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**Policy Matter
By E-mail/Speed Post**



**Govt. of India, Ministry of Defence
Directorate General, Defence Estates**

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File No. 751/4/L/DE/POL/06/Vol-VIII (FMS ID-76361) dated 18 Nov, 2024

To,

The Principal Director, DE
Ministry of Defence
Central/Eastern/Northern/Southern/South-Western/Western Command
Lucknow/Kolkata/Jammu/Pune/Jaipur/Chandigarh

Subject : Policy on Shared Communication Tower and other Telecom Infrastructure to extend communication network in Military Stations/Cantonments – reg.

Reference MoD letter Nos. (i) F. No. 11026/1/2005/D(Lands) dated 18.01.2023, (ii) 11026/1/2005/D(Lands)(Pt.II) dated 22.03.2023, (iii) F. No. 11026/1/2005/D(Lands) (Pt.II) dated 22.05.2023 (iv) F. No. 11026/1/2005/D(Lands)(Pt.II) dated 10.07.2023 and Ministry of Communications, Deptt. of Telecommunication letter No. 2-3/2021-Policy dated 19.07.2024 on the subject cited above.

2. In supersession of the policy letter No. 11026/1/2005/D(Lands) dated 26.02.2018 in the subject matter, MoD vide letter No. 11026/1/2005/D(Lands) dated 18.01.2023 has communicated the procedure to be adopted for allowing "shared communication tower and other telecom infrastructure to extend communication network in Military Stations / Cantonments".

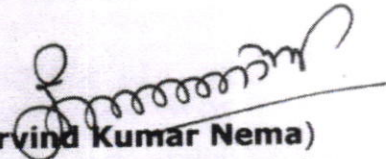
3. Earlier, licenses have been granted to TSPs for installation of Cell on Wheels (CoWs) in terms of para 8(b) of the policy dated 26.02.2018. PDsDE have reported that after expiry of initial period of two years of license, applications have been received by DEOs/CEOs from TSPs/ISPs for extension of license period for one more year on enhancement of last license fee @ 10% in terms of para 8(b)(vii) of MoD policy letter dated 26.02.2018. However, in the meantime MoD policy letter dated 18.01.2023 has been issued.

3.1 PDsDE have sought clarification as to whether license period be considered for extension/renewal at the end of license period by one year at a time, upto a maximum of 05 years, in terms of para 8(b)(ii) and 8(b)(vii) of MoD policy letter dated 26.02.2018 or a fresh application is required to be submitted by TSPs/ISPs on Gati Shakti Sanchar Portal for issuance of license as per provisions contained in MoD policy letter dated 18.01.2023.

4. The issue has been examined in consultation with LA (Defence) and MoD. The LA (Defence) vide note 21 dated 14.11.2024, recorded on File No. 11026/1/2005/D(Lans)(Pt.II), has opined that "...the license period of both the aforesaid agreements has already expired and therefore the Deptt may take a conscious administrative decision as per the prescribed procedure to enter into fresh agreement after considering the fresh applications in terms of new policy of MoD dated 18.01.2023..." (Copy enclosed).

5. In view of the above, PDsDE may issue suitable instructions to DEOs/CEOs under their jurisdiction to take necessary action as per the opinion of LA (Defence) in all such cases where license agreements under the policy of 2018 have expired.

6. DG, DE has approved.


(Arvind Kumar Nema)

Asstt. Director General (LS/Infra)
Defence Estates

Copy to:

All DEOs/ADEOs/CEOs : For info and necessary action w.r.t. above

N.O.O.

Director, NIDEM : For info w.r.t. above

All Addl. DGs DE

-21-

Dy.No.1364/XXIV/LA(DEF)
Ministry of Law & Justice
Department of Legal Affairs
O/o Legal Adviser (Defence)

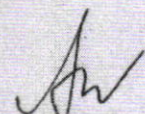
Reference preceding notes.

2. The matter has been referred to this office for seeking opinion as to whether it would be legally tenable to extend license period for License Deed Agreement dated 15.03.2023 (P-155/C) between Indus Towers Limited and CEO, Cantonment Board, Jalandhar and another License Agreement dated 19.01.2023 (P-149/C) between Indus Tower Limited and DEO, Jalandhar Cantt under the previous MoD policy dated 26.02.2018 which has been superseded by MoD policy letter dated 18.01.2023 (P-26/C).

3. The matter has been examined. On examining the aforesaid Agreements, it is apparent from condition specified in the said Agreements that the Agreements are done for a specified period of two (02) years and one (01) year respectively. Further, it has also been mentioned in both the agreements that the parties may extend the duration of the agreement on mutually agreed terms and conditions for further periods of one year. Therefore, it is apparent that extension of one year of license agreement is not binding as per these agreements and is based on entering into a fresh agreement on mutually agreed terms and conditions.

4. In view of the above, it is submitted that the license period of both the aforesaid agreements has already expired and therefore the Deptt may take a conscious administrative decision as per the prescribed procedure to enter into fresh agreement after considering the fresh applications in terms of new policy of MoD dated 18.01.2023.

May kindly see.


 (Ashish Pant)
 Wg Cdr
 Legal Officer
 14.11.2024

L.A. (Defence) (Shri Praveen Srivastava)

JS (L&W)

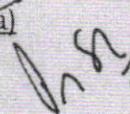
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Office of J.S. (Lands & Woods)

Dy. No. P-514069

Date: 14/11/24


 14.11.2023


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