

Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, Ashoka Road, New Delhi-110001
(Carrier Services-III Cell)

No. 10-12/2012-CS-III

Dated: 22.12.2021

Subject: Revised Guidelines for Registration of Infrastructure Providers – Category –I (IP-I).

Kindly find attached the following documents on the subject mentioned above, for information and further necessary action:-

- (i) Guidelines for Registration of Infrastructure Providers – Category –I (IP-I).
- (ii) Application form for IP-1 Registration.
- (iii) Check list for the documents to be submitted along with the application for IP-1 Registration.
- (iv) Draft Registration Certificate for IP-1 Registration.

This issues with the approval of Competent Authority.

Encl: As above

Mohit Bansal
22/12/21
(Mohit Bansal)

Assistant Director General (CS-III)

(मोहित बंसल)
(MOHIT BANSAL)
सहायक महानिदेशक (सी.एस.)
Assistant Director General (CS)
दूरसंचार विभाग, भारत सरकार
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नई दिल्ली/New Delhi

GUIDELINES FOR REGISTRATION OF INFRASTRUCTURE PROVIDERS-
CATEGORY-I (IP-I)

The Infrastructure Providers Category-I are those Infrastructure Providers who provide assets such as dark fibres, Right of Way, duct space & tower.

The following are the guidelines for the registration of Infrastructure Providers Category-I to be called IP-I.

1. The applicant must be an Indian company, registered under the Companies Act, 1956/2013.
2. FDI upto 100% under automatic route subject to Para 3.1.1 of FDI policy 2020 (as amended vide Press Note 3 (2020) series dated 17.04.2020) and observance of conditions of IP-1 Registration by the company as well as investors as notified by the Department of Telecommunications (DoT) from time to time.

Notwithstanding with the above provision, foreign investment shall be subject to following conditions:

- (i) An entity of a country, which shares land border with India or where the beneficial owner of an investment into India is situated in or is a citizen of any such country, can invest only under the Government route.
 - (ii) In the event of the transfer of ownership of any existing or future FDI in an entity in India, directly or indirectly, resulting in the beneficial ownership falling within the restriction/ purview of the clause no. (i) above, such subsequent change in beneficial ownership will also require Government approval.
 - (iii) Both direct and indirect foreign investment in the applicant company shall be counted for the purpose of calculating total FDI.
 - (iv) The applicant company/ Indian Promoters/ Investment Companies including their holding companies shall comply relevant provisions of extant FDI policy of the Government. While approving the investment proposals, the Government may take into accounts security concerns.
 - (v) FDI shall be subject to laws of India and not the laws of the foreign country/countries. The applicant company shall comply with the relevant provisions of FDI policy of the Government and such modifications to the policy as may be issued from time to time.
 - (vi) The words, mentioned hereinabove, such as FDI, foreign equity, investment companies, FIPB, etc., shall have the same meaning as defined by Department for Promotion of Industry and Internal Trade (DPIIT) in its FDI Policy.
3. The company shall submit the application for registration in the prescribed form (Annexure-I). The documents may be submitted as per checklist at Annexure-II.
 4. The applicant company shall make its own arrangement for Right of Way (ROW).
 5. Change in the name of the applicant company or the registered IP-I, as the case may be, shall be permitted in terms of the provisions under the Companies Act, 1956/2013.



6. The applicant company shall be informed of the approval or rejection of the application as far as practicable within 15 days of submission of the application.
7. The registration for IP-I shall be on non-exclusive basis without any restriction on the number of entrants.
8. The IP-I registered company shall provide dark fibres, Right of Way, duct space, towers on lease / rent out / sale basis to the licensees of telecom services on mutually agreed terms and conditions.
9. The IP-I registered company shall submit a copy of an agreement entered into with the telecom service providers to the DOT within 15 days of signing of such agreement.
10. IP-I registered company shall provide for the use of infrastructure in a non-discriminatory manner.
11. The applicant company will be issued a Registration Certificate for IP-I, a draft copy of which is attached herewith as Annexure-III. The terms & conditions of these guidelines as well as that of the Registration Certificate will be binding on the IP-I registered companies.
12. The applicant company shall pay a processing fee of Rs. 5,000/- (non-refundable) through digital payments like e-transfers/NEFT/RTGS/Debit Card/Credit Card, as per the process given in the user guide for NTRP at http://www.dot.gov.in/sites/default/files/2016_12_14%20NTRP-TA-II.pdf
13. The application is to be submitted to the Section Officer, CS-III, Department of Telecommunications, Room No.713, Sanchar Bhawan, 20, Ashoka Road, New Delhi-110 001.

ANNEXURE-I

GOVERNMENT OF INDIA
 MINISTRY OF COMMUNICATIONS
 DEPARTMENT OF TELECOMMUNICATIONS
 (CARRIER SERVICES CELL)
 SANCHAR BHAVAN, 20 ASHOKA ROAD, NEW DELHI-110 001.

