

# **Notice Inviting Applications**

**For**

**Auction of Spectrum in  
800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz,  
2500 MHz, 3300 MHz, and 26 GHz Bands**

No: 1000/10/2023-WF

Date: 08/03/2024

**Government of India  
Ministry of Communications  
Department of Telecommunications**

[www.dot.gov.in](http://www.dot.gov.in)

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## Section 1.

### 1.1 Introduction

The Government of India (the “Government”), through the Department of Telecommunications (“DoT”), proposes to assign the right to use certain specified radio spectrum frequencies in the 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz, 2500MHz, 3300 MHz, and 26 GHz Bands by means of auction in various Licensed Service Areas (LSA). Details of frequency range in the above-mentioned bands are as below:

**Table 1.1: Details of Frequency bands**

Band	Paired/ Unpaired	Uplink frequency (MHz)	Downlink frequency (MHz)
800 MHz	Paired	824-844	869-889
900 MHz	Paired	890-915	935-960
1800 MHz	Paired	1710-1780	1805-1875
2100 MHz	Paired	1939-1979	2129-2169
2300 MHz	Unpaired	2300-2380	
2500 MHz	Unpaired	2535-2555 and 2635-2655	
3300 MHz	Unpaired	3300 -3670	
26 GHz	Unpaired	24250 -27500	

Note:

- (i) The above Table indicates the various frequency ranges in the respective band(s). In some bands only part of the band is used for access services.
- (ii) The details of spectrum being put to auction are provided in Section 2.
- (iii) The arrangement of frequency ranges in the bands mentioned in the Table may be subject to revision as decided by Government.

The details of band-wise quantum of spectrum offered, reserve prices etc. are attached as Annexure A (Table A1 to A8) of Section 12.1 in this Notice Inviting Applications (NIA).

A single auction process will be carried out for assigning Spectrum blocks in various bands viz. 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz, 2500 MHz, 3300 MHz, and 26 GHz Bands and is



referred to in this document as the “Auction”. However, it may be noted that the Government reserves the right to use any other means to assign the spectrum as it may deem fit without assigning any reason whatsoever.

On behalf of the President of India, applications are invited from prospective bidders who meet the eligibility criteria for participating in the Auction. Based on the Applications, the Government shall pre-qualify Applicants who meet the eligibility criteria for participation in the Auction. The Government reserves the right to summarily disqualify any pre-qualified Bidder at any stage of the Auction or after the Auction is completed on grounds of non-compliance with eligibility conditions, misrepresentation, non-compliance with the relevant Auction Rules, non-compliance with any other pre-condition prescribed for participating in the Auction or for getting the spectrum, or any matter that may, in the opinion of the Government, be contrary to general public interest.

Interested parties may download a copy of this document and any subsequent amendments to it (together, the “Notice”) from the DoT website [www.dot.gov.in](http://www.dot.gov.in).

## **1.2 Objectives of the Auction**

The Government has set itself the following objectives for the Auction:

- Obtain a market determined price of Spectrum through a transparent process;
- Ensure efficient use of spectrum and avoid hoarding;
- Stimulate competition in the sector;
- Promote rollout of the respective services;
- To arrive at optimal price of spectrum to ensure sustainable and affordable access to Digital Communications.

The Government reserves the right to cancel or postpone the Auction, in part or in full, without assigning any reasons, in order to safeguard the above objectives. The Government has the sole discretion to determine the relative priority of the objectives and whether the objectives are adequately safeguarded by the Auction. It further reserves the right to abandon the Auction at any time prior to the award of spectrum as it may deem fit without giving any reason whatsoever.

### **1.3 Timetable**

The Table below sets out the current timeline. The Government reserves the right to determine the overall timeline of the Auction or to amend it from time to time. However, any changes in the auction timeline will be published on the DoT website. The participants are advised to monitor the DoT website actively.

<b>Auction Timetable</b>		
<b>Event</b>	<b>Date</b>	<b>T + Calendar Days</b>
Issue of Notice Inviting Applications (NIA)	08/03/2024	T=0 Days
Pre-bid Conference	18/03/2024	T+10 Days
Last date for seeking clarifications on NIA	26/03/2024	T+18 Days
Clarifications to NIA	03/04/2024	T+26 Days
Last date for submission of Applications	22/04/2024	T+45 Days
Publication of Ownership details of Applicants	26/04/2024	T+49 Days
Bidder Ownership Compliance Certificate	30/04/2024	T+53 Days
Pre-qualification of Bidders	06/05/2024	T+59 Days
Last date for withdrawal of Applications	08/05/2024	T+61 Days
Final List of bidders	09/05/2024	T+62 Days
Mock Auction	13/05/2024 & 14/05/2024	T+66 & T+67 Days
Publishing the Auction Catalogue for Live Auction	17/05/2024	T+70 Days
Start of the Live Auction	20/05/2024	T+73 Days
Payment of the Successful Bid Amount	Within 10 calendar days of the issue of demand note	
Venue and Date/time of Pre-Bid conference will be notified on DoT website separately		

## 1.4 Advisors to the Government

M/s MSTC Limited (referred to as the “Auctioneer”) is advising the Government on this Auction. Administration of the e-auction shall also be the responsibility of M/s MSTC Limited.

## 1.5 Independent External Monitors and Integrity Pact

The following Independent External Monitors (IEM) are appointed for DoT:

- (i) Shri Umendra, IFOS (Retd.), 1/55 C, Vipulkhand, Gomit Nagar, Lucknow-226010(Mob. No. 9415279693 & email ID: [sharmaumendra@gmail.com](mailto:sharmaumendra@gmail.com))

Applicants shall submit the duly signed Integrity Pact as per the format provided in **Annexure P**, along with the Application Form. DoT would only sign the Integrity Pacts of the final qualified bidders.

## 1.6 Force Majeure

If at any time, during the continuance of this auction, the performance in whole or in part, by either party, of any obligation under this is prevented or delayed, by reason of war, or hostility, acts of the public enemy, civic commotion, sabotage, Act of State or direction from Statutory Authority, explosion, pandemic or epidemic, quarantine restriction, strikes and lockouts (as are not limited to the establishments and facilities of the Licensee), fire, floods, natural calamities or any act of GOD (hereinafter referred to as EVENT), neither party shall, by reason of such event, have any such claims for damages against the other, in respect of such non- performance or delay in performance. Provided the auction shall be commenced/restarted/resumed as soon as practicable, after such EVENT comes to an end or ceases to exist. The decision of the DoT as to whether the auction may be so commenced, restarted or resumed (and the time frame within which the auction may be commenced/restarted or resumed) or not, shall be final and binding.

## 1.7 Dispute Settlement and Jurisdiction

All disputes relating to this Notice Inviting Applications and Auction will be subject to jurisdiction of the competent Courts of New Delhi only.

## **1.8 Governing Law**

The Bidders shall be bound by the laws of India, including the statutory provisions and the rules made under Indian Telegraph Act, 1885, Indian Wireless Telegraphy Act, 1933, Information Technology Act, 2000, and TRAI Act, 1997 as amended from time to time, and the rules and regulations there under.

## Section 2.

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### 2.1 Spectrum to be auctioned

Rights to use spectrum at specified frequencies in the 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz 2500 MHz, 3300 MHz , and 26 GHz bands (subject to fulfilment of eligibility conditions, relevant license conditions and any other conditions applicable to specific frequency blocks) for a period of twenty (20) years from the 'Effective Date' (as defined in [Section 2.5](#)) are being offered in this Auction. The details of Frequency spots are attached as **Annexure F** of [Section 12.6](#) and shall be a part of this NIA.

The details of band wise quantum of spectrum offered, reserve price etc. are attached as **Annexure A** (Table A1 to A8) of [Section 12.1](#) to this Notice Inviting Applications (NIA).

The minimum quantity of spectrum to be bid for by Existing Licensee/ New Entrant, block size and additional quantity beyond minimum bid quantity of spectrum in various bands is given in the Table 9.5 under [Section 9.5](#).

In some LSAs some of the spectrum is not available in entire LSA. Please see details of these in **Annexure F** of [Section 12.6](#). For Territorial Jurisdiction of LSAs, please see **Annexure G** of [Section 12.7](#).

### 2.2 Backhaul Spectrum

Assignment of spectrum for individual point-to-point fixed links i.e., Backhaul Spectrum would be subject to separate application and the assignment of the same is not linked to the compliance of roll out obligations. The assignment of backhaul spectrum is subject to the applicable processes, terms and conditions, and applicable charges. The Government shall make available spectrum for these purposes under the terms and conditions specified by the WPC Wing from time to time, subject to availability. However, it must be noted that these frequencies are not part of this Auction, and payment of the Successful Bid Amount does not ensure assignment of backhaul spectrum. Separate charges as prescribed from time to time, are payable for backhaul spectrum.

## 2.3 Technology

Spectrum blocks in liberalized spectrum or acquired through auction(s) may be combined if required by technology, and there are no restrictions on the technology to be deployed for providing services within the scope of the service license, provided it is compatible with technology(ies) already deployed in the LSA. The successful bidder shall provide details of the technology proposed to be deployed for operation of its services using spectrum block assigned through this auction within one month of obtaining the license, if the technology happens to be GSM/WCDMA/LTE/CDMA/IMT-2020 (5G technology). In case of switching over to a different technology (other than GSM/WCDMA/LTE/CDMA/IMT-2020 (5G technology), while rolling out the networks for compliance of roll out obligations, information regarding the new technology should be given at least six months before any new technology Base Station site is offered for testing. The technology should be based on standards approved by ITU/TEC or any other International Standards Organization/ bodies.

Existing Licensees will be allowed to use the additional spectrum block(s) assigned through this auction to deploy any technology by combining with their existing spectrum holding in the same band after converting their entire administratively assigned spectrum into liberalised spectrum in the same band. Existing UASL/UL with access service authorisation can liberalise their administratively assigned spectrum in 1800 MHz/900 MHz / 800 MHz bands for the balance validity period of spectrum assignment as per the Guidelines prescribed from time to time.

In case of a change of technology by the licensee, following must be ensured:

(i) Continuity of coverage, provisioning, delivery, quality of services in the network deployed with earlier technology. For withdrawal of service, the conditions prescribed in the respective Service License are to be followed. Further, the Quality of Service (QoS) is governed by the relevant TRAI regulations. In this regard, conditions mentioned in the Unified License including its amendment dated 24.01.19 have to be complied with.

(ii) Licensee will be required to submit the test reports as per test schedule/ procedure to the licensor who may also carry out sample verification.

(iii) For use of technology other than GSM, CDMA, WCDMA, LTE and IMT-2020 (5G technology), prior clearance will be required to

ensure that harmful interference is not caused to the already operating technologies either in the same band or in the adjacent bands.

## **2.4 Spectrum Usage Charges (SUC)**

No SUC will be charged for spectrum acquired in this auction.

## **2.5 Duration**

The validity period of right to use of the spectrum in 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz, 2500 MHz, 3300 MHz, and 26 GHz bands won in this auction shall be twenty (20) years from the 'Effective Date' subject to payments as per schedule in demand note.

'Effective Date' shall be the date of frequency assignment as mentioned in the Frequency Assignment Letter issued to the successful bidder.

Further, for Spectrum which is expiring in the year 2024 and whose assignment is extended through an interim assignment arrangement, 'Effective Date' for such spectrum shall be as below:

- i. If the same licensee who is holding the spectrum, wins the spectrum, 'Effective Date' will be the day following the expiry date of earlier assignment.
- ii. If an entity other than the one who is holding the spectrum wins the spectrum, then 'Effective Date' will be the day following the expiry date of the interim assignment arrangement made to the licensee holding the spectrum.

In case the UAS License/ Unified License with access service authorization is cancelled or terminated for any reason, the right to use spectrum shall stand withdrawn and cancelled forthwith. If the period of an existing UAS License/ Unified License with access service authorization expires before the expiry of validity of the Spectrum awarded through the Auction, then the Licensee will have to obtain Unified License with applicable authorization for access service for operation of services using spectrum blocks, the rights to use of which are being awarded through this auction.

## Section 3.

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### 3.1 Eligibility criteria to participate in the Auction

- (i) Any licensee that holds a UASL/ UL with authorization for Access Services for that LSA; or
- (ii) Any licensee that fulfils the eligibility criteria for obtaining a Unified License with authorization for Access Services, and gives an undertaking to obtain a Unified License with authorization for Access Services and an undertaking regarding compliance to FDI guidelines; or
- (iii) Any entity that gives an undertaking to obtain a Unified License with authorization for Access Services through a New Entrant Nominee as per the DoT guidelines/ license conditions, and an undertaking regarding compliance to FDI guidelines, can bid for the Spectrum in 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz, 2500 MHz, 3300 MHz, and 26 GHz Bands subject to other provisions of the Notice.

A Unified License can only be awarded to an Indian Company. Hence, any foreign applicants will need to form or acquire an Indian company, to obtain a Unified License. However, they are allowed to participate in the auctions directly and apply for a Unified License subsequently through an Indian company, where they hold equity stake, with a maximum foreign equity up to 100% under Automatic route subject to restrictions on investments from land border sharing countries as per extant guidelines. Applicants are advised to also see FDI policy & related requirements at:

<https://dpiit.gov.in/sites/default/files/pn4-2021.PDF> ;

[https://dpiit.gov.in/sites/default/files/FDI-PolicyCircular-2020-29October2020\\_0.pdf](https://dpiit.gov.in/sites/default/files/FDI-PolicyCircular-2020-29October2020_0.pdf);

<https://egazette.nic.in/WriteReadData/2021/230391.pdf>;

<https://fifp.gov.in/Forms/SOP.pdf>

The format of undertaking for obtaining Unified License with authorization for Access Services is prescribed at **Annexure K** ([Section 12.11](#)). The format of undertaking regarding compliance to FDI Guidelines is prescribed at **Annexure Q** ([Section 12.17](#)). Eligibility with regard to the number of blocks a bidder can bid depends on its categorization as an 'Existing Licensee' or as a 'New Entrant' in a particular LSA in a particular band. Details may be seen in [Section 3.2](#).



### 3.2 Associated Eligibility Conditions

- (i) Existing UASL/UL with Access Services authorization licensees shall be treated as 'New Entrant' in those LSA(s) for the frequency bands in which they do not presently hold spectrum. In other words, UASL/UL with access service authorization licensees who hold spectrum only in a particular LSA are also allowed to participate in the auction as 'New Entrant' in that LSA for the frequency band in which they do not presently hold spectrum. Their eligibility to bid for spectrum blocks in that particular LSA will be that of a new entrant. They will also need to comply with conditions for spectrum assignment and other prescribed conditions such as rollout obligations, BG etc. For the limited purpose of this provision, 900 MHz and 1800 MHz Bands are considered as the same band.
- (ii) Existing UASL/UL with Access Service authorization licensees shall be treated as 'Existing Licensee' in those LSAs for the frequency band(s) in which they already hold spectrum. Their eligibility to bid for spectrum blocks will be that of an existing operator. For the limited purpose of this provision, 900 MHz and 1800 MHz band will be treated as the same band.
- (iii) Companies whose licenses & Spectrum is expiring in the calendar year 2024 and does not hold spectrum bought through previous auctions in that LSA and band will also be treated as "New Entrants" for this auction.
- (iv) The bidders will have to submit a declaration regarding LSA and Band as per format at [Annexure N](#).
- (v) Entities who are not existing licensees will be treated as 'New Entrants' and will have to obtain a Unified License.
- (vi) The spectrum caps have been mentioned in [Section 9.7](#) and shall be applicable for all the bidders.
- (vii) Net Worth requirements: A Bidder is required to show a net worth of Rs.100 Crore per License Service Area (Rs. 50 Crore each for Jammu & Kashmir and North East Service Areas), in which the bidder wants to submit bids. The net worth requirement is applicable in case of 'New Entrants' and the same is not applicable in case of existing licensees. However, this condition of net worth requirement will be applicable on new entrants only in those LSAs where they do not hold any spectrum in any of the bands (i.e., any of

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the 700/800/900/1800/2100/2300/2500/3300 MHz & 26 GHz bands).

- (viii) The requirement of net worth (100 crores/ 50 crores) is to be shown per LSA (and not band) for such LSAs in such bands, where that bidder is a new entrant. Therefore, a bidder, who is a new entrant in all of the bands (800, 1800/900, 2100, 2300, 2500, 3300 MHz , & 26 GHz) in a LSA will need to show a net worth of 100 crores (or 50 crores in case of NE, J&K) for bidding in all/any of the bands.
- (ix) The definition of net worth shall be as defined in the Companies Act, 2013, and as amended from time to time. This net worth requirement is to be met at the time of application for participation in the auction. The applicant shall submit a certificate to this effect signed by the Company Secretary or authorized signatory of the Company while applying for participation in auction. For participation in the auction, the net worth of only those promoters shall be counted who have directly in their name(s) at least 10% equity stake in the total equity of the company.
- (x) The Applicant Company shall have a minimum paid up equity capital equal to one-tenth of net worth prescribed above and shall submit a certificate to this effect (provided by the Company Secretary/ Statutory Auditors of the applicant company and countersigned by duly authorized Director of the Company) while applying for participation in the auction of spectrum. This paid-up equity requirement would be in addition to the prescribed paid-up equity for obtaining UL. The minimum paid-up equity requirements for obtaining the spectrum shall be met and maintained till the validity period of the right to use spectrum.
- (xi) There shall be a Lock-in period for equity of a person whose share capital is 10% or more in the bidding company/ Group Bidding Entity/ Associated Licensee/ Nominee Company on the date of submission of application for participating in this auction and whose net worth has been taken into consideration for determining the eligibility for bidding for spectrum, till completion of one (1) year from the effective date as defined in this NIA. Lock-in condition for promoters' equity will be applicable as per the NIA, if the existing licensee uses promoters' net worth for gaining eligibility to bid in a band/LSA, where it does not hold spectrum. This is applicable to holders of expiring licenses as well. Lock-in will apply to the entire holding of promoter in the company.

### 3.3 Prospective New Entrants

Prospective Bidders, who do not have a UASL / UL with Access Service authorization license, shall be permitted to participate in this Auction subject to the provisions of [Section 3.1](#) and [Section 3.2](#).

Prospective New Entrants are advised to ensure that they satisfy the conditions for the award of a Unified License with Access Service authorization, as applicable, including other mandatory clearances/approval required for grant of license. This includes the relevant provisions for bringing in Foreign Direct Investment (FDI) into the telecom services sector in India. As per Press Note 4(2021), 100% FDI on automatic route in telecom is allowed. This however is subject to the provisions of Para 3.1.1 of the FDI Policy dated 15.10.2020. Accordingly, cases requiring prior Government approval under Para 3.1.1 of the FDI Policy dated 15.10.2020 will continue to be on Government route. It must be noted by prospective bidders that on Government route, FDI approval from DoT through NSWS portal is contingent on security clearances and, under certain circumstances, could take time as mentioned in Annexure V of SOP dated 18.08.2023 published by DPIIT. Accordingly, such Bidders are advised to initiate the process of getting approvals from the DoT at the earliest. The bidders can refer to [https://fifp.gov.in/Forms/FAQs\\_FDIPolicy.pdf](https://fifp.gov.in/Forms/FAQs_FDIPolicy.pdf) for more information.

In the auction, if the Successful Bidder is a Prospective New Entrant, the spectrum shall be assigned to a Company nominated by the Successful Bidder which acquires a Unified license in the relevant LSA(s) and in which the Successful Bidder has a minimum holding of at least 26% (“New Entrant Nominee Unified Licensee”). In such a case, the New Entrant Nominee Unified Licensee shall be liable for the performance of the Bid obligations.

