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File No. IT-B1/9/2019-ITD



GOVERNMENT OF KERALA

Abstract

Electronics and Information Technology Department-Granting Right of Way permissions to M/s Jio Digital Fibre Private Limited (JDFPL) to lay Optical Fibre Cables for 1652.95 kms along the road networks in the Revenue Districts of Kerala-Sanction accorded-Orders issued.

ELECTRONICS AND IT (B) DEPARTMENT

G.O.(Ms)No.3/2020/ITD Dated, Thiruvananthapuram, 21/01/2020

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 Letter No. RJIL/OFC/ROW/Kerala/ITD/100 dated 29.01.2019
from M/s Reliance Jio Infocomm Limited

5 Letter dated 28.11.2019 from M/s Reliance Jio Infocomm
Limited

ORDER

M/s Reliance Jio Infocomm Limited has submitted a proposal for granting Right of Way (RoW) permission for laying Optical Fibre Cables for 1652.95 kms of the roads in the State of Kerala, as part of expanding their existing Optical Fibre Cable (OFC) network as per letter read as 4th paper above. Subsequently, as per letter read as 5th paper above, the company informed that M/s Reliance Jio Infocomm (RJIL) limited has demerged the OFC Undertaking to M/s Jio Digital Fibre Private Limited (JDFPL) and requested to grant new RoW permissions in the name of M/s Jio Digital Fibre Private limited (JDFPL).

2) Government have issued detailed guidelines for granting Right of Way permission to lay OFC along the roads under the purview of National Highway/Public Works Department/ Local Self Government institutions/ any other public authority and a Single Window Committee has been constituted for granting Right of Way to TSPs/IPs as per Government Order read as 1st paper above. 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. The Single Window Committee constituted for the purpose convened on 29.08.2019 considered the application of M/s Reliance Jio Infocomm Limited and recommended to grant RoW Permission to them to lay OFC for 1652.95 kms subject to

certain conditions.

3) As per the RoW guidelines issued vide Government Order read as 1st and 4th 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 Performance Bank Guarantee @ Rs.50/metre for getting RoW permission. As stipulated in the said Government Order, M/s. Jio Digital Fibre Private Limited (JDFPL) has furnished a Bank Guarantee (No. LOBG403011905512 dated 26.11.2019) for an amount of Rs. 8,26,47,500/- (Rupees Eight Crore Twenty Six Lakh Forty Seven Thousand and Five Hundred Only) from M/s IDFC First 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 Jio Digital Fibre Private Limited (JDFPL) has also remitted an amount of Rs.12,39,71,250/- (Rupees Twelve Crore Thirty Nine Lakh Seventy One Thousand Two Hundred and Fifty Only) as One Time Contribution (OTC) (excluding GST) in favour of Director, Kerala State IT Mission (KSITM). M/s Jio Digital Fibre Private Limited (JDFPL) 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 Jio Digital Fibre Private Limited (JDFPL) for laying Optical Fibre Cable for 1652.95 kms (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 Jio Digital Fibre Private Limited (JDFPL) should strictly follow the conditions mentioned below and such other additional conditions that Government may impose from time to time:

- a) M/s Jio Digital Fibre Private Limited (JDFPL) 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 all 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 km 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 Jio Digital Fibre Private Limited (JDFPL) 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 fulfilment from Director, Kerala State IT Mission should be produced before Government by TSP along with application for release of Bank Guarantee on completion of laying work and fulfilment of all relevant conditions in the matter.

h) M/s Jio Digital Fibre Private Limited (JDFPL) shall produce the NLC (Non Liability Certificate) in the format appended to this order from the road authority for returning the BG (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, if necessary, by the TSP at the time of expiry of BG submitted.

j) M/s Jio Digital Fibre Private limited (JDFPL) 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 Jio Digital Fibre Private limited (JDFPL) 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 Jio Digital Fibre Private Limited (JDFPL) shall furnish a separate Bank Guarantee equal to 1/3rd (One third) of the estimated cost of restoration, to the Department /Organization/ 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 Jio Digital Fibre Private limited (JDFPL) shall also take necessary steps to renew the Bank Guarantees before the date of expiry.