APPLICATION FOR REGISTRATION OF INFRASTRUCTURE PROVIDER –
 CATEGORY-I (IP-I)

1. Name of Applicant Company: _____

2. Complete postal address with Telephone/FAX Nos./E-Mail
 - i) Corporate Office _____

 - ii) Registered Office _____

3. Address for correspondence with Telephone/FAX Nos./E-mail _____

4. Name of Authorised contact person, his designation, address and Telephone/FAX Nos./Email _____

5. Details of payment of processing fee (Refer para 12 of Guideline)

6. Certified copy of Certificate of Registration along with Articles of Association and Memorandum of Association to be attached.

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(To be certified by the Company Secretary/Statutory Auditor and countersigned by Authorized Signatory duly authorised by the company)

7. Details of Promoters/Partners/Shareholder in the Company: The Promoters to be indicated.

S.No.	Name of Promoter / Partner	Indian / Foreign	Equity %age.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Complete break-up of 100% of equity must be given. Equity holding upto 5% of the total equity shared among various shareholder can be clubbed but Indian and Foreign equity must be separate.)

8. Equity details

Indian:

Foreign:

(i) Land Border sharing country.....

(ii) Others

Total

(Certificate from Company Secretary/ Statutory Auditor and countersigned by Authorized Signatory duly authorised by the company to be attached)

9. Resolution of Board of Directors / other proof that the person signing the application is authorized signatory, to be attached. Such resolution should be signed with stamp by a Director but not by authorized signatory himself clearly mentioning the name of the Director signing the document.

Certificate/Undertaking:

- (I) I hereby certify that I have carefully read the guidelines, for the registration as Infrastructure Provider-I and I undertake to comply with the terms and conditions therein.
- (II) I hereby certify that the norms of extant FDI policy including norms related to investment from entity/ beneficial owners of the country which shares land border with India are complied with.
- (III) I understand that this application if found incomplete in any respect and/or if found with conditional compliance shall be summarily rejected.



- (IV) I understand that all matters relating to the application will be subject to jurisdiction of courts in Delhi / New Delhi only.
- (V) I understand that if at any time any averments made or information furnished for obtaining the registration is found incorrect then my application and the registration if granted thereto on the basis of such application shall be cancelled.
- (VI) I understand that in case it is decided to grant license under section 4 of Indian Telegraph Act, 1885 to Infrastructure Provider Category-I (IP-I) instead of registration, at a later date, the said registration shall stand cancelled after the prescribed period as decided by the competent authority and the Infrastructure Provider (IP-I) shall have to apply for grant of specified license/authorisation at that point of time as per terms and conditions applicable for such license/authorisation.

Date :

Place:

Signature and Name of the
Authorised Signatory
(Company's seal)



CHECK-LIST

The following documents should be submitted along with the application for IP-1 Registration:

S. No	Particulars	Parameters to be checked	Status (Y/N)
1.	Application form in prescribed format with Date, sign and Stamp	Signed by authorized signatory with stamp	
		Date & place mentioned	
2.	Processing fee as prescribed.	Presently Rs. 5000/- to be submitted under the IP-1 Registration head	
3.	Resolution of Board of Director that the person signing the application is authorized signatory. Such resolution should be signed with stamp by a Director but not by authorized signatory himself clearly mentioning the name of the Director signing the document.	Contains name of authorized signatory	
		Signed with stamp by a Director but not by authorized signatory himself	
		Mentions name of the Director signing the document.	
4.	Signature of the authorized signatory should be attested by any of the other Director of the company or company Secretary as the case may be.	Suitable Document attached	
5.	Certified copy of 'Certificate of Registration' duly certified by Company Secretary / Statutory Auditor <u>and countersigned</u> by authorized signatory with stamp.	Certified by Company Secretary / Statutory Auditor	
		Countersigned by authorized signatory with stamp	
6.	Certified copy of MOA along with the required clause duly certified by Company Secretary / Statutory Auditor <u>and countersigned</u> by authorized signatory with stamp.	Contains the required clause*	
		Certified by Company Secretary / Statutory Auditor	
		Countersigned by authorized signatory with stamp	
7.	Certified copy of AOA duly certified by Company Secretary / Statutory Auditor <u>and</u>	Certified by Company Secretary / Statutory	

	<u>countersigned</u> by authorized signatory with stamp	Auditor	
		Countersigned by authorized signatory with stamp	
8.	Equity details of Indian & Foreign (Certified by Company Secretary/Statutory auditor <u>and countersigned</u> by authorized signatory with stamp)	Certified by Company Secretary / Statutory Auditor	
		Countersigned by authorized signatory with stamp	
9.	Certified copy of approval of Government of India for Foreign Equity (To be applicable if FDI is from an entity of a country, which shares land border with India or beneficial owner of an investment into India is situated in or is a citizen of any such country) (Certificate from Company Secretary/ Statutory Auditor <u>and countersigned</u> by authorized signatory with stamp to be attached)	Approval attached, if applicable	
		Certified by Company Secretary / Statutory Auditor	
		Countersigned by authorized signatory with stamp	
10.	List of Board of Directors along with their nationality (It should be clearly indicated that whether they are Resident Indian Citizen/NRI/Foreign Nationals).	Nationality Status i.e. Resident Indian Citizen/Non Resident Indian/Foreign Nationals mentioned against each director	
		Countersigned by authorized signatory with stamp	

* MoA shall contain clause which allows the company to do business related to provisioning of telecom infrastructure. In case the required clause has been inserted after incorporation of the company, the revised MoA along with certificate issued by ROC regarding alteration of MoA is to be submitted. Both of these documents (MoA & certificate issued by RoC) are to be duly certified by Company Secretary/Statutory Auditor and countersigned by authorized signatory with stamp.