A foreign entity can operate a telecom service in India only through an Indian company up to 100% foreign shareholding as per extant FDI Policy guidelines. A Unified License can only be awarded to an Indian Company. Hence, any foreign applicant will need to form or acquire, an Indian company, to obtain a Unified License subject to fulfilment of prescribed procedure. However, they are allowed to participate in the auction directly and apply for a Unified License subsequently, through an Indian Company, where they hold equity stake, with a maximum

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foreign equity of 100% as per extant guidelines. Applicants are advised to also see the details as regards FDI policy at:

[https://dpiit.gov.in/sites/default/files/FDI-PolicyCircular-2020-29October2020\\_0.pdf](https://dpiit.gov.in/sites/default/files/FDI-PolicyCircular-2020-29October2020_0.pdf)

[https://dpiit.gov.in/sites/default/files/pn4-2021\\_0.PDF](https://dpiit.gov.in/sites/default/files/pn4-2021_0.PDF)

[https://dpiit.gov.in/sites/default/files/pn3\\_2020.pdf](https://dpiit.gov.in/sites/default/files/pn3_2020.pdf)

<https://egazette.nic.in/WriteReadData/2021/230391.pdf>

<https://fifp.gov.in/Forms/SOP.pdf>

## Section 4.

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### 4.1 Application format and procedure for submission

In order to pre-qualify for the Auction, prospective bidders must submit an application before the last date for submission of such applications, as per the following requirements. Format for Application and various undertakings, Bank Guarantees etc. are detailed in Table 4.5.1 in [Section 4.5](#). Applicants should inform the DoT promptly in case of any change in the information submitted by them as part of their application.

The Government reserves the right to summarily disqualify any pre-qualified bidder at any stage of the auction or after the auction is completed on grounds of non-compliance with eligibility conditions, misrepresentation, non-compliance with Auction Rules, non-compliance with any other pre-condition prescribed for participating in the Auction or being awarded the spectrum or any matter that may, in the opinion of the Government, be contrary to general public interest. For such breaches, a bidder's Earnest Money Deposit shall be forfeited and the Government may undertake other penal action as well against such a bidder. Seriousness of the breach shall be determined by the Government at its sole discretion.

#### 4.1.1 Application Requirements

Prospective bidders are required to submit:

- (i) A completed Application Form and all supporting information including the necessary undertakings and the Application Checklist;
- (ii) Prescribed application processing fee;
- (iii) Earnest money, in the form of a Bank Guarantee (as per format provided in **Annexure J**, [Section 12.10](#) from any Scheduled Commercial Bank in the prescribed Proforma, of an amount equal to the sum of earnest money amounts of the LSAs that the Bidder wishes to be eligible to bid for, as per the Tables A1 to A8 of **Annexure A** ([Section 12.1](#)) to this NIA. Given that flexibility has been provided in the Auction Rules for Bidders to be able to bid across LSAs in any of the bands, applicants should deposit

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sufficient earnest money so as to enable them to switch among LSAs during the course of the auction. The Earnest Money Deposit will determine the eligibility of Bidders to make bids during the Clock Stage of the Auction, as described subsequently in [Section 4.1.4](#);

- (iv) Bidders are required to nominate an authorised person, who is empowered to take all decisions connected with this auction on the Bidder's behalf and correspond on behalf of the Applicant with the Government and the Auctioneer, along with a Power of Attorney empowering her/him for the same. Applicants may authorise one more person, who could act as the alternate authorised person in case of unavailability of the primary authorised person. In case of any duplication of submissions made by the bidder, the submission from the primary authorised person shall be considered as final and binding;
- (v) In case of Associated Licensees, the following are additionally required to be submitted along with the application:
  - a) A completed Nomination Form nominating the Group Bidding Entity. Separate Nomination Forms need to be completed by each of the Associated Licensees corresponding to the Group Bidding Entity that intend to participate in the Auction of Spectrum;
  - b) Details of ownership structures of the Associated Licensees establishing the qualification of the Group Bidding Entity to bid on behalf of the Associated Licensees;
  - c) For LSAs where neither the Group Bidding Entity, nor any of its Associated Licensees are existing UASL/UL Licensees with access service authorization, an undertaking confirming that, if the applicant is successful in winning spectrum in any such LSA, it shall acquire a Unified License either directly or through one of its Associated Licensees or through a wholly-owned subsidiary of the applicant ("Nominated Unified License Applicant") or a company nominated by the applicant where the applicant has a minimum of at least 26% equity ("New Entrant Nominated Unified License Applicant"); in advance of starting commercial operations. The applicant shall be solely responsible for ensuring compliance with all eligibility criteria for the award of a Unified License including, but not limited to, the criteria required for FDI approvals and

security clearances.

- (vi) Prospective Bidders that are not existing UASL /UL licensees with access service authorization are additionally required to submit:
- a) An undertaking confirming that, if the applicant is successful in winning spectrum in any LSA, it shall acquire a Unified License with access service authorization, through an Indian company registered under the Companies Act 2013, in advance of assignment of spectrum. The Applicant shall be solely responsible for ensuring compliance with all eligibility criteria for the award of a Unified License with access service authorization, including, but not limited to, the criteria required for FDI approvals and security clearances.
  - b) An undertaking regarding compliance to FDI guidelines.

The Government reserves the right not to pre-qualify any Applicant without assigning any reason whatsoever.

#### **4.1.2 Ownership compliance certification**

After the last date of submission of applications, the Government shall publish the ownership details submitted by the applicants, who have not otherwise been disqualified before then, on the DoT website.

After this, an applicant, who has not otherwise been disqualified, shall be required to submit an undertaking confirming that it complies with the ownership restrictions (the “Ownership Compliance Certificate” at **Annexure M – Section 12.13**) before 5:00 PM of the deadline indicated in the Auction Timetable i.e. 30/ 04/ 2024. The Government reserves the right to modify this deadline by giving applicants notice through the DoT website.

Formats for application and various undertakings are provided in **Section 12.8 -12.16 (Annexure H to Annexure P)**.

#### **4.1.3 Pre-qualification Conditions**

In order to pre-qualify, the applicant must satisfy the following conditions:

**a) Application requirements:**

The applicant must comply with the requirements for payment of application fee, provision of information, the required certification and undertakings and payment of the Earnest Money Deposit. Failure to provide any of these documents or to make the payment within the time specified may result in the applicant not qualifying for the auction.

**b) Ownership restrictions**

Ownership restrictions shall be as prescribed in the respective licenses of existing Licensees. In respect of New Entrants, the conditions prescribed in UL shall be applicable.

**c) General power of exclusion**

The Government shall retain a general power to exclude any applicant, without providing any reason for such action. Further, the Government may exclude any applicant, if in its opinion:

- (i) the holding of a Unified License by that applicant would be prejudicial to the interests of national security; or
- (ii) the applicant would not be a fit and proper person to hold a Unified License.

During the pre-qualification stage, the Government may ask applicants to provide additional information or documentation relating to their applications. The Government reserves the right to withdraw the pre-qualification of any bidder at any stage even after the initial pre-qualification.

Pre-qualification for the auction or declaration as successful bidder does not guarantee a bidder that the Unified License application of the bidder (if applicable) shall be approved. Prospective Bidders/ license-holders must satisfy themselves that they meet the criteria for award of a Unified License.

**d) Net worth and Paid-Up Equity Capital**

- (i) Net worth requirement would be as per the provision in [Section 3.2\(vii\)](#).
- (ii) For participation in the auction for assignment of spectrum, net worth of those promoters having at least 10% paid up equity



holding in the applicant company can also be taken into consideration

- (iii) The applicant company shall have a minimum paid up equity capital equal to one tenth of net worth prescribed above and shall submit a certificate to this effect (signed by the Company Secretary or authorized signatory of the company) while applying for participation in the auction of spectrum.
- (iv) Additional net worth requirement for obtaining UL will have to be met at the time of submitting application for UL.

#### **4.1.4 Earnest Money Deposit**

The earnest money (in the form of a Bank Guarantee from a Scheduled Bank) of the requisite amount needs to be submitted along with the Application for prequalification. The Bank Guarantee shall be valid up to 31/12/2024 and extendable for a further period of six months at the request of DoT, in the prescribed format as given in **Annexure J** of [Section 12.10](#).

Given that flexibility has been provided in the Auction Rules for bidders to be able to bid across LSAs, applicants should deposit earnest money based on the number of LSAs that they would like to participate in the auction. Each type of LSAs has a specific deposit requirement. To make a Bid in the Clock Stage for a combination of bands and LSAs, a Bidder must have already submitted an Earnest Money Deposit (“EMD”) for not less than the total earnest money requirements of those LSA-band combinations. For this Auction, a separate consolidated EMD for all the LSAs need to be submitted. The total amount may be broken down into up to 5 different EMD letters.

In addition, the EMD will determine the initial eligibility of bidders in the auction. The detailed method by which initial eligibility for the auction is determined is given subsequently. At no stage in the auction shall they be allowed to bid for more LSAs than the initial eligibility points corresponding to the EMD will permit.

The EMD will be returned following failure to pre-qualify, or following the end of the auction and after meeting all the necessary obligations under the Auction Rules, as applicable.

Without prejudice to any other remedy that may be available to it, the Government reserves the right to forfeit the EMD in case that:

- (i) If the Proposer having been notified of the acceptance of its application by the DoT, during the period of proposal's validity:
  - (a) Fails or refuses to execute the contract form, if required; or
  - (b) Fails to deposit the Successful Bid Amount in the stipulated timeframe as per the Notice;
- (ii) The Proposer misrepresents facts in its application;
- (iii) The Proposer violates any of the Auction Rules or otherwise disrupts the Auction process;
- (iv) The Proposer does not bid for even 1 LSA in the first Clock Round of the Auction;
- (v) The Proposer defaults on its bid;
- (vi) The Proposer withdraws its proposal during the period of its validity specified in the Notice.
- (vii) The Proposer is in violation of Integrity Pact.

## **4.2 Associated Licensees**

For the purpose of this Auction, Associated Licensees are defined as existing UASL/UL licensees that are controlled by a single entity (the "Common Parent"), which also has at least 26% shareholding, directly or indirectly, in the company. In the case of licensees that are listed on recognised stock exchanges, a company of the Promoter group would also qualify as a Common Parent regardless of the level of shareholding.

For the purpose of this auction, Associated Licensees corresponding to a single Common Parent shall be required to nominate a single entity (either one of the Associated Licensees or the Common Parent), which shall be authorised to bid on their behalf (the "Group Bidding Entity").

In case a Group Bidding Entity is declared the Successful Bidder in any LSA and there is an Associated Licensee corresponding to the Group Bidding Entity in that LSA, then the Government shall assign the spectrum to that Associated Licensee. In such a case, the Group Bidding Entity and the Associated Licensee shall both be jointly and severally liable for the performance of the bid obligations. It is not permitted to have more than one Associated Licensee in any LSA. In

case a Group Bidding Entity is declared the Successful Bidder in any LSA and there is no Associated Licensee corresponding to the Group Bidding Entity in that LSA, then the Government shall assign the spectrum to the Group Bidding Entity or one of its Associated Licensees of any other LSA that acquires a Unified license (“Nominee Licensee”) in that LSA. In case the Nominee Licensee is different from the Group Bidding Entity, the Group Bidding Entity and the Nominee Licensee shall both be jointly and severally liable for the performance of the bid obligations.

More than one Associated Licensee having the same Common Parent shall **not be allowed to bid in the Auction**, even if they intend to bid for different non overlapping combination of LSAs. It is clarified that the definition of ‘Associated Licensees’ is for the limited purpose of this spectrum auction process and it does not have any connection with the use of the word ‘associate’ in UAS/ UL.

Common parent company can bid on behalf of associate company(ies). However, for grant of unified license, the applicant company has to fulfil the requirements as prescribed in the guidelines for grant of unified license.

#### **4.2.1 Application Processing Fee**

The Applicant shall pay a non-refundable application processing fee of Rs. 100,000/- (Rupees one lakh only) payable to **Pay and Accounts Officer (HQ), DoT, New Delhi**, through a demand draft drawn on a Scheduled Bank payable at Delhi.

#### **4.2.2 Procedure following Application**

Soon after the submission of its application, the authorised person nominated by each applicant in its application needs to ensure that they obtain 1 (One) Class-III Digital Signature Certificate for each authorized person for signing and encryption issued by any valid Certifying Authority (approved by Controller of Certifying Authorities) in India which is mandatory for accessing the Electronic Auction System (EAS). The pre-qualified bidders will be provided with a list of phone numbers (to be used for reporting technical problems only).

However, that the EAS will not be accessible until applicants

have been prequalified for participation in the relevant auction and have received further materials from the Auction Administrator.

### **4.3 Announcement of Pre-qualified Bidders**

The Government shall put up a list of pre-qualified Bidders on the DoT website. At the same time, each pre-qualified Bidder shall be issued a notice (the “Bidder Participation Notice”), which shall include:

- a) Details of all Bidders’ total Earnest Money Deposits and corresponding Initial Eligibility points; and
- b) The EAS Manual, which includes detailed instructions on how to access the EAS.

Following this pre-qualification of bidders by the DoT, the authorised person nominated by each pre-qualified bidder will be sent the following details via the various contact channels provided for this person included in the Pre-qualified Bidder’s application:

- (i) URL of the Auction platform;
- (ii) An email address and phone numbers for the reporting of technical problems.

Bidder will need to register themselves in MSTC’s portal, developed for the sole purpose of conducting spectrum auction. Upon receipt of all of the listed materials, Pre-qualified Bidders will be expected to obtain the Digital Signature Certificates and to attempt to log in to the EAS using the URL and Login Id’s and password created.

Problems encountered in accessing the EAS successfully should be reported to the Auction Administrator immediately.

### **4.4 Bid Validity**

The Bids made in the Auction should be valid up to 30/09/2024.

### **4.5 Submission of Application**

Applications must be submitted in hard copy, to be received between 10:00am (Indian Standard Time) on 04/04/2024 and

5:00pm (Indian Standard Time) on 22/04/2024 during office hours, at the following address:

**Deputy Director General (WPF)  
Department of Telecommunications  
Room No. 705, 7<sup>th</sup> Floor, Sanchar Bhawan,  
20 Ashoka Road, New Delhi – 110 001.**

Applications received after the prescribed timeline shall summarily be rejected and returned unopened.

Six sets of the Application need to be submitted in separate sealed covers. The first set shall be marked as “ORIGINAL” and shall be duly signed in ink on each page by the applicant. The other five photo copies of the original set shall be marked as “COPY No. \_\_\_\_\_”. Each page of the Application is to be numbered. In case of discrepancies between the copies and the Original, the Original shall prevail. However, the Government also reserves the right to summarily reject applications in case of discrepancies between the copies and the original. Name and address of the Bidder shall be displayed on each of the sealed covers. The Applicants should also submit scanned soft copy of the Original set on CD-ROM/ DVD / **USB Drive/ External Hard Drive** in a single “pdf” document with pages in the same order as in the original application.

Applicants should note that, at its sole discretion, the Government may designate another time and/ or place at which applications should be submitted. However, this power will only be used in exceptional circumstances. The alternative location will be publicised on the DoT website.

Applications should be marked:

**“Application for Pre-Qualification – Auction of Spectrum in 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz, 2500 MHz, 3300 MHz ,& 26 GHz Bands”**

Applications should contain:

- (i) A completed Application Form and all supporting information including the necessary undertakings;
- (ii) A non-refundable application fee of Rs. 100,000/- (Rupees one lakh only) payable to Pay and Accounts Officer (HQ), DoT, New Delhi, through a demand draft drawn on a Scheduled Bank

payable at Delhi;

- (iii) Earnest Money Deposit (in the form of Bank Guarantee);
- (iv) Nomination of the authorised person(s) for future correspondence with the bidder, along with a Power of Attorney (PoA) empowering her/ him to take all decisions connected with the auction on the bidder’s behalf.

If at any later date, it is found that averments/ facts submitted by the applicant in the application including all self-declarations/undertakings, based on which it has been considered eligible for the auction is incorrect or false, the Government reserves the right to disqualify the bidder as well as take other penal action against such bidder, including but not limited to, forfeiting its EMD as well as withdrawing any frequency assignment that may have been made to such a bidder in the auction.

Withdrawal of Applications shall be allowed by means of a written request to the “Department of Telecommunications” up to the designated date as per the Timetable specified in this NIA (as Amended from time to time).

**Table 4.5.1: Application Formats/ documents**

<b>Sl. No</b>	<b>Section</b>	<b>Annexure</b>	<b>Name/ Description</b>
1.	12.8	H	Application Checklist
2.	12.9	I	Application Format for the 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz, 2500 MHz, 3300 MHz ,& 26 GHz Bands Auction
3.	12.10	J	Format for Earnest Money Deposit
4.	12.11	K	Format for an Undertaking in respect of LSA(s) where neither the Applicant nor any of its Associated Licensees has an existing UASL/ Unified License with authorisation for access service

5.	<a href="#">12.12</a>	L	Format for an Undertaking to nominate a Group Bidding Entity for the 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz, 2500 MHz, 3300 MHz , & 26 GHz Bands Auction
6.	<a href="#">12.13</a>	M	Format for Ownership Compliance Certificate for the Spectrum Auction in 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz 2500 MHz, 3300 MHz ,& 26 GHz Bands
7.	<a href="#">12.14</a>	N	Format of declaration by bidders (LSA-wise information where the Applicant is an Existing Licensee/ New Entrant)
8.	<a href="#">12.15</a>	O	Format for applying for frequencies
9.	<a href="#">12.16</a>	P	Proforma for Integrity Pact
10.	<a href="#">12.17</a>	Q	Format of Undertaking regarding compliance to FDI Guidelines

## **4.6 Contact and Further Information**

### **4.6.1 Contacts for further Enquiries**

Enquiries, if any, may be directed to the following e-mail address: [spectrumauction-dot@nic.in](mailto:spectrumauction-dot@nic.in). The Government may or may not respond to any query, in part or full, at its sole discretion. In case it responds to any query, the response shall be made public. However, the identity of the person making the query will not be disclosed, to the extent possible.

Further contact details for support during the e-auction will be separately provided to the eligible applicants.

### **4.6.2 Disclosure of further information**

Following issue of this Notice, the Government has the discretion to publish further information and to amend the Notice from time to time either on its own or in response to any clarification requested. All such amendments will constitute a part of the Notice and shall be binding for compliance on the bidders. The amendments, if any, will be notified on the DoT website. The queries and responses to NIA shall be the part of this NIA document.

#### **4.6.3 Individual responsibilities of the Advisors**

The Auctioneer i.e., M/s MSTC Limited is responsible for executing the auction. All confidential information contained within the Electronic Auction System will be accessible only to staff at M/s MSTC Limited for the purposes of ensuring the smooth running of the auction and providing technical support to bidders.



## **Section 5.**

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### **5.1 Unified License (UL)**

The Key details of the Unified License (UL) are available on the website of DoT. Bidders are requested to visit the link [www.dot.gov.in](http://www.dot.gov.in).

### **5.2 Spectrum Liberalisation**

Liberalisation in 800, 900 and 1800 MHz frequency bands shall be governed by the DoT liberalisation guidelines No. J-14025/212/2015- CDMA of DoT dated 5th November 2015 as amended from time to time.

### **5.3 Guidelines for signing of Tripartite Agreement**

The guidelines for signing of Tripartite Agreement No. 1-11/2015-LFP-I/TPA, dated 30/09/ 2016 as amended from time to time will not be applicable for spectrum acquired in this auction.

### **5.4 Mergers & Acquisitions**

Mergers and Acquisitions shall be as per guidelines No. 20-281/2010-AS-I (Volume VII), dated 20th February 2014 as amended from time to time.

### **5.5 Spectrum Audit**

For the efficient management of spectrum. DoT may undertake regular spectrum audit and may appoint an independent agency for spectrum audit.

### **5.6 Spectrum Sharing**

#### **5.6.1 Guidelines**

Spectrum sharing is permitted vide DoT Guidelines Nos. L-14006/04/2015 – NTG dated 11th October 2021 as amended from time to time.

### **5.6.2 Sharing allowed only after one year**

Further, TSP will be allowed to share spectrum in a particular band only after one year from the date of 'Frequency Assignment' in that band acquired through this auction. Other terms and conditions of sharing guidelines shall also remain applicable. In case no spectrum is acquired in that band through this auction, then this condition will not be applicable.

### **5.7 Spectrum Trading**

Spectrum trading is permitted vide DoT Guidelines No. L-14006/05/2015 – NTG dated 12th October 2015, as amended from time to time.

### **5.8 Spectrum Surrender**

Surrender of spectrum is permitted vide DoT Guidelines for Surrender of Spectrum by Access Service Providers No. No. L-14006/01/2022-NTG dated 15.06.2022, as amended from time to time.

### **5.9 Guidelines for Captive Non-Public Network (CNPN) License**

Guidelines for Captive Non-Public Network (CNPN) License is issued vide DoT Guidelines No. 2020-1333/2022-AS-I dated 27th June, 2022 and as amended from time to time.

