kerala State IT Mission, Thiruvananthapuram

The Chairman and Managing Director, Kerala State Electricity Board, Thiruvananthapuram.

The Managing Director, KSITIL, Thiruvananthapuram

The Chief General Manager, BSNL, Kerala, Thiruvananthapuram

The Managing Director, Kerala Water Authority, Thiruvananthapuram

✓ The Information Officer, Web & New Media, I & PR Department

Stock File / Office Copy

Copy to:

1) Private Secretary to Hon'ble Chief Minister

2) PS to Secretary (E & IT)

3) CA to Joint Secretary (E&IT)

Forwarded / By order
Signature valid

Digitally signed by MANESH MOHAN
Date: 2019.09.05 16:55:02 IST
Reason: Approved

Section Officer

ANNEXURE - I

Sl. No.	Name of TSP	Route details of laying OFC applied for			Distance in metres	Road authority (PWD/LSGD/ Others) (Distance with each authority specify)	Jurisdiction of road authority with Distance of the laying OFC the laying OFC applied for	Name of NOC, DHQ, BHQ/ THQ coming under the OFC route
		From	To					
1	Tata Communications Ltd	Existing TCL Chamber IFO Car Palace NH Bypass Cochin 10.00062,76.31402	LifeStyle Sreekala Road , Cochin 10.00177908,76.31592437	300	Cochin Corporation	Cochin	NIL	
2	Tata Communications Ltd	Existing TCL Chamber IFO Muscat Tower 9.967465,76.301881	Karvy, Cheruparambath Road, Cochin 9.966117.76.30176	200	Cochin Corporation	Cochin	NIL	
3	Tata Communications Ltd	Alpha Plaza Building, Kadavanthara, Cochin 9.96646077,76.30006520	Samsung Data Systems, K.P. Vallon Road, Cochin 9.96240111,76.30072820	550	Cochin Corporation	Cochin	NIL	
4	Tata Communications Ltd	Existing TCL Chamber IFO Panampilly Nagar TCL Office 9.95488701,76.28640058	Karvy, Kizhavana Road, Cochin 9.95579378,76.29499460	350	Cochin Corporation	Cochin	NIL	
5	Tata Communications Ltd	Existing TCL Chamber @ Panampilly Nagar Main Road 9.95934069,76.29569863	Celebrus Commodities Panampilly Nagar (Service Road) Cochin 9.96016393,76.295986	180	Cochin Corporation	Cochin	NIL	
6	Tata Communications Ltd	Existing TCL Chamber IFO Standard Chartered Building M. G. Road 9.95832357,76.28938443	Bombay Stock Exchange , SreeLakshmi Tower, Ravipuram Road, Cochin 9.95998793,76.29019103	350	Cochin Corporation	Cochin	NIL	
7	Tata Communications Ltd	Existing TCL Chamber IFO Mahesh Estate, Vazhuthacaud, Trivandrum 8.501637,76.959226	McMillan Publishers, Narayana Towers, Vazhuthacaud, Trivandrum 8.500364,76.958157	200	PWD	Trivandrum	NIL	

Total Length in Metres	2130
------------------------	------

Section Officer

ANNEXURE-II

Non Liability Certificate issued by(Road Authority-
PWD/LSGD/Others) in Division/Office at(Place) with
regard to trenching and OFC laying work by M/s
.....(name)

This is to certify that there is no liability outstanding from M/s to
this office in respect of the RoW permission given to M/s as per
GO (Ms) No. dated The details of OFC laid is given
below.

Sl. No.	Name of TSP	Distance and Route for which permission was given for RoW as per G.O.	Length of OFC laid	Length of OFC not laid	Reason for not laying OFC
1	2	3	4	5	6

Office Seal

Dated Signature
Name
Designation

3
Section Officer