No. 10-xx/2xxx-CS-III
Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhavan, 20, Ashoka Road
New Delhi-110001

Registration Certificate No.: xxx/2xxx

Dated: xx.xx.xxxx

Registration Certificate For Infrastructure Provider Category-I (IP-I)

This is to certify that M/s ----- with registered office at ----- is registered as Infrastructure Provider Category I (IP-I) to establish and maintain the assets such as Dark Fibres, Right of Way, Duct Space and Tower for the purpose to grant on lease/rent/sale basis to the licensees of Telecom Services licensed under Section 4 of Indian Telegraph Act, 1885 on mutually agreed terms and conditions.

2.0 In no case the company shall work and operate or provide telegraph service including end to end bandwidth as defined in Indian Telegraph Act, 1885 either to any service provider or any other customer.

3.0 The company shall submit a copy of an Agreement entered into with the telecom service providers within 15 days of signing of such Agreement.

4.0 The company shall provide the said infrastructure in a non-discriminatory manner.

5.0 In the event of any question, dispute or difference arising under this Registration, or in connection thereof, except as to the matter, the decision of which is specifically provided elsewhere under this Registration, the same shall be referred to the sole Arbitrator appointed and nominated by the Director General Telecommunications or by whatever designation Director General Telecom may be called, hereinafter called the "ARBITRAL TRIBUNAL".

5.1 This Registration Certificate and any dispute thereof shall be governed by the substantive provisions of Indian law.

5.2 The venue of Arbitration shall be New Delhi or as may be fixed by the ARBITRAL TRIBUNAL anywhere in India.

5.3 The arbitration proceedings shall be conducted in accordance with the provisions of the Indian Arbitration and Conciliation Act, 1996 and rules framed there under or any modifications or re-enactment thereof made from time to time.

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6.0 The Registered company can provide the infrastructure as stated above to any licensee of Telegraph services Licensed under section 4 of the Indian Telegraph Act 1885. The company shall, in no case, grant in any manner the infrastructure to any erstwhile Licensee whose license is either terminated or suspended or not in operation at given point of time. In the event of any infrastructure allowed before hand, then the Registered company shall be obliged to withdraw the grant of infrastructure and to disconnect or sever connectivity immediately without loss of time and further, upon receipt of any reference from the Licensor in this regard, disconnection shall be made effective within an hour of receipt of such reference. On the question of disconnectivity, the decision of the Director General Telecom shall be final.

7.0 The Registered company shall provide necessary facilities depending upon the specific situation at the relevant time to the Government to counteract espionage, subversive act, sabotage or any other unlawful activity.

7.1 The Registered company shall make available on demand to the agencies authorized by the Government of India, full access to the network for technical scrutiny and for inspection which can be visual inspection or any operational inspection.

7.2 All foreign personnel likely to be deployed by the Registered company for installation, operation and maintenance of the Registered company network shall be security cleared by the Government of India prior to their deployment. The security clearance will be obtained from the Ministry of Home Affairs, Government of India, who will follow standard norms in the matter.

7.3 The Registered company shall ensure protection of privacy of communication and ensure that unauthorized interception of messages does not take place.

7.4 The Government shall have the right to take over the equipment and networks of the Registered company or revoke/terminate/suspend the Registration of the company either in part or in whole as per directions if any, issued in the public interest by the Government in case of emergency or war or low intensity conflict or any other eventuality. Provided any specific orders or direction from the Government issued under such conditions shall be applicable to the Registered company and shall be strictly complied with. Further, the Government reserves the right to keep any area out of the operation zone of the service if implications of security so require.

7.5 Government reserves the right to modify these conditions or incorporate new conditions considered necessary in the interest of national security and public interest.

7.6 The Registered company will ensure that the Telecommunication installation carried out by it should not become a safety hazard and is or in contravention of any statute, rule or regulation and public policy.



7.7 In case it is decided to grant license under section 4 of Indian Telegraph Act, 1885 to Infrastructure Provider Category-I (IP-I) instead of registration, at a later date, the said registration shall stand cancelled after the prescribed period as decided by the competent authority and the Infrastructure Provider (IP-I) shall have to apply for grant of specified license/authorisation at that point of time as per terms and conditions applicable for such license/authorization.

8.0 Any breach of the above terms will lead to cancellation of the registration without any further notice.

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ADG (CS-III) / DIRECTOR(CS-III)

To

M/S -----