### **5.10 Leasing of Spectrum to Captive Non-Public Network Licensee**

Leasing of Spectrum to Captive Non-Public Network Licensee is permitted vide DoT Guidelines No. L-14006/02/2022-NTG dated 27.06.2022, and as amended from time to time.

### **5.11 Breach & revocation**

The spectrum allotment/assignment may be revoked, withdrawn, varied in accordance with applicable license conditions or any other applicable laws, rules, regulations or other statutory provisions.

The spectrum allotment/assignment may also be curtailed/revoked if the Government determines the user of the spectrum to be in serious breach of any of the conditions of the assignment of the spectrum (including adherence to the Auction

Rules) and any consequent obligation(s). In case of less serious breaches, the Government may impose penalties at its discretion. Seriousness of the breach shall be determined by the Government at its sole discretion.

In case neither the Successful Bidder nor any of its Associated Licensees has the relevant service license for an LSA where it has been declared a successful bidder, it must apply for, or otherwise acquire the relevant service license in the LSA in accordance with the terms of the Notice (NIA), failing which the Government shall have the right to revoke the spectrum or curtail the period of validity of the spectrum assignment.

If at any stage, the spectrum assignment is revoked, withdrawn, varied, or curtailed, no refund will be made. The Bank Guarantees may also be invoked to recover any payable dues.

## **5.12 Changeover of Frequency Spots**

It is possible that frequency spots assigned to one operator at present may be assigned to another operator consequent to auction. The Government reserves the right to take necessary steps for smooth changeover, which inter alia may include temporary change of assigned spots, within quantum won, and its use for certain period depending upon specific situation for proper conduct of telegraphs.

## Section 6.

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### 6.1 Payment Terms

#### 6.1.1 Payment Options and procedure

Successful Bidders shall make the payment (in Indian Rupees) in accordance with any of the following two options:

**Option 1:** Full or part upfront payment of the bid amount within 10 calendar days from the issuance of Demand Note by DoT. Where part upfront payment has been made, which can be a multiple of complete years with a minimum of two years, the buyer shall have the option of availing moratorium for the corresponding number of years for which the upfront payment has been made, and the balance amount shall be payable in equal annual instalments over the remaining period, payable in advance at the beginning of each year, after the period of moratorium if any, duly protecting the Net Present Value (NPV) of the bid amount at the applicable rate of interest. The annual instalments shall become due and payable on the Effective Date anniversary of each following year.

**Option 2:** Payment of 20 equal annual instalments of the bid amount, duly protecting the NPV of the bid amount at the applicable rate of interest, in advance at the beginning of the year, the first instalment becoming payable within 10 calendar days from the issuance of Demand Note by DoT. The balance 19 instalments shall become due and payable on the Effective Date anniversary of each following year.

An indicative schedule of payments is given in Tables D1 and D2 respectively of **Annexure D** of [Section 12.4](#) to this NIA.

The applicable interest rate for protecting the NPV of the bid amount is 8.65%.

Successful Bidders shall deposit the Successful Bid Amount i.e., full amount or part upfront payment amount or first instalment in case of deferred payment option within ten (10) calendar days from the issuance of Demand Notice by DoT, failing which the EMD shall stand forfeited. In case of the due date of payment is a Saturday, Sunday or a public holiday, the due date for payment will be considered as the next working day.

All payments will need to be made by the successful bidders through Real Time Gross Settlement (RTGS) into the designated account that shall be specified by DoT.

### 6.1.2 Pre-Payment

Pre-payment of one or more instalments will be allowed on any date, based upon the principle that the NPV of the due amount is protected at the applicable interest rate. An illustration regarding maintaining NPV in the case of pre-payments is as follows.

Suppose value of each instalment is Rs 1000. Pre-payment calculations will be as per the following examples:

**Case-1:** If the number of years by which a particular instalment is being pre-paid is 2, and if the interest rate being applied is 8.65%, then the amount to be pre-paid in respect of that instalment =  $1000/(1+8.65/100)^2 = 847.11$ .

**Case-2:**

If the period by which a particular instalment is being pre-paid is 2 years and 65 days, and if the interest rate being applied is 8.65%, then the amount to be pre-paid in respect of that instalment is as follows:

(i) Amount to be pre-paid if pre-payment is done 3 years prior to due date =  $1000/(1+8.65/100)^3 = 779.67$

(ii) Therefore, the total amount to be pre-paid in respect of that instalment =  $779.67 + 779.67 * (8.65/100) * (300/365) = 835.10$

If there are more than one instalment to be pre-paid, the total amount to be pre-paid would be sum total of each of such calculated amounts for each of the instalments, in accordance with the period by which each of these instalments are being pre-paid.

### 6.1.3 Payment in Cases of Partial Spectrum

As mentioned in [Section 2.1](#), in some LSAs some of the spectrum is not available in the entire LSA. In such cases, while the bids will be sought for spectrum in entire LSA, the amount payable at this stage will be restricted to the spectrum available. Such payable amount will be

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calculated on pro-rata basis considering the proportion of population of those locations/area(s) (as of census of 2011) being excluded. As and when the spectrum is made available in each location/area(s) which were excluded earlier, the corresponding excluded bid amount will be collected considering the balance period of 20 years. This will be subject to the prorated bid amount that will be indexed to the one-year SBI MCLR prevalent for the period between earlier effective date of assignment of spectrum and actual assignment made. Such indexing will be done only if the actual assignment is done after one year from the auction end date.

An illustration regarding pro-rata calculation of instalments in case of partial spectrum is as below:

Suppose, in an LSA with a population of 5000, spectrum is not initially available for a location/area which has a population of 1500 (population figures as per 2011 census). The spectrum becomes available after 5 years. If Rs. 20000 is the total bid value of the spectrum won by the bidder for that LSA, and if one-year SBI MCLR is 7%, then the calculation will be as follows:

**Scenario 1:** If the full upfront payment is the option chosen by the bidder, then initial payment =  $20000 \times \{(5000-1500)/ (5000)\}=14000$ . Remaining amount to be paid =  $20000-14000=6000$ . Since remaining period of right of usage=15 years, the pro-rated amount for remaining period =  $(15/20) \times 6000=4500$ . This pro-rated amount will be indexed over 5 years using SBI MCLR =  $4500 \times (1+7/100) ^5= 6311.48$ . Thus, full upfront payment at the time of assignment of balance spectrum would be Rs.6311.48.

**Scenario 2:** If the deferred payment option was chosen by the bidder, then similar methodology and Tables given in the NIA (for twenty instalments) would apply for calculating instalments (or values of annuities) for amount of present value 6311.48. This includes 8.65% rate of interest and 15 equal instalments in advance (as remaining period of usage is 15 years).

The following example illustrates Scenario 2.

Full Amount Due	Rs.6311.48
Number of Instalments	15
Interest Rate	8.65%
Assumed Date of first instalment	25-03-2029

<b>Schedule of Payments</b>		
<b>Instalment</b>	<b>Due Date for payment</b>	<b>Amount (Rs.) at 8.65%</b>
1 <sup>st</sup> instalment	25-03-2029	705.83
2 <sup>nd</sup> instalment	25-03-2030	705.83
3 <sup>rd</sup> instalment	25-03-2031	705.83
4 <sup>th</sup> instalment	25-03-2032	705.83
5 <sup>th</sup> instalment	25-03-2033	705.83
6 <sup>th</sup> instalment	25-03-2034	705.83
7 <sup>th</sup> instalment	25-03-2035	705.83
8 <sup>th</sup> instalment	25-03-2036	705.83
9 <sup>th</sup> instalment	25-03-2037	705.83
10 <sup>th</sup> instalment	25-03-2038	705.83
11 <sup>th</sup> instalment	25-03-2039	705.83
12 <sup>th</sup> instalment	25-03-2040	705.83
13 <sup>th</sup> instalment	25-03-2041	705.83
14 <sup>th</sup> instalment	25-03-2042	705.83
15 <sup>th</sup> instalment	25-03-2043	705.83

**6.1.4 Payments in case of spectrum available from later date**

For spectrum expiring in 2024 and being put to auction, and if available from later date, 20% of the first Annual Instalment is required to be paid within 10 calendar days from the issuance of Demand Note by DoT , and the balance component of first annual instalment (80% of the annual instalment), shall be paid one month prior to the Effective Date.

**Illustration**

For instance, say in 1800 MHz Band in Assam LSA, 22 blocks are getting expired on 07<sup>th</sup> July, 2024. And if the winning price per block as determined by the Auction is 35 Crores. Considering 20 equal annual instalments at 8.65% interest rate, the annual instalment per block would be approximately 3.44 Crores. Assuming that Demand Note is raised on 18<sup>th</sup> March 2024, then approximately an amount of 0.69 Crores

(20% of 3.44 Crores) is required to be paid on 28<sup>th</sup> March, 2024 and the balance component of first annual instalment i.e., 2.75 Crores is required to be paid on or before 08<sup>th</sup> June, 2024. (Effective Date of allocation being 08<sup>th</sup> July, 2024). And the subsequent annual instalments will be due on 08<sup>th</sup> July on every following year.

### **6.1.5 Other Terms and Conditions**

In case of payments received after the due date, a higher interest rate of 15% per annum, shall be charged on the delayed amount from the due date, and a part of the month shall be reckoned as a full month for the purpose of calculation of interest. An illustration regarding overdue payments is as below:

Suppose value of each instalment = 1000, due date is 14-08-2025, and delayed payment is being made on 02-09-2025 (i.e with a delay of 19 days, but less than a month). So, the amount to be paid in respect of that instalment = instalment amount + interest amount @ 15%

$$\begin{aligned} &= 1000 + 1000 * (15/100) * (1/12) \\ &= 1000 + 12.5 \\ &= 1012.5 \end{aligned}$$

If due payments are not received within the due date plus a grace period of thirty (30) days, in public interest, DoT, with the approval of the Minister of Communications, may take a final decision on the termination of spectrum assignment to the licensee for which payment was not made. DoT may also terminate the License and/or debar the licensee from participating in future auctions for a period of 3 years. This will be without prejudice to any other action that DoT may take under the terms and conditions of the spectrum assignment, and/or under the terms and conditions of the license agreement.



## Section 7.

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### 7.1 Assignment of Spectrum

#### 7.1.1 Issuance of Frequency Assignment Letter

The WPC Wing of DoT shall issue a Frequency Assignment Letter specifying the frequencies to the successful bidder within thirty (30) calendar days from the date of receipt of first instalment amount in case of deferred payment option, or the date of receipt of full payment/part upfront in case of full upfront/part upfront payment option.

#### 7.1.2 Post-Auction Procedure for Existing Licensees

After declaration as successful bidder, the existing UASL/UL licenses held by them shall be amended by way of inclusion of an addendum comprising of this NIA.

The Frequency Assignment Letter shall be issued in response to an application which shall be made in the format as per **Annexure O**, within seven days of the uploading of provisional results of the auction by DoT on its website.

Successful bidders shall obtain SACFA clearance through Saral Sanchar Portal.

#### 7.1.3 Post-Auction Procedure for New Entrants

- (i) After declaration as successful bidder the applicant company can apply to AS Wing of DoT through Saral Sanchar Portal (<https://saralsanchar.gov.in>) for grant of Unified License in applicable LSA(s). The application of successful bidder will be processed as per the prevailing guidelines for grant of Unified License.
- (ii) The successful bidder shall complete the formalities for grant of Unified License within the validity period of the LoI issued by AS Wing of DoT.
- (iii) The Frequency Assignment Letter shall be issued in response to an application made within seven days of the declaration of provisional results of the auction by DoT, in the format as per **Annexure O**.

## Section 8.

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### 8.1 Roll-out Obligations

The licensee to whom the spectrum is assigned shall have network rollout obligations as detailed in this section. The obligation reflects both the need to ensure the efficient use of spectrum and provide a reasonable level of service to customers. The Successful Bidder shall make its own arrangements for all infrastructure involved in rolling out of the network and shall be solely responsible for commissioning, installation, and operation of all necessary equipment and systems.

The Successful Bidder shall make its own arrangements for Right of Way (RoW) and other necessary permissions/ clearances required as per relevant laws/ regulations/ directions of the respective agencies. The Central Government has already issued necessary notification conferring the requisite powers upon the licensees for the purposes of placing telegraph lines under Part III of the Indian Telegraph Act, 1885. Non-availability of the RoW or delay in getting permission/clearance from any agency shall not be construed or taken as a reason for non-fulfilment, or delay in compliance of the Roll-out obligations and shall not be taken a valid reason for not carrying out any obligations imposed by the terms of this NIA.

### 8.2 For 800 MHz, 900 MHz, 1800MHz, 2100MHz, 2300MHz & 2500MHz bands

#### 8.2.1 For 800 MHz, 900 MHz & 1800 MHz bands

##### (a) In LSAs other than Metro LSAs

The following rollout obligations for non-metro LSAs have to be fulfilled by the bidders acquiring spectrum through this auction:

**Phase 1:** Coverage of 10% District Headquarters (DHQ)s/ Towns by the end of first (1st) year from the effective date of license, or date of assignment of rights to use spectrum acquired in this auction, whichever is later.

**Phase 2:** Coverage of 50% DHQs/ Towns by the end of three (3) years from the effective date of license, or date of assignment of rights to use spectrum acquired in this auction, whichever is later.

**Phase 3:** Coverage of 10% Block Headquarters (BHQ)s by the end of three (3) years from the effective date of license, or date of assignment of rights to use spectrum acquired in this auction, whichever is later.

**Phase 4:** Coverage of additional 10% BHQs (Cumulative 20% BHQs) by the end of four (4) years from the effective date of license, or date of assignment of rights to use spectrum acquired in this auction, whichever is later.

**Phase 5:** Coverage of additional 10% BHQs (Cumulative 30% BHQs) by the end of five (5) years from the effective date of license, or date of assignment of rights to use spectrum acquired in this auction, whichever is later.

**(b) In Metro LSAs**

The following rollout obligations for metro LSAs have to be fulfilled by the bidders acquiring spectrum through this auction:

**Phase 1:** Coverage of 40% of the LSA by the end of first (1st) year from the effective date of license, or date of assignment of rights to use spectrum acquired in this auction, whichever is later.

**Phase 2:** Coverage of additional 50% of the LSA (Cumulative 90% of the LSA) by the end of two (2) years from the effective date of license, or date of assignment of rights to use spectrum acquired in this auction, whichever is later.

In the case of Metro LSAs, there will be no roll out obligation pertaining to Block Headquarters.

**8.2.2 For 2100 MHz band**

**(a) In LSAs other than Metro LSAs**

The following rollout obligations for non-metro LSAs have to be fulfilled by the bidders acquiring spectrum through this auction:

**Phase 1:** Coverage of 50% of DHQs in the LSA out of which 15% of DHQs should be in Rural SDCAs by the end of three (3) years from the effective date of license, or date of assignment of rights to use spectrum acquired in this auction, whichever is later.

**Phase 2:** Additional 10% of DHQs (Cumulative 60% DHQs) in the LSA by the end of four (4) years from the effective date of license, or date of assignment of rights to use spectrum acquired in this auction, whichever is later.

**Phase 3:** Additional 10% of DHQs (Cumulative 70% DHQs) in the LSA by the end of five (5) years from the effective date of license, or date of assignment of rights to use spectrum acquired in this auction, whichever is later.

**(b) Metro LSAs**

The following rollout obligations for metro LSAs have to be fulfilled by the bidders acquiring spectrum through this auction:

**Phase 1:** Coverage of 90% of the LSA by the end of five (5) years from the effective date of license, or date of assignment of rights to use spectrum acquired in this auction, whichever is later.

**8.2.3 For 2300 MHz & 2500 MHz Bands**

**(a) In LSAs other than Metro LSAs**

The following rollout obligations for non-metro LSAs have to be fulfilled by the bidders acquiring spectrum through this auction:

Coverage of 50% of Rural SDCAs in the LSA by the end of five (5) years from the effective date of license or date of assignment of spectrum won in this auction process whichever is later.

**(b) Metro LSAs**

The following rollout obligations for metro LSAs have to be fulfilled by the bidders acquiring spectrum through this auction: Coverage of 90% of the LSA by the end of five (5) years from the effective date of license or date of assignment of spectrum won in this auction process whichever is later.

**8.2.4 General rollout obligations for 800 MHz, 900 MHz, 1800MHz, 2100MHz, 2300MHz & 2500MHz bands**

- (a) Each milestone of the rollout obligations as mentioned above would be considered as separate phase of rollout obligations.
- (b) Coverage of DHQ/BHQs/Rural SDCAs would mean that at least 90% of the area bounded by the municipal/ local body limits should get the required street level coverage as per prescribed Test Schedule and Test Procedure (TSTP) by mandatorily setting up of Base station(s) (for example a BTS/node B/e-node B, etc.) in the DHQs/ BHQs/Rural SDCAs.
- (c) In LSAs where DHQ/BHQ is known by any other nomenclature, equivalent relevant roll out obligations will apply on such nomenclature.
- (d) The list of DHQs / BHQs and its Map(s) will have to be obtained by the successful bidder from the respective State Governments/ Administrations/local bodies. The boundary of the Block Headquarters will be as per map/definition given by the State Government/Administration/Local Body concerned. In cases where District Headquarter/Town (DHQ/ town) happens to be BHQ also, that particular DHQ/town or BHQ would be considered as part of compliance of any one phase of rollout obligation only, as per the choice of licensee. Efforts should be made to arrange authenticated maps from the respective State Govt./Administration/Local Bodies. In case, where authenticated maps are not made available, a letter from concerned State Govt. / Administration / Local Bodies indicating non availability of maps may be taken. In such cases, the licensee can submit self-certified maps of licensed area offered showing important landmarks, road, rail network, railway stations, bus stand, other important establishment, public places and boundaries etc. along with the above said letter from concerned authority.
- (e) The choice of DHQs/BHQs/ Rural SDCAs to be covered and further expansion shall lie with the Licensee depending on their commercial decision.

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- (f) The obligations will have to be met by setting up owned infrastructure with or without sharing of permissible active and passive infrastructure. However, it may be noted that rollout obligations cannot be complied with using the Intra LSA roaming arrangements.
- (g) The number of DHQs/BHQs/ Rural SDCAs will be taken as on the date of issue of the Notice Inviting Applications (NIA) for auction of spectrum.
- (h) For calculation of number of DHQs/BHQs/Rural SDCAs to be covered, the fraction which comes to 0.5 or above shall be rounded off to the next whole number and if the fraction is less than 0.5 then it shall be ignored.
- (i) In cases where assignment of spectrum based on this auction is in less number of BHQs/DHQs/Rural SDCAs (i.e. less than prescribed percentage of the DHQs or BHQs or Rural SDCAs for any phase) in a particular LSA, rollout obligation shall get proportionately limited to rollout of network in DHQs/BHQs/Rural SDCAs where spectrum is assigned in the LSA.
- (j) The requirement of rollout obligation shall be treated as fulfilled once the required numbers of DHQs/BHQs/Rural SDCAs are covered by the licensees using any technology in any band.
- (k) Existing licensee, who has already fulfilled rollout obligations in respect of spectrum acquired in a previous auction by use of any technology in any band, is required to submit only an undertaking stating that the requisite coverage criteria of rollout obligations has been complied. However, in case of any shortfall in number of DHQs/ BHQs/ Rural SDCAs due to increase in number or change in the status of DHQs/ BHQs/ Rural SDCAs in the LSA, then licensee will have to register with the LSA for the additional DHQs/ BHQs/ rural SDCAs as per prevailing norms & guidelines of rollout obligations.

