



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No.	KP(M)138/ 2018
Complainant/ Appellant	Sri Utpal. Das
Respondent	: SPIO of Guwahati Municipal Corporation.
Date of hearing	24.01.2019
Complaint/ Second	: Shri H. S. Das, IAS (Retd)
Appeal heard by	Chief Information Commissioner, Assam

O R D E R

01.02.2019

1. The petitioner/appellant Sri Utpal Das is absent. The public authority, i.e. Guwahati Municipal Corporation is represented by Sri Dinesh Das, Asstt. Engineer of Planning Branch. The appellant sent a written communication dated 31.1.2019 stating that due to some private engagements he is unable to attend the hearing today. He requested for passing order in his absence.

2. From perusal of the case records it is seen that the petitioner filed an RTI petition dated 3.10.2017 before the SPIO of Guwahati Municipal Corporation seeking several informations about installation of mobile towers and permission accorded by GMC for such installations. The Zonal Engineer of GMC has sent a written communication dated 1.2.2019. Another written statement has been submitted by the SPIO of GMC Sri Deba Kumar Mishra, ACS, also. Both the WSs are entered into the case records. The SPIO has enclosed a copy of his letter dated 28.1.2019 addressed to the petitioner Sri Utpal Das informing him that there is no record in the Planning Branch of GMC of issuing any no-objection certificate for erection of mobile tower. The Zonal Engineer in his written submission dated 1.2.2019 stated that as per land use admissibility criteria of the Master Plan for Guwahati, wireless transmitting and weather station, and mobile transmission towers are allowed only in public and semi public and composite use Zone-I and II areas under the Master Plan. It has also been mentioned that Commissioner, GMC has written to the Additional Deputy Commissioner, Kamrup (M) District with copies to GDD and I&T Departments of Govt. of Assam, BSNL and GMD Authorities, seeking instructions and clarifications to facilitate issuance of permission by GMC to install mobile towers in any Zone of the master plan treating such mobile towers as essential infrastructure for an essential utility service-viz., telecom..

3. From the submissions made by GMC, it appears that : - (i) none of the mobile telecom service provider took any permission from GMC to install their existing mobile towers which are seen on private residential lands as well as on roof tops of buildings, including residential buildings. The Assistant Engineer of GMC who was present today submitted orally that GMC is not getting any revenue from the existing mobile towers. He also mentioned that although

he is not sure as to who authorized installation of mobile towers, most probably they were installed in pursuance of TRAI guidelines, and (ii) Advice/clarifications from the Deputy Commissioner, Kamrup (M), BSNL and concerned State Government Departments are yet to receive by the GMC.

4. The present position in the matter being as described above, the petitioner may seek further information from the other concerned public authorities mentioned above.

5. With the above order the second appeal petition dated 20.1.2018 is disposed of.

Sd/-
(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M)138/2018

Dated 01.02.2019

Copy to:

1. The SPIO of Guwahati Municipal Corporation, Guwahati for information and necessary action.
2. Sri Utpal Das, House No.41, Rang Pathar Bye Lane, Fatasil Ambari, Ghy.25.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar i/c
Assam Information Commission