- l) M/s Jio Digital Fibre Private limited (JDFPL) 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 Jio Digital Fibre Private limited (JDFPL) 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 Jio Digital Fibre Private limited (JDFPL) 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 Jio Digital Fibre Private limited (JDFPL) 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 Jio Digital Fibre Private limited (JDFPL) shall furnish OFC lay out diagram, with GIS co-ordinates, to 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 while performing the OFC laying works by M/s Jio Digital Fibre Private limited (JDFPL).
- v) M/s Jio Digital Fibre Private limited (JDFPL) shall submit application along with POP locations for extending Government connectivity to the Director, KSITM immediately after getting in-principle approval of General RoW permission vide this Government Order.
- w) In the case of pending bandwidth obligations, the company shall submit applications for Government connectivity immediately and shall

fulfil all pending bandwidth obligations immediately after obtaining RoW permissions for such Government connectivity.

- x) The company should furnish 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.
- 5) The Director, KSITM shall, after verifying and identifying feasible PoP locations, forward the RoW application of M/s Jio Digital Fibre Private limited (JDFPL) pertaining to Government connectivity to Government for granting permission for Government connectivity.
- 6) 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.
- 7) The Director, KSITM shall report to Government on time, any lapse on the part of M/s Jio Digital Fibre Private limited (JDFPL) in compliance of the conditions mentioned in this order.
- 8) The Right of Way permission shall come in to force only from the date of execution of the agreement by the TSP with Government.
- 9) All the terms and conditions laid down in the agreement and such additional conditions that Government may impose from time to time shall be strictly adhered to by M/s Jio Digital Fibre Private limited (JDFPL). The Chief Engineer, (PWD)/(LSGD) shall report any violation in the provisions of the agreement conditions from the part of the company. M/s Jio Digital Fibre Private limited (JDFPL) shall be liable to execute supplementary agreements (if any) as stipulated by Government from time to time.
- 10) 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)
M. SIVASANKAR
PRINCIPAL SECRETARY

To:

The Additional Chief Secretary, LSGD

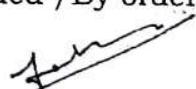
The Principal Secretary, PWD

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 Chief Executive Officer, KRFB, Thiruvananthapuram.
All District Collectors
The Head, M/s Jio Digital Fibre Private Limited, 1,29/1338E, Chandrika Chambers, S A Road, Vytila, Ernakulam, Kerala-682019
The Head, M/s Reliance Jio Infocomm Limited, Building No.29/1338 E, Floor No. 1, Chandrika Chambers, S.A Road, Vytila, Ernakulam- 682019
The Managing Director, Roads and Bridges Development Corporation of Kerala Ltd., 2nd Floor, Preethi Building M.V Road, Palarivattam Kochi - 682025
The Accountant General (A&E)/(G&SSA), Kerala, Thiruvananthapuram.
The Director, Urban Affairs, Thiruvananthapuram
The Director of Panchayaths, Thiruvananthapuram.
The Secretary, Grama Panchayath concerned (Through Director of Panchayats)
The Secretary, Municipality concerned (Through Director of Urban Affairs)
The Secretary, Corporation concerned (Through Director of Urban Affairs)
The Director, Kerala State IT Mission, Thiruvananthapuram
The Secretary, Kerala State Electricity Board, Thiruvananthapuram
The Chief General Manager, BSNL, Kerala, Thiruvananthapuram
The Managing Director, Kerala Water Authority, Thiruvananthapuram
The Information Officer, Web & New Media, I & PR Department
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Section Officer

Copy to:

- 1) Private Secretary to Hon'ble Chief Minister
- 2) PS to Secretary (E & IT)
- 3) CA to Joint Secretary (E & IT)



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