### **8.3 For 3300 MHz & 26 GHz bands**

#### **8.3.1 For 3300MHz band**

**(a) In LSAs other than Metro LSAs**

The following rollout obligations for non-metro LSAs have to be fulfilled by the bidders acquiring spectrum through this auction:

<b>Time Period</b>	<b>Roll Out Obligations (per LSA)</b>	<b>Minimum number of towns to be covered using targeted sites (per LSA)</b>
Phase-1: By the end of 1st year	Commercial launch of services in at least 1 city in the LSA	1
Phase-2: By the end of 3rd Year	Cumulative number of sites to be deployed: Category A LSAs: 700 Category B LSAs: 460 Category C LSAs: 260	In Category A LSAs: 14 In Category B LSAs: 9 In Category C LSAs: 5
Phase-3: By the end of 5th Year	Cumulative number of sites to be deployed (at least 5% of the sites to be in rural SDCA, including economic zones): Category A LSAs: 2000 Category B LSAs: 1400 Category C LSAs: 940	In Category A LSAs: 40 In Category B LSAs: 28 In Category C LSAs: 19

**(b) Metro LSAs**

The following rollout obligations for metro LSAs have to be fulfilled by the bidders acquiring spectrum through this auction:

<b>Time Period</b>	<b>Roll Out Obligations (per LSA)</b>
Phase-1: By the end of 1st year	Commercial launch of services anywhere in the LSA
Phase-2: By the end of 3rd year	Cumulative number of sites to be deployed in each LSA: 280
Phase-3: By the end of 5th year	Cumulative number of sites to be deployed in each LSA: 920

**8.3.2 For 26 GHz bands**

**(a) In LSAs other than Metro LSAs**

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The following rollout obligations for non-metro LSAs have to be fulfilled by the bidders acquiring spectrum through this auction:

<b>Time Period</b>	<b>Roll Out Obligations (per LSA)</b>	<b>Minimum number of towns to be covered using targeted sites (per LSA)</b>
Phase-1: By the end of 1st year	Commercial launch of services anywhere in the LSA	1
Phase-2: By the end of 3rd Year	Cumulative number of sites to be deployed: Category A LSAs: 240 Category B LSAs: 150 Category C LSAs: 80	In Category A LSAs: 2 In Category B LSAs: 1 In Category C LSAs: 1
Phase-3: By the end of 5th Year	Cumulative number of sites to be deployed Category A LSAs: 660 Category B LSAs: 460 Category C LSAs: 300	In Category A LSAs: 7 In Category B LSAs: 5 In Category C LSAs: 3

### **(b) Metro LSAs**

The following rollout obligations for metro LSAs have to be fulfilled by the bidders acquiring spectrum through this auction:

<b>Time Period</b>	<b>Roll Out Obligations (per LSA)</b>
Phase-1: By the end of 1st year	Commercial launch of services anywhere in the LSA
Phase-2: By the end of 3rd year	Cumulative number of sites to be deployed in each LSA: 90
Phase-3: By the end of 5th year	Cumulative number of sites to be deployed in each LSA: 300

### **8.3.3 General rollout obligations for 3300 MHz and 26 GHz bands**

- (a) Each milestone of the rollout obligations as mentioned above would be considered as separate phase of rollout obligations.
- (b) Equivalent nomenclature of DHQ/Town shall also be applicable in LSAs where DHQ/ Town are known by other nomenclature.



- (c) In respect of 3300 MHz band, in non-metro LSAs, the 5% of the targeted sites shall be deployed in Rural SDCAs, including economics zones by the end of five (5) years. The further expansion shall lie with the Licensee depending on their business decision.
- (d) The obligations shall have to be met by setting up owned infrastructure with or without sharing of permissible active and passive infrastructure. However, it may be noted that rollout obligations cannot be complied with using the Intra LSA roaming arrangements.
- (e) Existing licensee, who has already fulfilled rollout obligation in respect of spectrum acquired in a previous auction by use of any technology in 3300 MHz and 26 GHz bands, will not be required to meet any additional rollout obligation provided he submits an undertaking stating that the requisite criteria for rollout obligations regarding minimum number of sites and towns, has been complied.
- (f) Rollout obligations for each phase is to be counted from the effective date of license, or date of assignment of rights to use spectrum acquired in this auction, whichever is later.

#### **8.4 Rural SDCA**

The rural SDCA shall be as notified by the Department of Telecommunications.

#### **8.5 LSA categories**

<b>Sl. No.</b>	<b>LSA name</b>	<b>LSA category</b>
1.	Delhi	Metro
2.	Kolkata	Metro
3.	Mumbai	Metro
4.	Andhra Pradesh	A
5.	Gujarat	A
6.	Karnataka	A
7.	Maharashtra	A
8.	Tamilnadu	A
9.	Haryana	B
10.	Kerala	B

11.	Madhya Pradesh	B
12.	Punjab	B
13.	Rajasthan	B
14.	U. P. (East)	B
15.	U.P. (West)	B
16.	West Bengal	B
17.	Assam	C
18.	Bihar	C
19.	Himachal Pradesh	C
20.	Jammu & Kashmir	C
21.	North East	C
22.	Odisha	C

## **8.6 Verification of Roll Out of the Network & Coverage**

- (i) For the purpose of verification of the rollout of the network and coverage testing for 800 MHz, 900 MHz, 1800MHz, 2100MHZ, 2300MHz & 2500MHz bands, licensee shall register with the respective LSA units of DoT. While registering with the LSA unit of DoT, the phase number for which the Base Station site is being registered shall also be indicated.
- (ii) For the purpose of verification of the rollout of the sites using 3300 MHz & 26 GHz bands, licensee shall register with the respective LSA units of DoT. While registering with the LSA unit of DoT, the phase number for which the Sites are being registered shall also be indicated.
- (iii) Date of registration by concerned LSA Units is to be treated as date of meeting the roll-out obligation in case of successful verification of the rollout of the network and coverage testing as per TSTP for the purpose of compliance of rollout obligations and for calculating liquidated damages, if applicable, in terms of condition No 8.7 mentioned below. If the verification of the rollout testing fails as per TSTP, then the Licensee shall re-register with the respective LSA units of DoT and in that case, Date of re-registration by concerned LSA unit is to be treated as date of meeting the roll-out obligations subject to successful verification as per TSTP.
- (iv) Date of registration with LSA unit is taken as date of completion if tested successfully.

- (v) Submission of complete application for SACFA clearance is indicated by WPC acceptance number.
- (vi) While registering with the LSA unit, the licensee has to submit a self-certificate for fulfilment of roll out obligations of required numbers of DHQs/ BHQs/Rural SDCAs/ Sites in an LSA along with self-conducted test results as per prescribed Test Schedule. The details along with proof of DHQ/BHQ/ Rural SDCA covered by a licensee shall also be provided while registering with LSA unit of DoT. The LSA unit will carry out sample testing of 10% of such self-certified DHQs / BHQs / Rural SDCs and sample testing of 10% of such self-certified number of sites.
- (vii) To keep the customers informed about 5G roll out, the TSPs shall publish the network deployment map on their website depicting the areas where the services have been launched using 3300 MHz & 26 GHz bands.

## **8.7 Liquidated Damages**

- (a) The time period for roll out of network as per the rollout obligations mentioned above using the spectrum band won in this auction process, shall be deemed as the essence of the contract and the network must be rolled out not later than such specified time period(s). No extension in prescribed due date will be granted. If the network, for a particular phase, is rolled out after the expiry of the due date and is registered by the licensor for the purpose of testing, such delay in rollout of network will entail recovery of Liquidated Damages (LD) under this Condition. Provided further that if the rollout of the network, for a particular phase, is effected within 15 calendar days of the expiry of the due date then the Licensor shall accept the rollout of network without levy of LD charges.
- (b) Subject to provisions in clause above if the Licensee fails to rollout the network or any part thereof for a particular phase, within the period prescribed for the same, the Licensor shall be entitled to recover LD charges for that phase separately @ Rs. 1 Lakh (Rupees: One Lakh) per week for first 13 weeks; @ Rs. 2 Lakh for the next 13 weeks and thereafter @ Rs. 4 Lakh for 26 weeks subject to a maximum amount of Rs. 1.40 Crore for each phase. For delay of more than 52 weeks in any phase, in addition to imposition of

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maximum amount of LD as mentioned above, the spectrum assigned based on this auction process may be withdrawn. The Bank Guarantee shall be encashed to the extent of LD amount, if the same is not paid within the time period specified in the notice for recovery of LD. For the purpose of calculation of delay in compliance of rollout obligations, the week shall mean 7 Calendar days from (from midnight) Monday to Sunday; both days inclusive and any extra day shall be counted as full week for the purposes of recovery of liquidated damages. Show Cause Notice (SCN) will be issued before imposition of LD as per present practice.

## Section 9.

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### 9.1 The Auction

The Auction shall be a Simultaneous Multiple Rounds Ascending (SMRA) e-auction, conducted over the Internet. Bidders will be able to access the Electronic Auction System (EAS) to be used for participation in the auctions using web browsing software as mentioned in 10.1. The EAS is a designated computer resource for the receiving of electronic records under the provisions of Section 13(2) of the Information Technology Act, 2000, as amended from time to time.

Prior to the auction, bidders will have to obtain Class-III Digital Signature Certificate(s) (DSC) for signing and encryption as detailed in [Section 10.1](#).

Bidders shall also be provided with a detailed manual electronically, (EAS manual) explaining how to use the Electronic Auction System (the “EAS Manual”). This documentation shall be provided to bidders in advance of conducting a mock auction. The system requirements for bidders are outlined in [Section 10.1](#), though the EAS Manual should be taken as definitive in this regard.

Winning bidders of the spectrum block(s) in each LSA in the auction shall be determined in the first stage, a Clock Stage, which will allocate spectrum blocks simultaneously for the LSA(s). In the auction, since the maximum number of blocks a bidder can bid is restricted on the basis of the applicable bidding caps in an LSA, it is not possible for a bidder to win more than the same in that LSA. The second stage i.e. Frequency Identification Stage, will identify specific frequencies for the winning bidders. More specifically, the two stages shall operate as follows:

#### 9.1.1 Clock Stage

The Clock Stage, as elaborated in [Section 9.8](#), will establish the bidders and the number of block(s) to be awarded in each of the LSAs. In this stage, in each LSA, bidders will bid for blocks of spectrum (i.e., the right to use spectrum blocks not linked to any frequency) – as per the band wise block size as mentioned in the Table 9.5 and as per their respective permissible limit depending upon their categorization as a “New Entrant” or as an “Existing

Licensee”. The status as a “New Entrant” or as an “Existing Licensee” would be separate in 800 MHz, 900/1800 MHz, (for this purpose, 900 MHz and 1800 MHz bands would be treated as one), 2100 MHz, 2300 MHz, 2500 MHz, 3300 MHz and 26 GHz Bands and this status may be different for different LSAs depending on the holding of spectrum in such band and in such LSA.

The minimum quantity of spectrum to be bid for by Existing Licensee/ New Entrant, block size and additional quantity beyond minimum bid quantity of spectrum in various bands is as per Table 9.5 in [Section 9.5](#).

This is subject to various band caps as prescribed for spectrum holding.

The Clock Stage will consist of a number of rounds. These rounds will stop once:

- (i) The Activity Requirement is 100% (Details as mentioned in [Section 9.8.5](#) hereunder); and
- (ii) There is no bid submitted by any of the bidders in any of the LSAs in a clock round.

The Clock Stage will establish a common winning price for all blocks within an LSA in each band. It will also establish the winning bidders in each LSA in each band. Winning bidders will pay the sum of the relevant winning prices for the LSAs/ bands in which they are successful. All winning bidders in an LSA-band combination will have the same winning prices as a consequence of the Auction Rules.

For the avoidance of doubt, the award of spectrum in any LSA is not dependent on the award of spectrum in any other LSA and bidders shall not be allowed to put in any form of contingent bid linking a bid for spectrum in any LSA with the outcome of the auction in any other LSA(s).

### **9.1.2 Frequency Identification Stage**

The Clock Stage will be followed by a Frequency Identification Stage to identify specific frequency blocks for the winning bidders. The frequencies identified will be announced simultaneous with the outcome of the Clock Stage. The Frequency Identification Stage will be performed automatically by the EAS as per procedure prescribed in [Section 9.10](#).

The Government reserves the right to change the frequency assignment at any point over the duration of the relevant licenses where this is required for harmonising bands and promoting spectrum efficiency.

### **9.1.3 Frequency reconfiguration**

- (i) Notwithstanding any other provisions contained in license agreement or elsewhere, frequency reconfiguration i.e. rearrangement of spot frequencies in the same band, may be carried out by the WPC wing, DoT when it is required to improve spectral efficiency/ harmonization of a band/ proper conduct of telegraph and in public interest. Frequency reconfiguration would be the sole prerogative of the Government. The rearrangement of frequencies in a band may result in contiguity of spectrum of a licensee as decided by Government. No charges will be levied for such rearrangement of frequencies. However, if a licensee also holds administratively assigned spectrum which is non-contiguous to the spectrum held by him through auctions conducted in 2010, 2012, 2013, 2014, 2015, 2016, 2021, 2022 and the present auction, contiguity of the administratively held spectrum with any of the spectrum acquired by him through auctions will not be permitted unless such licensee liberalises his entire administratively held spectrum in that band by paying the latest market price in accordance with the relevant guideline(s) issued for liberalisation of spectrum from time to time.
- (ii) Notwithstanding anything contained above, for making contiguous spectrum acquired in the auction held in March 2013, the action by the Government in this regard will be subject to verdict in respect of the ongoing court case (Civil Appeal 4956-4963 of 2016) at the Hon'ble Supreme Court.

## **9.2 The Mock Auction**

For the benefit of bidders, a Mock Auction shall be conducted to familiarise the bidders with the Auction Rules and bidding methodology to be applied and followed during the e-auction. The dates for the Mock Auction are provided in the Auction Timetable in [Section 1.3](#). The Government reserves the right to change these dates. Any change in the dates for the Mock Auction shall be notified through electronic means, at least one day in advance of the start of the Mock Auction.

## **9.3 General Conditions**

### **9.3.1 Confidentiality**

Confidential Information means any non-public information which, if known to other bidders, would be likely to affect the price that the other bidders would be prepared to bid in the auction or the bidding strategy that other bidders would adopt. Such confidential information shall include (but not necessarily be limited to) the bidder's business case, auction strategy and the highest price it is willing to bid for spectrum in any LSA. Any party to whom confidential information in relation to a bidder is disclosed is deemed to be an insider in relation to that bidder. Bidders and insiders must not convey confidential information to any other person, including another bidder or its insiders. Bidders shall also not be permitted to disclose the status of their participation, including whether they continue to bid in any or all LSAs in the auction, until the completion of the auction.

### **9.3.2 Directors, employees and advisers**

No person, whether individual or corporate, can act for, or on behalf of, or advice more than one Bidder that is participating in the auction.

### **9.3.3 Anti- Competitive activity**

Bidders must not enter into any arrangements with suppliers of equipment or software that would restrict the supplier's ability to supply such equipment or software to other bidders for the purposes of planning, building or operating a network utilising the frequencies to be auctioned. Bidders are also not permitted to agree with suppliers of equipment or software any form of restriction as to the prices charged or other terms and conditions that such suppliers may agree with any other bidder.

## **9.4 Conduct of the Auction**

The e-auction (online auction) will be conducted through internet using the web browsing software, Internet Explorer version 10 and above, wherein only the pre-qualified bidders will be allowed to participate. The bidders are required to obtain 1 (one) Class III Digital Signature Certificate (DSC) for each of the Authorized



Persons for signing and encryption issued by any valid Certifying Authority approved by Controller of Certifying Authority in India which is mandatory for accessing the Electronic Auction System (EAS). More details about the licensed Certifying Authorities (CAs) are available on [www.cca.gov.in](http://www.cca.gov.in). It would be the respective bidder's responsibility to acquire such DSC in the name of their authorized signatories (maximum of four authorized signatories is permitted) for participation in the e-auction. The bidders also need to ensure that they acquire the DSC before the Mock Auction which will be conducted at a time specified by the DoT. Bidders will be provided with a detailed EAS manual explaining how to use the Electronic Auction System.

It would be the responsibility of the respective bidders to take reasonable steps to ensure that they have a reliable means of accessing the EAS and appropriate backup facilities. The Auction Rules provide contingency measures to deal with failure of the EAS, Internet connectivity problems and power failures.

Each pre-qualified bidder can access the EAS from a maximum of four (4) different Public Static IP addresses. The four (4) authorized persons representing a bidder can access the EAS when logged in from any of the four (4) different Public Static IP addresses. The pre-qualified bidders need to submit the details of the Public Static IP Addresses to the auction administrator before the mock auction. The Auction Administrator can request the pre-qualified bidders to email the DSC serial number to [eas@mstcindia.co.in](mailto:eas@mstcindia.co.in) to map the authorized participants in the EAS. The bidders have to ensure that each of their Authorized Persons obtain the DSC for signing and Encryption.

The pre-qualified bidders should register themselves as bidders in the portal developed for conduct of spectrum auction, to get their Login ID's and password and to access the EAS. The Primary Login ID will be mapped with the DSC of the authorized person. The access to EAS to each of these four authorized persons will be from a maximum of four different public static IP addresses which the bidder is required to provide to the Auction Administrator before the mock Auction. Please ensure that the validity of all the DSC(s) is till at least 6 months from the start of the Mock e-auction.

### 9.5 Overview of the Block sizes

Spectrum available for award in this process will be assigned by SMRA e-auction. The auction for spectrum in all the bands ( 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz, 2500 MHz, 3300 MHz and 26 GHz) will be conducted simultaneously. The details of the Spectrum put up for auction in each of the LSAs in the 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz, 2500 MHz, 3300 MHz,& 26 GHz bands is given in Table A1 to A8 respectively in **Annexure A** ([Section 12.1](#)) to this NIA.

The minimum quantity of spectrum to be bid for by Existing Licensee/ New Entrant, block size and additional quantity beyond minimum bid quantity of spectrum in various bands is summarized below:

**Table 9.5: Block size and Minimum amount of spectrum for bidding**

Band	Block Size (MHz)	Minimum Bid Quantity				Additional Quantity beyond Minimum Bid Quantity
		Existing licensee		New Entrant		
		Quantity (MHz)	No. of Blocks	Quantity (MHz)	No. of Blocks	
800 MHz	1.25 MHz (paired)	1.25	1	5, 3.75 (where only 3.75 MHz is available), 2.5 (where only 2.5 MHz is available). 1.25 (where only 1.25 MHz is available)	4 Blocks, 3 (where only 3 are available), 2 (where only 2 are available), 1 (where only 1 is available).	One block or multiple thereof
900 MHz	0.2 MHz (paired)	0.2	1	5, 0.2 (where less than 5 MHz is available)	25; 1 (where less than 25 are available)	One block or multiple thereof

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1800 MHz	0.2 MHz (paired)	0.2	1	5, 0.2 (where less than 5 MHz is available)	25, 1 (where less than 25 are available)	One block or multiple thereof
2100 MHz	5 MHz (paired)	5	1	5	1	One block or multiple thereof
2300 MHz	10 MHz (unpaired)	10	1	10	1	One block or multiple thereof
2500 MHz	10 MHz (unpaired)	10	1	10	1	One block or multiple thereof
3300 MHz	10 MHz (unpaired)	10	1	10	1	One block or multiple thereof
26 GHz	50 MHz (unpaired)	50	1	50	1	One block or multiple thereof

**Notes:**

- (i) Bidding is subject to caps for spectrum holding as per [Annexure B](#).
- (ii) A Bidder can be categorized as an “Existing Licensee” in an LSA and at the same time, can be categorized as a “New Entrant” in any other LSA in a particular band.

### 9.6 Award of Spectrum in Auction

The award of spectrum is a two-stage process, a clock stage followed by a frequency identification stage, as detailed in 9.1.1 and 9.1.2 above. Winning bidders will pay the sum of the relevant winning prices for the LSAs/ bands in which they are successful. All winning bidders in an LSA-band combination will have the same winning prices as a consequence of the Auction Rules.

### 9.7 Spectrum Holding Capping Rule

For the purpose of this Auction the bidding by the bidders for each of the LSAs in each of the bands will be restricted by various applicable caps i.e. combined cap in sub-1 GHz bands (700 MHz, 800 MHz and 900 MHz bands), combined cap for 1800 MHz, 2100 MHz, 2300 MHz and 2500 MHz bands, Band wise caps in each of 3300 MHz band, 26 GHz band as mentioned in [Annexure B](#) of

**Section 12.2.**

Spectrum Cap shall be as follows:

- a) A Cap of 40% on the combined spectrum holding in the sub-1 GHz bands i.e. 700 MHz, 800 MHz and 900 MHz bands, including existing spectrum holding of TSPs in these bands.
- b) A Cap of 40% on the combined spectrum holding in 1800 MHz, 2100 MHz, 2300 MHz and 2500 MHz bands, including existing spectrum holding of TSPs in these bands.
- c) A Cap of 40% on the spectrum holding in 3300 MHz band including existing spectrum holding of TSPs (rounded off considering the block size in this band).
- d) A Cap of 40% on the total spectrum holding in 26 GHz band including existing spectrum holding of TSPs (rounded off considering the block size in this band).

**Note:**

The blocks/spectrum that are expiring in 2024 and are being put to auction (including those which are not available for assignment immediately after the auction, but at a later date) are not included in the spectrum holding of the existing licensees, for the purpose of spectrum holding cap rules.

The following principles will be applied for the calculation of various spectrum caps for an LSA.

- a) All spectrum assigned to TSPs, including quantity of spectrum whose rights to use were put to auction but remained unsold, spectrum whose rights to use were assigned but subsequently surrendered by the TSPs or taken back by the licensor and quantity of spectrum whose rights to use are being put to auction would be counted for the purpose of the spectrum cap.
- b) The spectrum which may become available to DoT for commercial use after its refarming from other uses (such as defence) at different points of time would not be counted for determining the spectrum caps until its rights to use are put to auction.
- c) In case a situation arises where due to any subsequent assignment of spectrum to defence/ non-commercial usage, spectrum cap is affected adversely, no TSP would be asked to surrender right to use of any spectrum which it already holds.

- d) For the sake of level playing field among Telecom Service Providers (TSPs), the same spectrum cap shall be made applicable for all the telecom service providers in that Licensed Service Area.

For an LSA in a band, the total of the bidder's current holding of spectrum in sub-1 GHz bands i.e., 700 MHz, 800 MHz, 900 MHz bands and the total spectrum for which the bidder is submitting its bid in these bands should not exceed the sub-1 GHz cap which is mentioned in the Table at **Annexure B** of [Section 12.2](#) to NIA.

For an LSA in a band, the total of the bidder's current holding of spectrum in 1800 MHz, 2100 MHz, 2300 MHz, 2500 MHz bands and the current bidding in these bands should not exceed the applicable cap which is mentioned in the Table at **Annexure B** of [Section 12.2](#) to NIA.

For an LSA in the band 3300 MHz, the total of the bidder's current holding of the spectrum in 3300 MHz band and the total spectrum for which the bidder is submitting its bid should not exceed the (intra-band) individual cap for 3300 MHz band, which is mentioned in the Table at **Annexure B** of [Section 12.2](#) to NIA.

For an LSA in the band 26 GHz, the total of the bidder's current holding of the spectrum in 26 GHz band and the total spectrum for which the bidder is submitting its band should not exceed the (intra-band) individual cap for 26 GHz band, which is mentioned in the Table at **Annexure B** of [Section 12.2](#) to NIA.

## **9.8 The Clock Stage**

### **9.8.1 Overview**

- a) In the Clock Stage, bidding proceeds in rounds (Clock Rounds). During each Clock Round, bids may be placed for some or all of the LSAs according to the detailed bidding rules described below. In each Clock Round, bidders will be told the Clock Round Price per block for each of the LSAs in all the bands, where spectrum is put to auction. Bidders will be able to bid depending upon their respective categorization as defined in [Section 3.2](#) and applicable spectrum caps. Therefore, in each Clock Round, a bidder's decisions will

consist of Yes / No choice for each of the LSAs whether to make a bid at a price equal to the current Clock Round Price for that area. If the option of “Yes” is selected, then a choice of number of Blocks has to be selected. The number of Blocks will be a drop-down option on the bidding screen, the value of which will depend on the categorization of the bidder for each of the LSAs.

- b) By bidding in an LSA, if that bid becomes a Provisional Winning Bid, the bidder commits to buy the block(s) in that LSA at a price not greater than the Clock Round Price of the round when the bid was submitted, unless revised in the subsequent rounds with a higher Clock Round price.
- c) A Clock Round will close at a finishing time specified by the Auction Administrator, by which time all bidders must have placed their bids. The finishing time is subject to provisions for rounds to be extended and re-scheduled, discussed in [Section 9.8.9](#).
- d) Bidders will be able to switch bids across LSAs from one round to the next subject to certain limitations (called “Activity Rules”) detailed in [Section 9.8.5](#). These rules require that bidders must demonstrate sufficient bidding activity to maintain their eligibility to make bids in subsequent rounds, otherwise their ability to make bids in subsequent rounds will be curtailed. These activity requirements will be tightened in steps according to the overall amount of bidding activity in the Auction. Provisional Winning Blocks cannot be switched to other LSAs.
- e) In the first Clock Round, the price per block in each LSA in each of the bands will be set equal to the Reserve Price. For subsequent rounds, the Clock Round Prices in each LSA in each of the bands will be set depending on excess demand (defined in [Section 9.8.7](#)) in the previous completed Clock Round. The excess demand will be determined by the total number of blocks for which the prices have been quoted, vis-a-vis the total number of blocks available for each LSA in each of the bands for a particular Clock Round Price (which may be the same for more than one round). The following rules would be applicable:
  - (i) If excess demand is negative, the Clock Round Price in that LSA in the particular band will be equal to the Clock Round price in the last completed Clock Round;
  - (ii) If excess demand is zero or positive, the Clock Round price in

that LSA in the particular band will be equal to the Clock Round Price in the last completed Clock Round plus a strictly positive price increment determined by the amount of excess demand.

- f) If a new Clock Round is required, further bids will be invited at the new Clock Round Price. The Clock Rounds will continue until demand can be satisfied within each and every LSA in each of the bands. The final Clock Round will be the first round in which:
- (i) There is no bidding activity in any of the LSAs in any of the bands; and
  - (ii) The Activity Requirement has been increased to the maximum level (i.e., the Activity Requirement is set to 100%, as discussed subsequently in Section 9.8.5).
- g) All Provisional Winning Bids at the end of the final Clock Round will become Winning Bids. The Provisional Winning Prices of the final Clock Round will become the Winning Prices. The Provisional Winning Bidders in the last Clock Round will become the Winning Bidders who will then be awarded the number of blocks (as available) in each LSA in each of the bands at the Winning Price.

### **9.8.2 Consequences of Rules for Provisional Winning Bidders**

A consequence of these rules is that there may be Clock Rounds in which there are Provisional Winning Bidders with Bids at different prices. For example, consider the situation where in a hypothetical LSA in a particular band, in which there are 'N' blocks put to auction:

- If in a Clock Round, 'R', for an LSA, there are bids received for 'N' Blocks at the current Clock Round price and since this is equal to the total number of Blocks put to auction, all the bidders who have submitted their bid become the Provisional Winning Bidders and this Price becomes the Provisional Winning Price, which is the Clock Round Price of Round 'R';
- In subsequent Clock Round, 'R+1', an increment is added to the Clock Round Price of Round 'R', which becomes the new Clock Round Price for Round 'R+1'. At this strictly higher price, bids are received for 'M' number of blocks, where 'M' is strictly less than 'N'. The Provisional

Winning Bids will now consist of bids received for 'M' blocks at the Clock Round Price of Round 'R+1' and bids received for 'N-M' blocks selected from amongst the Provisional Winning Bids made in Clock Round 'R' according to the ranking criteria. Therefore, the Provisional Winning Blocks which would be considered at the end of Clock Round 'R+1' would be the 'M' blocks received at the higher price of Clock Round 'R+1' and 'N-M' blocks at the lower price of Clock Round 'R'. The Provisional Winning Price at the end of Clock Round 'R+1' would be the Clock Round Price of Round 'R', as this is the lowest value amongst the Provisional Winning Blocks.

- If 'M' is equal to or greater than 'N', then the Provisional Winning Price in Clock Round 'R+1' would be the Clock Round Price of 'R+1'.

The number of Blocks for which a bidder can submit the bid in Clock Round 'R+1' would be different for the Provisional Winning Bidder of a particular LSA in a particular band according to the conditions mentioned below:

- If the Clock Round Price of Current Clock Round 'R+1', is equal to the Clock Round Price of previous Clock Round 'R' (due to Excess Demand being Negative in Clock Round 'R') for a particular LSA in a particular band, the bidder can bid for the balance of the maximum permitted blocks, if available, in Clock Round 'R+1'.
- If the Clock Round Price of Current Clock Round 'R+1', is greater than the Clock Round Price of previous Clock Round 'R', (due to Excess Demand being Positive or zero in Clock Round 'R') for a particular LSA in a particular band, the bidder can bid for any/all the blocks depending on their respective categorization for that particular LSA in the particular band.

In the case, where a bidder ceases to be a Provisional Winning Bidder in a particular LSA in a particular band, bids can be submitted for any/all the blocks.

### **9.8.3 Bidding during Clock Rounds**

In each Clock Round, bidders will be presented with a bidding form on their respective bidding dashboard, where the following will be displayed:

- Total Earnest Money Deposit (EMD) submitted by the bidder
- Eligibility Points



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- Auction Activity Requirement
- Bidder Activity Requirement

For each of the LSAs, the following will be displayed on the bid floor (bidding form on the screen):

- Name of the LSA;
- Number of Blocks available in the LSA in each band;
- Number of Eligibility Points linked to a block in each LSA in all the bands;
- Earnest Money Deposit requirement linked to a block in each LSA in all the bands;
- The Clock Round Price in each LSA for the current Clock Round for each of the bands;
- After the first Clock Round, the price increment that has been applied to the Clock Round price in the last completed Clock Round to determine the current Clock Round in each LSA in all the bands;
- After the first Clock Round, Aggregate Demand in each LSA for all the bands at the Clock Round Price in the last completed Clock Round;
- After the first Clock Round, Excess Demand in each LSA in all the bands at the Clock Round Price in the last completed Clock Round;
- After the first Clock Round, Provisional Winning Price of each LSA in all the bands at the Clock Round Price in the last completed Clock Round;
- After the first Clock Round, if the bidder becomes a Provisional Winning Bidder, the rank of the bidder;
- Option to bid (Yes / No); and
- Option for selection of number of blocks

The bidder will have the option to select “Yes”/“No” in each LSA in each of the bands in a particular Clock Round. On selection of “Yes”, the bidder will have the option to select the number of blocks for that LSA. The overall selection of the LSAs and the number of blocks in the selected LSAs in each/any of the bands would be restricted by the following factors:

- The total value of the EMD requirement for the number of blocks in the selected LSAs in each of the bands should be equal to or less than the EMD deposited by the bidder;
- Availability of sufficient Eligibility Points

- Spectrum Caps as applicable

If the bidder was a Provisional Winning Bidder for the maximum number of blocks permitted in the last completed Clock Round, then it shall not be possible for the bidder to increase the number of Provisional Winning Blocks at the current Clock Round price.

All the Bidders will have to submit their decision into the EAS in each Clock Round, even if the Bidder does not want to submit any bids in the round. Failure to check and submit a decision by the end of a Clock Round will trigger an automatic extension of the round deadline and reduce the time allowance a bidder has for future extensions. The provisions for extensions of rounds are discussed in detail in [Section 9.8.9](#).

All the bids which the bidder submits would be subject to the Activity Rules described in [Section 9.8.5](#). Bidders are required to submit their bid for at least one LSA in one of the bands in the first Clock Round. Any Bidder who fails to do so in the first Clock Round will forfeit its EMD in its entirety.

#### **9.8.4 Eligibility Points and Earnest Money Deposits (EMD)**

For the purpose of applying Activity Rules, each of the blocks in each LSA in each of the bands has been assigned a specific number of Eligibility Points, based on the Reserve Price of spectrum in that particular LSA in the respective band. The number of eligibility points associated with a block of 1.25 MHz (paired) in 800 MHz band, 0.2 MHz (paired) in 900 MHz and 1800 MHz bands, 5MHz (paired) in 2100 MHz band, 10MHz (unpaired) in 2300 MHz, 2500 MHz, and 3300 MHz bands, and 50 MHz (unpaired) in 26 GHz band in each LSA is listed in Tables A1 to A8 of **Annexure A** ([Section 12.1](#)) in this NIA. The eligibility to bid will also be defined by the EMD which the bidder has deposited. Those bidders who have deposited the EMD within the deadline mentioned by the DoT will only be permitted to participate in the e-auction.

The initial Eligibility Points for each bidder would be determined by the amount of EMD which they have submitted to the Government. The same will be calculated by the Auction Administrator based on the value corresponding to the total EMD submitted by the bidder as listed in Table E1 at **Annexure E** (see [Section 12.5](#)) to NIA, which shall be a part of this NIA.

Bidders who make smaller earnest money deposit, which will result in corresponding lower levels of initial eligibility. Thus it would be a combination of the EMD of the number of blocks in the selected LSAs in each of the bands and the Eligibility Points at that particular round which would decide the ability to submit the bid for the respective bidder.

The initial Eligibility Points of bidders and the identities of bidders participating in the auction will be made public once the DoT has determined which applicants are pre-qualified to bid in the auction.

### **9.8.5 Activity Rules**

The participation of the bidders in the auction would be restricted by their net worth requirement which is to be met at the time of application for participation in the auction. The net worth requirement would be as per the provisions of [Section 3.2\(vii\)](#) & [3.2\(viii\)](#).

Further to the Net Worth criteria, in any Clock Round, bidders will be restricted by their EMD in the combinations of blocks for the LSAs in all the bands they may bid for. The EMD requirement associated with a Bid in a Clock Round is equal to:

- In the First Clock Round, the sum of the EMD requirements associated with the LSAs in each of the bands where the Bidder places a bid for a number of block(s);
- After the First Clock Round, the sum of:
  - (i) If the Clock Round Price of Round 'R+1' = Clock Round Price of Round 'R': EMD will remain blocked for the blocks in which the bidder is already a provisional winner for each LSA-Band combination. In case bid for any additional blocks are been made, system will determine whether there is sufficient EMD and EP for the booking of the additional blocks. For example: If the EMD per block for LSA band combination is Rs 100 and bidder is provisional winner for 5 blocks in Round 1, then for round 2, EMD of Rs 500 would already be blocked. If bidder intends to bid for additional 2 blocks, there should be at least Rs 200 left in his EMD (in addition to Rs 500 already blocked) to successfully submit

his bid.

- (ii) If the Clock Round Price of Round 'R+1' > Clock Round Price of Round 'R': EMD will remain blocked for the blocks in which the bidder is already a provisional winner for each LSA-Band combination. If the bidder intends to submit a new bid where number of blocks is less than or equal to the existing provisionally winning blocks for the current clock round, there is no requirement of any additional EMD deduction. However, if the number of blocks for which new bid is submitted is greater than the existing provisional allotment, then the EMD for residual blocks (i.e. number of blocks for which bid is being submitted in current Clock Round – number of provisionally allotted blocks at the beginning of current Clock Round) will be blocked. For example, if the EMD per block for LSA band combination is Rs 100 and bidder is a provisional winner for 5 blocks in Round 1, then for round 2, EMD of Rs 500 would already be blocked. If bidder intends to bid for 2 blocks in round 2 (Round 2 has greater Clock Round Price than Round 1), then the existing EMD of Rs 500 will remain blocked and there is no requirement of any additional EMD deducted. However, if the bidder places a bid for 7 blocks, system will validate whether additional Rs 200 towards EMD is available with the bidder for bidding so that the total EMD consumption will become Rs 700.

Bidders may only bid for combinations of Services Areas (in either/ any/ all of the bands) with an associated EMD requirement that does not exceed the total EMD deposited by the bidder. In addition to the same, in any given Clock Round, the activity of a Bidder may not exceed its eligibility in that Clock Round.

The activity of a bidder in a Clock Round is equal to:

- In the first Clock Round, the sum of the Eligibility Points associated with LSAs in each of the bands where the bidder bids for a number of block(s);
- After the first Clock Round, the sum of:
  - (i) The Eligibility Points associated with the number of Block(s) in the LSAs in each of the bands in which the bidder has been determined to be a Provisional Winning Bidder at the end of

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the last completed Clock Round (regardless of whether or not this bid has been submitted by the bidder in the current Clock Round); and

- (ii) The Eligibility Points associated with those number of block(s) in each of the LSAs in each of the bands where the bidder has not been determined to be a Provisional Winning Bidder at the end of the last completed Clock Round and in which the Bidder bids for a number of block(s) in the current Clock Round.

For each Clock Round the Auction Administrator will announce the Auction Activity Requirement (AAR) that will apply to that Clock Round. The Auction Activity Requirement is the percentage of the bidder’s Eligibility Points that determines the level of activity that a bidder must meet in that Clock Round in order to maintain its eligibility in the following Clock Round. This threshold (rounded up to the nearest whole number) is referred to as the Bidder’s Activity Requirement in that Clock Round.

After the First Clock Round, the eligibility of each Bidder is calculated as follows:

- If the bidder’s activity in a Clock Round, ‘R’, is equal to or greater than its Activity Requirement, then the Bidder’s eligibility in the next Clock Round ‘R+1’ will be equal to the bidder’s eligibility in the Clock Round ‘R’;
- If the bidder’s activity in a Clock Round, ‘R’, is LESS than the bidder’s Activity Requirement for that Clock Round, then the eligibility of the Bidder in the next Clock Round ‘R+1’ will be equal to its activity level in the Clock Round ‘R’ divided by the Auction Activity Requirement, rounded down to the nearest whole number:

$$\begin{array}{l} \textit{Eligibility Points of} \\ \textit{Bidder in Clock} \\ \textit{Round ‘R+1’} \end{array} = \frac{\textit{Activity Level in Clock Round ‘R’}}{\textit{Auction Activity Requirement in} \\ \textit{Round ‘R’}}$$

For example, suppose that in a Clock Round ‘R’, bidder ‘X’ has an eligibility of 70 points. If the Auction Activity Requirement, as defined by the Auction Administrator for particular Clock Round ‘R’, is 80%, the bidder’s Activity Requirement is 56 points (70 x 80%,

which in case of decimal values will be rounded up to the nearest whole number). Suppose that Bidder 'X' submits a bid with an associated activity of 60 points, then, the eligibility of Bidder 'X' in the next Clock Round 'R+1', would be equal to 70 points since 60 is greater than 56. However, suppose that Bidder 'X' submits a bid with an associated activity of 50 points which is less than 56; then the eligibility of Bidder 'X' in the Clock Round 'R+1', would be reduced to 62 points (50/80% rounded down to the nearest whole number).

Bidders can view their respective eligibility and the associated Activity Requirement in each Clock Round on their respective bidding dashboard at the start of the Clock Round. In the first Clock Round, the Auction Activity Requirement will be set at 80%. Subsequently, the Auction Activity Requirement will be increased in two steps as the Auction progresses, from 80% to 90% and then to 100%.

The timing of these steps in the Activity Requirement will be determined by the Auction Administrator depending on the extent of overall bidding activity in the auction process. The Auction Administrator would typically be expected to give notice before a round of a forthcoming increase in the Auction Activity Requirement but the same would not be binding on the Auction Administrator and the Auction Activity Requirement can be increased based on the activity in a particular round.

The clock rounds can end only when the Auction Activity Requirement is 100%.

### **9.8.6 Ranking of Bidders and Provisional Winning Bidders**

For the purpose of determining the Provisional Winning Bidders in each LSA in all of the bands, the bids of the bidders for the number of blocks in an LSA in each band will be considered at the end of each Clock Round. This ranking process is undertaken separately for each LSA in each of the bands. For determining the Provisional Winning Bidders, the first process would be to identify the Provisional Winning Blocks at the end of each Clock Round. The Provisional Winning Bidders would be ranked at the end of each Clock Round using the following criteria:

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- In descending order according to the Clock Round Price for that LSA in the respective band in the Clock Round when the bid was made.
- Where there is a tie according to the first criteria, ranking will be in descending order of the count of the number of times the bid has been submitted for a Unique Clock Round Price (excluding the Current Clock Round for which the rank is being generated) for the particular LSA in the particular band;

Hence, considering a situation where there are two bidders, *X* and *Y*, who are tied as per the first criteria in Round No. 20 (at Clock Round Price of Rs. 250), for a particular LSA in a particular band. Assuming that bidder *X* had submitted the bid in Clock Round No. 10 (@ Rs. 150), Round No. 14 (@ Rs. 175), Round No. 15 (@ Rs. 175), and Round No. 18 (@ Rs. 200) in the same LSA and band. The count for the number of times at which bidder *X* has submitted his bid for Unique Clock Round Price will be 3 i.e. where the bidder has submitted at Clock Round Price of Rs. 150, Rs. 175 and Rs. 200. At the same time, assuming that bidder *Y* had submitted the bid in Clock Round No. 5 (@ Rs. 100), and Round No. 19 (@ Rs. 220) in the same LSA and band. The count for the number of times at which bidder *Y* has submitted the bid for Unique Clock Round Price will be 2. In this case, when the two bidders, *X* and *Y*, are considered for ranking for Round No. 20, bidder *X* will be ranked higher than *Y*.

- Where there is a tie according to the first two criteria, ranking will be in descending order of the highest Clock Round Price when the bid was submitted in the earlier rounds (excluding the Current Clock Round for which the rank is being generated) in the particular LSA for a particular band;

Hence, considering a situation where there are two bidders, *X* and *Y*, who are tied as per the first two criteria in Round No. 20 (at Clock Round Price of Rs. 250), for a particular LSA in a particular band. Assuming that bidder *X* had submitted the bid in Clock Round No. 10 (@ Rs. 150), Round No. 14 (@ Rs. 175), Round No. 15 (@ Rs. 175), and Round No. 18 (@ Rs. 200) in the same LSA and band. At the same time, bidder *Y* had submitted the bid in Clock Round

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No. 5 (@ Rs. 100), in Clock Round No. 10 (@ Rs. 150), and Round No. 19 (@ Rs. 220) in the same LSA and band. In this case, when the two bidders, *X* and *Y*, are considered for ranking for Round No. 20, bidder *Y* will be ranked higher than *X*. This is due to the fact that considering the previous highest bid submitted by bidder *Y* in any round other than Round No. 20 was at Rs. 220, which is higher than the previous highest bid of bidder *X* which was at Rs. 200.

- Where there is a tie according to the first three criteria, ranking will be in descending order according to the number of Blocks for which bid has been submitted by the bidder for a particular LSA in the particular band at the Current Clock Round Price.

Hence, assuming that the ranking is being generated for the LSA of Mumbai in 900 MHz band, wherein considering a situation where there are two bidders, *X* and *Y*, who are tied as per the first three criteria in Round No. 20 for Mumbai in 900 MHz band. Assuming that bidder *X* had submitted a bid for Mumbai LSA (900 MHz) for 5 blocks at current Clock Round Price of Rs. 150. At the same time, bidder *Y* had submitted the bid for LSAs of Mumbai (900 MHz) for 6 blocks at the current Clock Round Price of Rs. 150. As a consequence of this rule, the total value for Bidder *X* will be considered as 5 (being the number of blocks submitted in Mumbai (900 MHz band)). Similarly, the total value for Bidder *Y* will be considered as 6 (being the number of blocks submitted in Mumbai (900 MHz band)). Since, as per this ranking rule, the value of Bidder *Y* is more than Bidder *X* in Clock Round No. 20, as a result of which, when this criteria is considered for ranking, Bidder *Y* will be ranked higher than Bidder *X*.

- Where there is a tie according to the first four criteria, tied Bids will be ranked in descending order according to the total value of all Bids submitted by the Bidder across all service areas in the current Clock Round when the Bid (i.e. the Bid that is being ranked) is submitted, plus any Provisional Winning Bids at the start of that Clock Round where the clock round price has not changed.

Hence, considering a situation where there are two bidders, *X* and *Y*, who are tied as per the first four criteria in



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Round No. 20 for a particular LSA in a particular band. Assuming that bidder X had submitted a bid in the current Clock Round for LSAs of Delhi (1800 MHz) for 4 blocks at Clock Round Price of Rs. 100, Delhi (900 MHz) for 1 block at Clock Round Price of Rs. 200, and Karnataka (1800 MHz) for 2 blocks at Clock Round Price of Rs. 50. Hence, the total value for Bidder X will be considered as equivalent to  $((4*100)+(1*200)+(2*50) = \text{Rs. } 700)$ . Similarly, if Bidder Y had submitted a bid in the current round for LSAs of Delhi (900 MHz) for 2 blocks at Clock Round Price of Rs. 200, Mumbai (900 MHz) for 2 blocks at Clock Round Price of Rs. 180, and Karnataka (1800 MHz) for 2 blocks at Clock Round Price of Rs. 50. Hence, the total value for Bidder Y will be considered as equivalent to  $((2*200)+(2*180)+(2*50) = \text{Rs. } 860)$ . Since the total value of the blocks for which bids have been submitted in Clock Round No. 20 of Bidder Y is more than Bidder X, as a result of which, when this criteria is considered for ranking (for a tie in Karnataka (1800 MHz) as per the first three criteria), Bidder Y will be ranked higher than Bidder X.

- Where there is a tie according to the first five criteria, ties will be broken according to a random index assigned to the Bid in that LSA-Band combination when it is received by the EAS. The random index assigned will be considered in descending order of their value for determining the ranking. Hence if there are 3 bidders X, Y and Z where the random index assigned to X, Y and Z are 344563, 9976064 and 773412. Y will be considered for Rank 1 followed by Z and finally X will be awarded Rank 3. The Random Index assigned to a Bid will be determined in the Clock Round when a Bid is made.

Ranking will be generated for each LSA in each of the band at the end of each Clock Round. Only the Provisional Winning Bidders in each LSAs in each of the bands will be displayed their respective rank.

During the Clock Rounds (other than the Final Round), when the result of the Rounds are declared, a bidder can be assigned any number of blocks “equal to or less than” what has been submitted at a Clock Round Price depending on the ranking. Hence, a bidder who is ranked last as a Provisional Winning

Bidder might not necessarily get all the blocks for which he might have submitted his bid.

Further, a bidder would be declared as a Provisional Winning Bidder only if he is allocated the minimum number of blocks required for each category of bidders for each of the LSAs in each of the bands as specified in Table in [Section 9.5](#).

In every Clock Round, the different conditions under which the Provisional Winning Blocks and corresponding bidders are determined as follows:

- a) If the number of blocks for which bids have been received in an LSA for a particular band at a Clock Round Price is less than the number of blocks put up for auction, but greater than Zero (i.e. Excess Demand is Negative for a Clock Round Price) in this LSA in the particular band, in which case all the blocks where bids have been received will be considered as Provisional Winning Blocks and the bidders who have submitted the same would be considered as Provisional Winning Bidders for this particular LSA in the particular band. In such cases, the Provisional Winning Bidders from an earlier round with Clock Round Price less than the Current Clock Round, R, will be considered in order of their ranking.
- b) If the number of blocks for which bids have been received in an LSA for a particular band at a Clock Round Price is equal to the number of blocks put up for auction in this LSA for this particular band (i.e. Aggregate Demand is Equal to Supply for a Clock Round Price due to which Excess Demand will be considered as Positive), in which case, all the blocks where bids have been received will be considered as Provisional Winning Blocks and the bidders who have submitted the same would be considered as Provisional Winning Bidders for this particular LSA in the particular band.
- c) If the number of blocks for which bids have been received in an LSA for a particular band at a Clock Round Price is more than the number of blocks put up for auction in this LSA for this particular band (i.e. Excess Demand is Positive for a Clock Round Price), in which case, the bidders (in sequence

of their ranking) holding the Provisional Winning Blocks equivalent to the number of blocks put up for auction will be considered as Provisional Winning Bidders for this particular LSA in the particular band. It is important to note that in such cases, if any of the bidders' does not satisfy the requirement of winning the minimum number of blocks based on their respective categorization, in which case, the next ranked bidder in that order will be considered for the assignment of Provisional Winning Blocks. In any case, only the bidders who are assigned the Provisional Winning Blocks will be ranked as Provisional Winning Bidders.

The Provisional Winning Price for an LSA in a particular band at the end of a Clock Round will be equal to the lowest of the Clock Round prices at which the Provisional Winning Bidders submitted their bid for the Provisional Winning Blocks. As a result of the ranking rules, the Provisional Winning Price will never be greater than the last completed Clock Round Price.

Provisional Winning Blocks are not linked with any particular frequency. The Provisional Winning Blocks are determined only to identify the Provisional Winning Bidders during the Clock Round and the Winning Bidder at the end of the Clock Stage. The frequency identification stage will determine specific frequencies to be assigned.

### **9.8.7 Prices and Price Increments**

In the first Clock Round, the Clock Round price per block in each LSA in all bands will be the Reserve Price as determined by the Government. At the end of a Clock Round, Excess Demand in an LSA in each of the bands is defined to be:

- The total number of Block(s) for which Bids received in a particular LSA in a particular band at a price equal to the Clock Round price set in the last completed Clock Round; *minus*
- The number of Blocks put up for auction in that LSA in the particular band.

Hence, Excess Demand is calculated based on the number of Block(s) for which bids have been made for a particular LSA in a particular band at the Clock Round Price of the last completed

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Clock Round, regardless of whether the same was made in the last completed Clock Round or some prior round(s). However, Excess Demand does not count any Bids made at a price strictly lower than the Clock Round price of the last completed round.

Clock Round Prices for the next Clock Round would be set according to the following rules:

- If Excess Demand is negative in an LSA in a particular band, the Clock Round price for blocks in this LSA in this particular band in the next Clock Round will be set equal to the Clock Round price in the last completed Clock Round;
- If Excess Demand is zero or positive in an LSA in a particular band, the Clock Round price for blocks in this LSA in this particular band in the next Clock Round will be set equal to the Clock Round price in the last completed Clock Round plus a strictly positive price increment.

Two examples illustrating the calculation of excess demand are given below:

### Example – 1:

<b>Band – 900 MHz</b>		<b>LSA – Say ABC</b>	
<b>Total Number of Blocks put up for Auction – 16</b>			
<b>Round No. 10</b>		<b>Clock Round Price = Rs. 100</b>	
<b>Rank</b>	<b>Name of Bidder</b>	<b>Number of Blocks for which Bids have been submitted</b>	<b>Number of blocks allocated as a Provisional Winning Bidder</b>
1	New Entrant – 1	5	5
2	New Entrant – 2	6	6
3	New Entrant – 3	8	5
Demand in Clock Round No. 10 at Clock Round Price of Rs. 100		19	Will be considered as Positive as Total Demand at Clock Round Price of Rs.
Excess Demand at Clock Round Price of			

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<b>Rs. 100</b> is $(19-16 = 3)$	100 is 19.
Clock Round Price for Round No. 11 will be increased from Rs. 100 to a new value which will be (Rs. 100 + a strictly positive price increment).	

**Example – 2:**

<b>Band – 900 MHz</b>		<b>LSA –Say ABC</b>	
<b>Total Number of Blocks put up for Auction – 16</b>			
<b>Round No. 10</b>		<b>Clock Round Price = Rs. 100</b>	
<b>Rank</b>	<b>Name of Bidder</b>	<b>Number of Blocks for which Bids have been submitted</b>	<b>Number of blocks allocated as a Provisional Winning Bidder</b>
1	New Entrant – 1	5	5
2	New Entrant – 2	5	5
Demand in Clock Round No. 10 at Clock Round Price of Rs. 100		10	Will be considered as Negative as Total Demand at Clock Round Price of Rs. 100 is 10.
Excess Demand at Clock Round Price of <b>Rs. 100</b> is $(10-16 = -6)$			
Clock Round Price for Round No. 11 will be same at Rs. 100 due to Negative Demand.			
<b>Round No. 11</b>		<b>Clock Round Price = Rs. 100</b>	
<b>Rank</b>	<b>Name of Bidder</b>	<b>Number of Blocks for which Bids have been submitted</b>	<b>Number of blocks allocated as a Provisional Winning Bidder</b>
1	New Entrant – 3	6	6
Demand in Clock Round No. 11 at Clock		6	Will be considered as Positive as Total

Round Price of Rs. 100	Demand at Clock
Excess Demand at Clock Round Price of <b>Rs. 100</b> is $(16-16 = 0)$	Round Price of Rs. 100 is 16 since the demand is calculated for a Clock Round Price which might be same over multiple rounds.
Clock Round Price for Round No. 12 will be increased from Rs. 100 to a new value which will be $(Rs. 100 + \text{a strictly positive price increment})$ .	

Price Increments may vary from LSA to LSA in a band/ different bands and will be related to the excess demand in the respective LSAs for a particular band. The Auction Administrator will follow the rule set out in the Tables C1 to C8 of **Annexure C** ([Section 12.3](#)) to NIA.

The number of blocks for which the bidders can submit their bid for an LSA (s) in each bands would depend on the activity rule ([Section 9.8.5](#)) and the permissible limits (minimum and maximum) depending on their categorization as per details provided in [Section 9.1.1](#) and applicable caps ([Section 9.7](#)).

### **9.8.8 Winning Bids and Winning Prices**

The final clock round will be the first clock round in which:

- The Activity Requirement is 100%; and
- For all LSAs in all the bands, there is no bid submitted by any of the bidders i.e., bidding activity is nil.

The Provisional Winning Price in any particular LSA in a band at the end of the final Clock Round will become the Winning Price for the respective LSA for that particular band, and Provisional Winning Bidders will become Winning Bidders. Winning Bidders will be required to pay the Winning Price for the LSA(s) they have won in each of the bands. The Winning Price per block for all the Winning Bidder(s) will be the same. The Winning Price to be paid by a Winning Bidder will never be greater than

the highest bid of a Winning Bidder for that particular LSA in a particular band.

Note: Winning prices are exclusive of applicable tax/GST.

### **9.8.9. Length of Clock Rounds and Extension Periods**

Clock Rounds will typically be scheduled to begin between the hours of 09.00 and 19.30 (Indian Standard Time) on Monday to Saturday, except national holidays. However, the Auction Administrator reserves the right not to schedule Clock Rounds on one or more days, to extend or curtail the number of hours in the day during which rounds will be scheduled, or to run rounds on any day once the auction commences at its absolute discretion in order to ensure the smooth running of the auction. Where the use of any of these facilities is to be exercised, advance notice through the EAS, will be provided to Bidders.

Prior to the start of any Clock Round, the Auction Administrator will notify bidders of the starting and finishing time of the next Clock Round through the EAS. At least 15 minutes notice will be given of the start of the next Clock Round. Also, Bidders will be notified in advance of the starting time and date of the first Clock Round. At the initial stage, a Clock Round will be for a duration of ninety (90) minutes each for the first five (5) rounds. Round duration of subsequent rounds will be of sixty (60) minutes each. A Clock Round may close prior to the finishing time of the clock round if the EAS has received bids from all bidders in that round.

Clock Round of sixty(60) minutes will be reduced to forty-five (45) minutes in case bidding is in less than ten (10) LSA-band combinations for four (4) consecutive rounds after intimating all bidders. Round duration of next round will be restored to sixty (60) minutes in case the bidding in subsequent round equals or exceeds ten (10) LSA-band combinations. The auction will go to the extension mode as per the bids which are submitted by the bidder.

During a Clock Round, a Bidder will make his bid in the EAS consisting of the following:

- A “Yes” / “No” option for each of the LSAs where the bidder is eligible to bid.

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- Number of Blocks – Depending on whether the Bidder is a New Entrant or an Existing Licensee, and subject to the capping rule.

Based on the selection of LSAs in each band and the Number of Blocks for the selected LSAs, the EAS will check and display the following to the respective bidder:

- If the selection made is compatible with the EMD which the bidder has submitted for participation in the e-auction.
- Additionally, the selection has to be compatible with the requirements of the Activity Rules.
- The Bidder's eligibility for the Next Round would also be calculated by the System & displayed to the bidder's on their respective bidding dashboard. In the case where the Bidder's eligibility is reduced due to the combination of Number of Blocks opted for the selected LSAs, a warning message will be displayed on the respective bidder's screen. The bidder at this point of time will have the option to go back & modify their selection.

Only those bids which are compatible with all the rules of the e-auction will be accepted by EAS. The respective bidder's will be given an appropriate message of acceptance of their bids by the EAS.

It would be the responsibility of the respective bidders to ensure that their bids are received by EAS prior to the end of the Clock Round. For the purposes of determining whether or not a Bid is received prior to the end of the Clock Round, the EAS must receive the Bid submission by the end of the Clock Round. Bidders should be aware that it takes a finite amount of time to transmit a Bid across the Internet and for the EAS to respond which could be as a result of various factors but not limiting only to the speed of the Internet bandwidth at the Bidder's terminal. Bidders submitting decisions close to the end of the Clock Round do so entirely at their own risk of failing to meet the Clock Round deadline due to network delays or delays in response by the EAS. Bids are not processed by the EAS until the Clock Round is closed and no tactical or strategic advantage is conferred by submitting Bids late within the Clock Round.



After the end of a Clock Round, the results would be announced for each of the LSAs in each of the bands. If there is bidding activity in any LSA in any of the bands and a further Clock Round is required, this Clock Round will be scheduled and the start and finish times announced to bidders through the EAS subject to at least 15 minutes' notice of the start of the next Clock Round.

## **9.9 Extension budget and extension of Round duration**

To guard against technical problems and provide bidders with some additional flexibility in making bidding decisions, Bidders are provided with limited opportunities to extend a Clock Round and defer submission of a bid. Each Bidder is allocated an Extension Budget of 6 hours.

In the event that a Bidder fails to submit a valid bid (compatible with the rules of the e-auction) by the end of the initial finishing time of a Clock Round (and has at least 10 minutes remaining in its Extension Budget), 10 minutes will be subtracted from its Extension Budget and the finishing time of the Clock Round will be deferred by 10 minutes for that bidder. In the event that the bidder fails to submit by the revised deadline (and has at least 10 minutes remaining in its Extension Budget), a further 10 minutes will be subtracted from its Extension Budget and the finishing time deferred by a further 10 minutes for that bidder. A bidder may defer the original scheduled finishing time of any one Clock Round by at the most 60 minutes in this way.

It is mandatory for bidders to check and submit their decision, even if the bidder is a Provisional Winning Bidder. In case of a bidder failing to do so within the initial finishing Clock Round, the extension would be triggered automatically and the same would be deducted from the total Extension Budget available to the respective bidder. Further, even if the bidder happens to be in a position such that no new bids could be made/raised, It will still be necessary for the bidder to submit the “No” decision into the EAS to avoid triggering an extension.

If the original finishing time of the Clock Round has been deferred by 60 minutes or if the bidder's Extension Budget is exhausted, no further deferral of the Clock Round finishing time will be possible. In this case, if no submission is logged by the EAS prior to the end of the Clock Round; the EAS will proceed as if the

relevant Bidder has entered his bid without revising in all the LSAs in any of the bands. As a consequence, the bidder's eligibility in the following Clock Round will be calculated based on the eligibility linked to its Provisional Winning Blocks at the end of the previous Clock Round and the Auction Activity Requirement for the current round. It could also happen that the bidder is not able to participate further in subsequent Clock Rounds due to non-availability of sufficient Eligibility points as a result of non-submission of bids in the last completed Clock Round.

If one or more bidders trigger an extension period, all bidders will be informed that an extension is running by the EAS. For avoidance of doubt, one bidder triggering an extension does not remove the requirement on other bidders to submit their decision by the original deadline or to have their Extension Budget reduced if they have also failed to submit their bids within the stipulated time. In particular, if more than one bidder has failed to submit a decision by the original finishing time of a Clock Round, all such bidders will either have the number of minutes deducted from their Extension Budgets (or if they have exhausted their Extension Budget) deemed to have made no further revision to their decision in the current round. Bidders that have already checked and submitted a decision prior to the original finishing time of the Clock Round will not be able to revise or modify their decision during an extension period.

A Clock Round, which is into the extension period, may close prior to the finishing time of an extension period if the EAS has received bids from all bidders.

The minimum time between the ending of one Clock Round and the start of the Next Clock Round will be 20 minutes. However the same shall be rounded-up in multiple of 5 mins. For example - in case a round ended at 11 Hrs :24 mins: 26 secs, the next round shall start at 11 Hrs: 45 Mins: 00 Secs and not at 11 Hrs: 44 Mins: 26 Secs. The same would be announced to bidders through the EAS subject to at least 15 minutes notice before the start of the next Clock Round.

In exceptional circumstances, such as technical failure affecting multiple bidders, the Auction Administrator may:

- Re-schedule the start of a Clock Round whose starting time has been announced provided that the Clock Round

has not yet started;

- Re-schedule the finishing time of a Clock Round in progress;
- Cancel a Clock Round in progress and re-run it;
- Grant one or more bidders additional Extension Budget.

The Auction Administrator will not grant any additional Extension Budget to one or more bidders unless there is compelling evidence of technical failures affecting multiple bidders.

### **9.10 Frequency Identification Stage**

The Clock Stage will be followed by a Frequency Identification Stage that will identify specific frequencies for the Winning Bidders. The frequencies identified will be announced simultaneous with the outcome of the Clock Stage. The Frequency Identification Stage will be performed automatically by the EAS as follows for each of the LSAs in all the bands.

#### **For 2100 MHz, 2300 MHz, 2500 MHz, 3300 MHz ,& 26 GHz Bands**

The winners to be considered rank wise for assignment of spectrum (first ranked bidder to be assigned first) in the following manner:

- (a) The System picks the first/remaining bidder from the list of provisional winners and looks for a continuous frequency block equal to the bidder's winnings, starting from the block named as 'A' or '1'.
- (b) If the winner is assigned its winning quantity completely, the system moves to the next winner (rank wise) or else the next block chunk using the above logic is selected.
- (c) The iteration runs (from (a) above)

The loop terminates once all assignments have been made to all the winners.

**For 1800 MHz and 900 MHz bands:**

The frequency identification will be performed based on the sets of 5 MHz spectrum, which the bidders might have won at the end of the Clock Stage. In 1800 MHz band and in 900 MHz band one set of 5MHz spectrum will be consisting of 25 blocks. Hence, in 1800 MHz band and in 900 MHz band, the winning bidder(s) who have won a minimum of 25 blocks in a particular LSA will be considered for the assignment of contiguous spectrum in that particular LSA. In instances where more than 1 contiguous blocks are available in 900 MHz band, the block farthest away from the 800 MHz band will be assigned first. It is to be noted that only those bidders who have won a minimum of 5 MHz will be considered for assignment of Contiguous Spectrum. Of all such bidders, the spectrum to be considered in sets of 5 MHz (or in multiples of 5 MHz) i.e., 5 MHz, 10 MHz etc.

Assignment of Spectrum will be conducted separately for contiguous set(s) of 5 MHz and for non-contiguous blocks of spectrum. The bidders who have won a minimum of 5 MHz spectrum at the end of the clock stage will be considered for the assignment of contiguous Set(s) of 5 MHz spectrum in the order of their ranking.

(Bidders who have won more than 5 MHz may also be assigned contiguous spectrum. The frequency identification will be performed based on the sets of 5 MHz spectrum or more [provided this does not prevent the next ranked bidder(s) from acquiring contiguous spectrum of 5 MHz], which the bidders might have won at the end of the Clock Stage.)

**For 800 MHz band:**

In 800 MHz band, for LSA(s) where 5MHz or more spectrum is available, for contiguous spectrum, assignment will be performed for bidders who have won a minimum of 5 MHz spectrum. In 800 MHz band one set of 5 MHz spectrum will be consisting of 4 blocks. All such Bidders will be considered for contiguous spectrum in order of their ranking, subject to availability of contiguous spectrum.

However, in 800 MHz band, in such LSAs, where only 3.75 MHz (3 blocks) or 2.50 MHz (2 blocks) or 1.25 MHz (1 blocks) spectrum is available, for contiguous spectrum, assignment will

be performed for Bidders who have won a minimum of 3.75 MHz or 2.50 MHz or 1.25 MHz spectrum respectively. All such Bidders will be considered for contiguous spectrum in order of their ranking, subject to availability of contiguous spectrum.

Note: The system does the frequency assignment based on a pre-defined set of rules (as mentioned below) considering Contiguous Set of 5 MHz (Full, Partial) in that order followed by non-contiguous spectrum(Full, Partial) in that order.

The system will perform the frequency assignment for contiguous & non-contiguous spectrum as per the rules below:

- **Contiguous Spectrum**

Assignment will be performed for bidders who have won a minimum of 5 MHz spectrum (for 800 MHz band, this value can be 5 MHz, 3.75 MHz or 2.50 MHz or 1.25 MHz, subject to availability). All such bidder(s) will be considered for contiguous spectrum in order of their ranking, subject to availability of sets of contiguous spectrum.

Bidders who have won more than 5 MHz may also be assigned contiguous spectrum. The frequency identification will be performed based on the sets of 5 MHz spectrum or more provided this does not prevent the next ranked bidder(s) from acquiring contiguous spectrum of 5 MHz, which the bidders might have won at the end of the Clock Stage.

- (i) If number of set(s) of contiguous spectrum put to auction is equal to number of bidder(s), all such bidder(s) will be assigned contiguous spectrum of 5 MHz in order of their ranking.

If any such bidder has won more than 5 MHz spectrum, the frequency identification will be done based on the sets of 5 MHz spectrum or more, provided this does not prevent the next ranked bidder(s) from acquiring contiguous spectrum of 5 MHz. Else, the bidder will be assigned one set of contiguous spectrum of 5 MHz and the balance spectrum will be allocated from the non-contiguous set of spectrum. An example to illustrate the same is given below:

<b>Any LSA</b>	<b>1800 MHz Band</b>
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<b>Spectrum/ Block(s) put to Auction</b>		20 MHz / 100 Blocks		
<b>Number of Sets of Contiguous Spectrum available</b>		3 Sets of 5 MHz each i.e. 15 MHz		
<b>Spectrum/ Block(s) available in Non-Contiguous form</b>		5MHz / 25 Blocks		
<b>Number of Bidder(s) who have won a minimum of 5 MHz in the Clock Stage</b>		3 Bidders		
<b>Total Number of Set(s) of 5 MHz each considering all the bidders who have won a minimum of 5 MHz in the Clock Stage</b>		3 Sets		
<b>Bidder</b>	<b>Rank</b>	<b>Spectrum/ Block(s) won at end of Clock Stage</b>	<b>Sets of 5MHz</b>	<b>No. of Sets of Contiguous Spectrum assigned</b>
Bidder – 1	1	5 MHz / 25 Blocks	1	1
Bidder – 2	2	2 MHz / 10 Blocks	0	
Bidder – 3	3	5 MHz / 25 Blocks	1	1
Bidder – 4	4	8 MHz / 40 Blocks	1	1  (Efforts will be made to allocate a contiguous block of 8MHz if available. Else, balance of 3 MHz (15 Blocks) will be allocated on Ranking and best fit basis from non-contiguous spectrum)

(ii) If the number of set(s) of contiguous spectrum put to auction

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is EQUAL to the number of set(s) which have been won by the bidder(s), all such set(s) will be allocated to such bidder(s).

(If any such bidder has won more than 5 MHz spectrum, in which case, the frequency identification will be performed based on the sets of 5 MHz spectrum or more [provided this does not prevent the next ranked bidder(s) from acquiring contiguous spectrum of 5 MHz]. Else, the bidder will be allocated one set of contiguous spectrum of 5 MHz and the balance spectrum will be allocated from the non-contiguous set of spectrum.) An example to illustrate the same is given below:

<b>LSA</b>	Say ABC		<b>Band</b>	1800 MHz
<b>Spectrum/ Block(s) put to Auction</b>			20 MHz / 100 Blocks	
<b>Number of Sets of Contiguous Spectrum available</b>			3 Sets of 5 MHz each i.e. 15 MHz	
<b>Spectrum/ Block(s) available in Non-Contiguous form</b>			5 MHz / 25 Blocks	
<b>Number of Bidder(s) who have won a minimum of 5MHz in the Clock Stage</b>			2 Bidders	
<b>Total Number of Set(s) of 5MHz each considering all the bidders who have won a minimum of 5MHz in the Clock Stage</b>			3 Sets	
<b>Bidder</b>	<b>Rank</b>	<b>Spectrum/ Block(s) won at end of Clock Stage</b>	<b>Sets of 5 MHz</b>	<b>No. of Sets of Contiguous Spectrum assigned</b>
Bidder – 1	1	5 MHz / 25 Blocks	1	1
Bidder – 2	2	2 MHz / 10 Blocks	0	
Bidder – 3	3	10 MHz / 50 Blocks	2	2

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Bidder – 4	4	3 MHz / 15 Blocks	0	
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(iii) If number of set(s) of contiguous spectrum put to auction is GREATER than the number of bidder(s) who have won a minimum of 5MHz spectrum, and also GREATER than the number of set(s) which have been won by such bidder(s), all such bidder(s) will be allocated Contiguous Spectrum in order of their ranking.

If any such bidder has won more than 5 MHz spectrum, in which case, the frequency identification will be performed based on the sets of 5 MHz spectrum or more [provided this does not prevent the next ranked bidder(s) from acquiring contiguous spectrum of 5 MHz]. Else, the bidder will be allocated one set of contiguous spectrum of 5 MHz and the balance spectrum will be allocated from the non-contiguous set of spectrum. An example to illustrate the same is given below:

<b>LSA</b>	Say ABC		<b>Band</b>	1800 MHz
<b>Spectrum/ Block(s) put to Auction</b>			20 MHz / 100 Blocks	
<b>Number of Sets of Contiguous Spectrum available</b>			3 Sets of 5 MHz each i.e. 15 MHz	
<b>Spectrum/ Block(s) available in Non-Contiguous form</b>			5 MHz / 25 Blocks	
<b>Number of Bidder(s) who have won a minimum of 5 MHz in the Clock Stage</b>			2 Bidders	
<b>Total Number of Set(s) of 5 MHz each considering all the bidders who have won a minimum of 5 MHz in the Clock Stage</b>			2 Sets	
<b>Bidder</b>	<b>Rank</b>	<b>Spectrum/ Block(s) won at end of Clock Stage</b>	<b>Sets of 5 MHz</b>	<b>No. of Sets of Contiguous Spectrum assigned</b>



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Bidder – 1	1	8 MHz / 40 Blocks	1	1 (Efforts will be made to allocate a contiguous block of 8MHz if available. Else, balance of 3 MHz (15 Blocks) will be allocated on Ranking and best fit basis from non-contiguous spectrum)
Bidder – 2	2	2 MHz / 10 Blocks	0	
Bidder – 3	3	7 MHz / 35 Blocks	1	1 (Efforts will be made to allocate a contiguous block of 7MHz if available. Else, balance of 2 MHz (10 Blocks) will be allocated on Ranking and best fit basis from non-contiguous spectrum )
Bidder – 4	4	3MHz / 15 Blocks	0	

(iv) If number of set(s) of contiguous spectrum put to auction is greater than the number of bidder(s) who have won a minimum of 5MHz spectrum, but less than the number of set(s) which have been won by such bidder(s), all such bidder(s) will be allocated a minimum of 1 set of contiguous spectrum in order of their ranking. The balance of the set(s)

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of contiguous spectrum will again be assigned to such bidder(s) in order of their ranking. An example to illustrate the same is given below:

<b>LSA</b>		Say ABC	<b>Band</b>	1800 MHz
<b>Spectrum/ Block(s) put to Auction</b>			20 MHz / 100 Blocks	
<b>Number of Sets of Contiguous Spectrum available</b>			3 Sets of 5 MHz each i.e. 15 MHz	
<b>Spectrum/ Block(s) available in Non-Contiguous form</b>			5MHz / 25 Blocks	
<b>Number of Bidder(s) who have won a minimum of 5 MHz in the Clock Stage</b>			2 Bidders	
<b>Total Number of Set(s) of 5 MHz each considering all the bidders who have won a minimum of 5 MHz in the Clock Stage</b>			4 Sets	
<b>Bidder</b>	<b>Rank</b>	<b>Spectrum/ Block(s) won at end of Clock Stage</b>	<b>Sets of 5MHz</b>	<b>No. of Sets of Contiguous Spectrum Assigned</b>
Bidder – 1	1	10 MHz / 50 Blocks	2	1+1 = 2 Sets
Bidder – 2	2	10 MHz / 50 Blocks	2	1

- (v) If number of sets of contiguous spectrum put to auction is less than the number of bidder(s) who have won a minimum of 5 MHz spectrum, all such bidder(s), in order of their ranking will be considered for contiguous spectrum. Hence, a bidder who is ranked highest among such bidder(s) will be allocated the contiguous spectrum and the subsequent bidder(s), in the order of their ranking will be allocated contiguous spectrum subject to availability of sets of contiguous spectrum. An example to illustrate the same is given below:

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<b>LSA</b>	Say ABC	<b>Band</b>	1800 MHz	
<b>Spectrum/ Block(s) put to Auction</b>		20 MHz / 100 Blocks		
<b>Number of Sets of Contiguous Spectrum available</b>		3 Sets of 5MHz each i.e. 15 MHz		
<b>Spectrum/ Block(s) available in Non-Contiguous form</b>		5MHz / 25 Blocks		
<b>Number of Bidder(s) who have won a minimum of 5MHz in the Clock Stage</b>		4 Bidders		
<b>Total Number of Set(s) of 5 MHz each considering all the bidders who have won a minimum of 5 MHz in the Clock Stage</b>		4 Sets		
<b>Bidder</b>	<b>Rank</b>	<b>Spectrum/ Block(s) won at end of Clock Stage</b>	<b>Sets of 5MHz</b>	<b>No. of Sets of Contiguous Spectrum assigned</b>
Bidder – 1	1	5 MHz / 25 Blocks	1	1
Bidder – 2	2	5 MHz / 25 Blocks	1	1
Bidder – 3	3	5 MHz / 25 Blocks	1	1
Bidder – 4	4	5 MHz / 25 Blocks	1	0

• **Non-Contiguous Spectrum**

Assignment of spectrum from the non-contiguous set will be made on the basis of Ranking and best fit to the quantum of spectrum won. This is also applicable to the above examples in respect of assignment of non-contiguous spectrum. The following methodology would be adopted by the EAS for assignment of non-

contiguous spectrum.

- (i) The remaining winners (i.e. after assignment to winners of contiguous spectrum) are again arranged rank wise in the ascending order (first bidder to be assigned first);
- (ii) The system now gives preference to the 'Complete' frequency chunks first; exhausting all of the same before moving to the 'Partial'.
- (iii) The system picks the first remaining bidder from the sorted list and looks for the equal or larger size spectrum chunk. In case of smaller available chunks, the system will allocate from the largest chunk.
- (iv) If the winner is assigned its quota completely, the system moves to the next winner or else the next chunk using the above logic is chosen
- (v) The iteration runs, first exhausting all the complete blocks before moving to the partial
- (vi) The loop terminates once all assignments have been made to all the winners.

## **9.11 Collusion and other Prohibited Activities**

The Government of India reserves the right to disqualify any Bidder that:

- Colludes or attempts to collude with another bidder in determining its bids OR releases confidential information with the effect or intention of modifying the bidding behaviour of other pre-qualified bidders;
- Breaches or attempts to breach the secure measures within the EAS;
- Prevents or attempts to prevent any other Bidder (or other users of the EAS) from accessing the EAS;
- Attempts to influence the decisions of the Auctioneer in conducting the auction;
- Obstructs or attempts to obstruct the running of the auction;

- Provides wrong information in its Application to participate in the auction.

In the event of such disqualification, a bidder's EMD will be forfeited and the Government may undertake other penal action as well against such a bidder. The Government reserves the right to impose a fine equal to some or all of a bidder's deposit for less serious breaches of these rules. Such fines shall be deducted from that bidder's EMD.

## **9.12 Information Policy**

Prior to the start of the auction, the Government will make public:

- The list of applicants.
- The list of pre-qualified bidders along with information provided in such Bidders' applications, their ownership structures; The amount of EMD provided by the bidder; and the number of initial eligibility points granted to each bidder as a result of its EMD.
- Final list of bidders after considering withdrawals if any

During the Clock Round stage, the following information will be provided to bidders after each completed Clock Round:

- The Clock Round price per block in each LSA for each of the bands in the last completed Clock Round;
- The total number of blocks for which bids have been received in each LSA for each of the bands in the last completed Clock Round;
- The Aggregate Demand in each LSA for each of the bands at the Clock Round prices in the last completed Clock Round (i.e. for each LSA for each of the bands, the total number of blocks for which bids have been received in the LSA at a value equal to the Clock Round price in the last completed Clock Round); and
- The Excess Demand in each LSA in each of the bands at the Clock Round prices in the last completed Clock Round (i.e. for each LSA in each of the bands, Aggregate Demand less the number of blocks available in the LSA in that particular

band).

- If the last completed Clock Round was not the final Clock Round, the following information will also be provided to each bidder:
- The Provisional Winning Price in each LSA in each of the bands at the end of the last completed Clock Round;
- The Provisional Winning Blocks (if any) held by the respective bidder in each LSA(s) in each of the bands at the end of the last completed Clock Round;
- The price at which any such Provisional Winning Blocks were allocated to the bidder as a Provisional Winning Bidder;
- The rank of the Provisional Winning Bidder within the relevant LSA in each of the bands at the end of last completed Clock Round;
- Total number of Eligibility Points available to the particular bidder for the next Clock Round.

If the last completed Clock Round was not the final Clock Round, the following information will be provided to each bidder at the time at which the next Clock Round is scheduled on their respective bidding dashboard:

- The price increment to be applied in each LSA in each of the bands; and
- The Clock Round price per Block in each LSA in each of the bands that will apply for the next Clock Round.

At the end of the final Clock Round, the following information will be provided to all bidders:

- That the last completed Clock Round was the final Clock Round;
- The Winning Prices; and
- The identities of the Winning Bidders.

Information relating to the specific bids made by bidders (whether successful or not) in each LSA will not be provided at the end of each Clock Round (other than the information provided about the

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Winning Bids after the final Clock Round), but will be made public in their entirety subsequently after the Frequency Identification Stage.

## **Section 10.**

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### **10.1 System Requirements for Accessing the EAS**

Prior to the Auction, documentation will be issued describing how to use the EAS (“the EAS Manual”). This Section is provided to assist bidders in preparing for the auction. In the event of any conflict between the EAS Manual and this Section Annex, the EAS Manual should be taken to be definitive.

The Auction will be run on an Electronic Auction System (EAS) over the public Internet using encryption. Bidders can access the system using the standard web browsing software: Internet Explorer 10 and above. The only additional requirements are (i) to install the digital certificates needed for authentication and data encryption and (ii) to have a recent version of Java Runtime Environment (JRE 7 and above) installed.

The bidders will have to obtain One (1) Class-III Digital Signature Certificate (DSC) for each of the Authorized Persons issued by any of the valid Certifying Authority (approved by Controller of Certifying Authorities) in India which is mandatory for accessing the EAS. The details of the Licensed CCAs can be viewed on [www.cca.gov.in](http://www.cca.gov.in). It would be the respective bidder’s responsibility to acquire such DSC in the name of their authorized signatory for participation in the e-auction. The respective bidders also need to ensure that they acquire the DSC(s) before the mock auction which will be conducted as per the timelines set by the Government.

The access to EAS is through the operating systems and Internet browsers complemented with Java. However, the digital signature certificates used for user authentication in the EAS are 2048 bit keys. These keys are longer than those in current common usage for e-commerce applications and provide a higher level of security. It is important that bidders use an up-to-date operating system and browser, and the latest version of Java (JRE 7 and above). The EAS supports Windows 7 (Service Pack 1) and above. The browsers supported are Internet explorer 10 and above. Obsolete versions of Internet Explorer may not support longer keys.

The EAS uses the Java Application/Applet for Digital Signature generation, verification, data encryption and decryption in Internet



Explorer 10 and above. Under Windows, the browsers will usually, but not always, have Java enabled by default. However, users are advised to check their respective browsers to ensure that Java plug-in is enabled. **It is important that bidders have an up to-date version of Java Runtime Environment (JRE) installed (JRE7 and above) on any computer to be used for bidding in the Auctions.**

If bidders are using Windows, bidders can find out if they have Java installed on their respective computer using Sun Microsystems' Java installation verification tool which can be found at <http://www.java.com/en/download/installed.jsp>. It can also be verified online using the URL <http://javatester.org/version.html>

In these cases, bidders may need to refer to their IT department or other suitably qualified persons to ensure that their PC has a JRE installed and enabled on their browser, and that their internet browser is correctly set up. Sun Microsystems' Java website at <http://java.com>, this site may provide helpful information on how to do this. Please note that you may need appropriate administrative rights in order to install Java and digital certificates on the client computer.

A detailed manual and troubleshooting guide will be provided to qualified bidders prior to the start of mock auction. The mock auction will also be run to allow bidders to test that they can access the EAS using the same authentication tokens as the auction itself and to resolve any technical problems.

Bidders should ensure that their bidding computer is free from viruses, especially key-logging programs. It is the responsibility of bidders to ensure that bidding computer is functioning reliably and that appropriate computer security measures are in force. Once the digital certificate that authenticates the bidder has been installed on the bidding computer, the bidder should ensure that the bidding computer is kept secure and not accessible to unauthorised personnel.

Bidders should ensure that there is no software installed on the computers that might interfere with the normal operation of their Internet browser. The bidders have to ensure that they do not use any pop-up blockers, such as those provided by Internet Explorer and complementary software, for example the Google tool bar. This might, depending on bidders' settings, prevent the access of the EAS application and/ or some of the EAS windows from opening.

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To ensure that bidders do not face any delay or difficulty in smooth access during the auction, it is recommended that bidders:

- Turn off any power management features on their computer such as automatic hibernation or suspension; and
- Disable any screensavers.

If a bidder's computer hibernates or suspends automatically, it will need to go through the login procedures again when the computer is awakened. This will cause some delay in returning to the auction system.

It is recommended that bidders do not open other web pages when they are accessing the EAS. Viewing other web pages (especially complex ones) at the same time as viewing EAS pages increases the risk of possible problems with their browser. Therefore, it is recommended that ideally bidders should dedicate one computer to running the EAS, and do not access other web pages or run other Applications on this computer while using the EAS. This will help to minimise the risk of crashes or other potential problems.

In order to use the EAS, bidders need an Internet connection. We recommend that bidders use a reliable broadband Internet connection with a download bandwidth of 1 mbps or higher. Wireless connections may be adequate, but it is important that the latency of network connections to the EAS does not exceed 20-30 seconds to ensure reliable access. In the event of a temporary loss of contact between the bidder and the EAS, the EAS will automatically log out the bidder for security reasons, who will then need to go back through login procedures. It is recommended that bidders have a back-up computer and backup Internet connection that can be used in the case that either their primary computer or Internet connection fails.

Bidders are recommended to use a display with a screen resolution of 1024x768 (or higher). Bidders can use a lower screen resolution, but bidders may find that some Tables are more difficult to view.

## **10.2 Backup Procedures**

### **10.2.1 Auction backup facilities**

In the event of the main auction server failing, the auction will be resumed using backup facilities. The normal process for this would be the following:

- The Auction Administrator will advise bidders directly of the need to switch to the back-up system and the time from which the back-up facility should be expected to be online and available to bidders.
- If the primary auction server is still available, bidders are to log out normally. Otherwise, bidders are advised to quit the internet browser.
- Once back-up facilities are online, bidders may restart their internet browser and enter the address of the back-up /DR server. Auction Administrator will provide this address separately to the bidders. The Auction team will contact bidders to check that all bidders have successfully switched to the back- up facility.
- In the unlikely event of data loss or corruption affecting previous Rounds or failure of the back-up facility, there may be variation of these procedures at the sole discretion of the DoT and Auction Administrator. This might include resuming the Auction from a previous Round (re-run of a clock round), if required.

### **10.2.2 Bidder Technical Problems**

Bidders experiencing technical problems while accessing the EAS either before or during a Round should contact the Auction Administrator as soon as possible. Bidders will be provided with a telephone number and an email address to contact the Auction Administrator. In the event of problems accessing the EAS, bidders should not rely only on email to communicate with the Auction Administrator. In exceptional circumstances, such as technical failure affecting multiple bidders, the Auction Administrator may:

- Re-schedule the start of a Clock Round whose starting time has been announced provided that the Clock Round has not yet

started.

- Re-schedule the finishing time of a Clock Round in progress.
- Cancel a Clock Round in progress and re-run it.
- Refund the extension budget used in the particular Clock Round of one or more bidders.

The Auction Administrator will not refund any used Extension Budget to any bidders unless there is compelling evidence of technical failures affecting multiple bidders.

Telephone numbers and email addresses provided by bidders as part of their application to bid in an auction may be used by the Auction Administrator to contact any bidder in the event that the Auction Administrator observes such a bidder is having difficulties in accessing the EAS. Any telephone calls between the Auction Administrator and a bidder may be subject to password verification. The Auction Administrator may ask the bidder for a password from a list of one-time passwords provided to the bidder prior to the auction. Permission to submit bids through means other than the EAS will not be granted.

## Section 11.

### 11.1 Definitions and Glossary of Terms

26 GHz	Radio spectrum frequencies in the 26 Gigahertz band (24.25-27.5 GHz) (TDD)
3300 MHz	Radio spectrum frequencies in the 3300 MHz Megahertz band (3300 -3630 MHz) (TDD)
2500 MHz	Radio spectrum frequencies in the 2500 Megahertz band (2535 -2555 MHz & 2635- 2655 MHz) (TDD)
2300 MHz	Radio spectrum frequencies in the 2300 Megahertz band (2300-2380 MHz) (TDD)
2100 MHz	Radio spectrum frequencies in the 2100 Megahertz band (1939-1979 MHz/2129-2169 MHz) FDD
1800 MHz	Radio spectrum frequencies in the 1800 Megahertz band (1710-1765 MHz/1805-1860 MHz) FDD
900 MHz	Radio spectrum frequencies in the 900 Megahertz band (890 -915 MHz/935 - 960 MHz) FDD
800 MHz	Radio spectrum frequencies in the 800 Megahertz band (824-844 MHz/869-889 MHz) FDD
700 MHz	Radio spectrum frequencies in the 700 Megahertz band, (718-748 MHz/ 773-803) (APT band Plan, FDD)
AAR	Auction Activity Requirement
Activity Rules	Shall have the meaning as described in Section 9.8.5
Aggregate Demand	The total number of Bids for the Blocks in the LSA at a value equal to the Clock Round price in the last completed Clock Round.
AGR	Adjusted Gross Revenue
Applicant	Person making an Application against this NIA
Application	Application for participating in Auction, to pre-qualify.
Application Form	Format for submitting the Application as per Table 4.5.1
AS	Access Services
Associated Licenses	Existing UASL/UL (with access service authorization) licensees that have a Common Parent. Please refer to Section 4.2
Auctioneer	M/s MSTC Limited in its capacity as advisers to the Government on the Auctions.
Auction Administrator	M/s MSTC Limited, which will be responsible for the administration of the e-auction.
Auction	Auction of the Spectrum in 26 GHz, 3300 MHz, 2500 MHz, 2300 MHz, 2100 MHz, 1800 MHz, 900 MHz, and 800MHz bands

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Activity Requirement	The percentage of the Bidder's Eligibility Points (rounded up to the nearest whole number) that determines the level of activity that a Bidder must meet in that Clock Round in order to maintain its eligibility in the following Clock Round. This threshold is referred to as the Bidder's Activity Requirement in that Clock Round.
Auction Rules	Rules governing the conduct of the Auctions.
Authorised Person	Nominated authorised person for future correspondence with the Applicant having a Power of Attorney from the Applicant empowering him / her to take all decisions connected with the relevant Auctions on behalf of the Applicant. Materials essential for bidding in the Auction(s) will be provided to the Authorised Person using contact details provided in a Bidder's Application
Backhaul Spectrum	Includes Microwave Access (MWA) and Microwave Backbone (MWB) Spectrum
Bank Guarantee	A guarantee from a Scheduled Bank, in the prescribed format.
BAR	Bidding Activity Requirement
BHQ	Block Headquarters
Bid	Bidder's statement in each Clock Round of the Clock Stage (in the form of a "Yes / No" choice and for the Number of Blocks) offering to purchase spectrum usage rights for a block in the specified LSA at the current Clock Round price, in accordance with the terms and conditions.
Bidder	Pre-qualified Applicants that do not withdraw their application before the withdrawal deadline.
Bidder Participation Notice	Notice issued to pre-qualified Bidders that shall include each pre-qualified Bidder's Earnest Money Deposit received, Initial Eligibility points and an EAS Manual.
CCA	Controller of Certifying Authorities. Governing body under the Department of Electronics and Information Technology, Ministry of Information Technology authorized to issue license to the Certifying Authorities for issuance of Digital Signature Certificates.
CA	Certifying Authority. Authorised by CCA for issuance of Digital Signature Certificate.
CDMA	Code Division Multiple Access
Clock Round	Individual rounds of the Clock Stage as described in the Auction Rules.
Clock Stage	The first stage of the relevant Auctions as described in the Auction Rules.
Confidential Information	Any information which, if known to other Bidders, would be likely to affect the price that the other Bidders would be prepared to bid in any of the Auctions. Such information would include (but not necessarily be limited to) the Bidder's business case, auction strategy and the highest price it is willing to bid for spectrum in any LSA.

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DHQ	District Headquarters
DoT	Department of Telecommunications, Ministry of Communications, Government of India.
DSC	Digital Signature Certificate
EAS	Electronic Auction System.
EAS Manual	A manual explaining how to use the EAS that shall be provided to pre-qualified Bidders.
Effective Date	Effective Date as defined in Section 2.6.
EMD	Earnest Money Deposit. The earnest money (in the form of a Bank Guarantee from a Scheduled Bank) to be submitted along with the Application.
Eligibility Points	Number of points associated with a Block per LSA based on the Reserve Price of spectrum in that particular LSA.
Excess Demand	The total number of Blocks for which bids have been received in an LSA in a particular band at a Clock Round price equal to the Clock Round price set in the last completed Clock Round minus the number of blocks available in that LSA in that particular band.
Existing Licensee	Those Bidders defined as an “Existing Licensee” bidders in Section 3.2.
Extension Budget	The cumulative maximum period for which each Bidder is allowed to seek extension of Clock Rounds in accordance with the Auction Rules. Reductions from the Extension Budget to be carried out for the extended duration consumed; with parts rounded up.
FDI	Foreign Direct Investment
FIPP Wing, DoT	Foreign Investment Policy and Promotion Wing, DoT
Frequency Identification Stage	The second stage of the relevant Auctions as described in the Auction Rules.
Government	Government of India.
Group Bidding Entity	A single entity nominated by Associated Licensees corresponding to a single Common Parent, which shall be authorised to bid on their behalf in the relevant Auctions.
GSM	Global System for Mobile Communications.
Initial Eligibility	Number of Eligibility Points allocated to a Bidder based on its Application and amount of Earnest Money Deposit, wherein the Eligibility Points are linked to the applicable Reserve Price for each Block of each LSA.
Insider	Any party to whom Confidential Information in relation to a Bidder is disclosed.
IT	Information Technology
LoI	Letter of Intent
LSA	Licensed Service Area
LTE	Long-Term Evolution.
M&A	Merger & Acquisition

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MCLR	Marginal Cost of funds based Lending Rate
Metro	Local LSAs of Mumbai, Delhi and Kolkata.
Mock Auction	A mock auction to familiarise the Bidders with the Auction Rules and bidding methodology.
Net worth	The definition of net worth shall be as defined in the Companies Act 2013 as amended from time to time
New Bids	Bids in LSAs where the Bidder has not been determined to be a Provisional Winning Bidder at the end of the last completed Clock Round and in LSAs where the Bidder submits a bid in the current Clock Round. Also, the LSAs where the Bidder was a Provisional Winning Bidder for a certain number of blocks and where the Bidder revises the same and submits a bid in the current clock round.
New Entrant Bidders	Those Bidders defined as” New Entrant” bidders in Section 3.2
NIA	Notice Inviting Applications
Nomination Form	Joint undertaking nominating the Group Bidding Entity jointly executed by each of the Associated Licensees along with the Group Bidding Entity.
Notice	Notice Inviting Applications for participation in the Auctions together with any amendments thereof.
Ownership Compliance Certificate	An undertaking from the Applicant confirming that it complies with the ownership restrictions in view of the other Applicants.
Promoter group	SEBI definition as contained in the most recent Securities and Exchange Board of India - Disclosure and Investor Protection Guidelines, 2000 issued by SEBI and updated from time to time.
Provisional Winning Bidders	Bidders who hold the Provisional Winning Blocks.
Provisional Winning Block	The number of blocks held by the Provisional Winning Bidder.
Provisional Winning Price	The lowest round clock price at which the Provisional Winning Blocks are determined.
Recognised Stock Exchanges	Stock Exchanges recognised by the Securities and Exchange Board of India (SEBI).
Reserve Price	The minimum bid price per block in each LSA as determined by the Government and notified.
RTGS	Real Time Gross Settlement
SACFA	Standing Advisory Committee on radio Frequency Assignments
SDCA	Short Distance Charging Area



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Service Area	Service area definition is as per the UL licence conditions. To clarify, Chennai would be included in the Tamil Nadu service area.
Successful Bidder(s)	The Bidder(s) who at the end of the relevant Auctions is confirmed as a Winning Bidder(s) for a particular LSA in a particular band by the Government.
TSTP	Test Schedule and Test Procedure
UASL	Unified Access Service License
UL	Unified License
WCDMA	Wideband Code Division Multiple Access
WPC	Wireless Planning & Coordination Wing of DoT
WPF	Wireless Planning Finance Wing of DoT

## Section 12: Annexures

### 12.1 Annexure A: Details of Spectrum put to auction

**LSAs, Spectrum put to Auction, Number of Blocks, Reserve Price per MHz, Reserve Price per Block, Earnest Money (EMD) per Block, Eligibility Points per Block for e-auction of Spectrum**

<b>Table A1 800 MHz Band Block Size: 1.25MHz (paired)</b>						
<b>Name of Telecom Circle/ Metro LSA</b>	<b>Quantum on sale (MHz) (paired)</b>	<b>No of Blocks</b>	<b>Reserve Price per MHz (Rs Cr)</b>	<b>Reserve Price per Block (Rs Cr)</b>	<b>EMD/ Block (Rs Cr)</b>	<b>Eligibility Points/ Block</b>
Andhra Pradesh	10	8	292	365	39	250
Assam	NA	NA	NA	NA	NA	NA
Bihar	10	8	126	157.5	17	75
Delhi	6.25	5	479	598.75	39	250
Gujarat	3.75	3	262	327.5	39	250
Haryana	3.75	3	62	77.5	9	50
Himachal Pradesh	7.5	6	22	27.5	2	10
Jammu and Kashmir	2.5	2	16	20	2	10
Karnataka	6.25	5	198	247.5	17	100
Kerala	6.25	5	103	128.75	9	50
Kolkata	5	4	153	191.25	17	75
Madhya Pradesh	5	4	136	170	17	75
Maharashtra	5	4	338	422.5	39	250
Mumbai	5	4	468	585	39	250
North East	NA	NA	NA	NA	NA	NA
Odisha	8.75	7	54	67.5	4	20
Punjab	7.5	6	101	126.25	9	50
Rajasthan	5	4	142	177.5	17	75
Tamilnadu	6.25	5	225	281.25	17	100
Uttar Pradesh (East)	10	8	160	200	17	100
Uttar Pradesh (West)	NA	NA	NA	NA	NA	NA
West Bengal	5	4	89	111.25	9	50

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Note:

In case all spectrum blocks mentioned in the above Table in 800 MHz band are sold, the actual assigned bandwidth of the one of the sold blocks shall be restricted to 0.75 MHz instead of 1.25 MHz, in view of the fact that field trial will be carried out to ascertain the inter-band guard band requirement between 800 & 900 MHz bands. During the harmonization process, the choice for the assignment of such block shall be given to higher ranked bidder in the band-LSA combination provided the same does not disturb contiguity of spectrum held by other TSPs and the contiguity of the vacant spectrum in the band. Charging of such block will be done on pro-rata basis. In case field trials show that the guard band of about 1 MHz between 800 MHz and 900 MHz bands is sufficient for interference-free co-existence of assignees in these two bands, the assignment of 0.75 MHz will be converted into full bandwidth of 1.25 MHz and accordingly will be charged on pro-rata basis.

<b>Table A2</b>						
<b>900 MHz Band</b>						
<b>Block Size: 0.2 MHz (paired)</b>						
<b>Name of Telecom Circle/ Metro LSA</b>	<b>Quantum on sale (MHz) (paired)</b>	<b>No of Blocks</b>	<b>Reserve Price per MHz (Rs Cr)</b>	<b>Reserve Price per Block (Rs Cr)</b>	<b>EMD/ Block (Rs Cr)</b>	<b>Eligibility Points/ Block</b>
<b>Andhra Pradesh</b>	4.4	22	288	57.6	4	20
<b>Assam</b>	6.8	34	63	12.6	1	5
<b>Bihar</b>	11.8	59	147	29.4	2	12
<b>Delhi</b>	0.8	4	436	87.2	9	40
<b>Gujarat</b>	1.6	8	399	79.8	9	40
<b>Haryana</b>	4.6	23	68	13.6	1	5
<b>Himachal Pradesh</b>	3.4	17	26	5.2	0.5	2
<b>Jammu &amp; Kashmir</b>	13.4	67	18	3.6	0.25	1
<b>Karnataka</b>	4.6	23	204	40.8	4	16
<b>Kerala</b>	1.4	7	213	42.6	4	20
<b>Kolkata</b>	2.8	14	153	30.6	2	12
<b>Madhya Pradesh</b>	4.4	22	156	31.2	2	12
<b>Maharashtra</b>	2.8	14	317	63.4	4	20
<b>Mumbai</b>	0.8	4	389	77.8	9	40
<b>North East</b>	4.4	22	16	3.2	0.25	1
<b>Odisha</b>	8.4	42	64	12.8	1	5
<b>Punjab</b>	1.2	6	104	20.8	2	8
<b>Rajasthan</b>	4.4	22	135	27	2	12
<b>Tamilnadu</b>	8.4	42	222	44.4	4	16
<b>Uttar Pradesh (East)</b>	6.2	31	186	37.2	4	16

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<b>Uttar Pradesh (West)</b>	11.8	59	152	30.4	2	10
<b>West Bengal</b>	9.6	48	99	19.8	2	8

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<p align="center"><b>Table A3</b>  <b>1800 MHz Band</b>  <b>Block Size: 0.2MHz(paired)</b></p>						
<b>Name of Telecom Circle/ Metro LSA</b>	<b>Quantum on sale (MHz) (paired)</b>	<b>No of Blocks</b>	<b>Reserve Price per MHz (Rs Cr)</b>	<b>Reserve Price per Block (Rs Cr)</b>	<b>EMD/ Block (Rs Cr)</b>	<b>Eligibility Points/ Block</b>
<b>Andhra Pradesh</b>	9	45	193	38.6	4	20
<b>Assam</b>	8.6	43	32	6.4	0.5	2
<b>Bihar</b>	10.2	51	82	16.4	1	5
<b>Delhi</b>	11	55	270	54	4	20
<b>Gujarat</b>	4	20	168	33.6	2	10
<b>Haryana</b>	28.4	142	41	8.2	0.5	2
<b>Himachal Pradesh</b>	13.2	66	16	3.2	0.25	1
<b>Jammu &amp; Kashmir</b>	6	30	9	1.8	0.25	1
<b>Karnataka</b>	4.8	24	121	24.2	2	10
<b>Kerala</b>	25.4	127	58	11.6	1	5
<b>Kolkata</b>	18.6	93	109	21.8	2	10
<b>Madhya Pradesh</b>	1.2	6	99	19.8	2	10
<b>Maharashtra</b>	2.4	12	213	42.6	4	20
<b>Mumbai</b>	18.4	92	264	52.8	4	20
<b>North East</b>	2.2	11	8	1.6	0.25	1
<b>Odisha</b>	8.8	44	39	7.8	0.5	2
<b>Punjab</b>	9.8	49	61	12.2	1	5
<b>Rajasthan</b>	7	35	84	16.8	1	5
<b>Tamilnadu</b>	3.4	17	141	28.2	2	10
<b>Uttar Pradesh (East)</b>	1	5	184	36.8	4	20
<b>Uttar Pradesh (West)</b>	14.8	74	87	17.4	2	10
<b>West Bengal</b>	13.2	66	58	11.6	1	5

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<b>Table A4</b>						
<b>2100 MHz Band</b>						
<b>Block Size: 5 MHz (paired)</b>						
<b>Name of Telecom Circle/ Metro LSA</b>	<b>Quantum on sale (MHz) (paired)</b>	<b>No of Blocks</b>	<b>Reserve Price per MHz (Rs Cr)</b>	<b>Reserve Price per Block (Rs Cr)</b>	<b>EMD/ Block (Rs Cr)</b>	<b>Eligibility Points/ Block</b>
<b>Andhra Pradesh</b>	15	3	142	710	75	500
<b>Assam</b>	5	1	24	120	9	50
<b>Bihar</b>	NA	NA	NA	NA	NA	NA
<b>Delhi</b>	10	2	251	1255	75	500
<b>Gujarat</b>	5	1	140	700	75	500
<b>Haryana</b>	NA	NA	NA	NA	NA	NA
<b>Himachal Pradesh</b>	15	3	12	60	4	20
<b>Jammu &amp; Kashmir</b>	5	1	8	40	4	20
<b>Karnataka</b>	5	1	112	560	39	250
<b>Kerala</b>	NA	NA	NA	NA	NA	NA
<b>Kolkata</b>	10	2	80	400	39	250
<b>Madhya Pradesh</b>	10	2	73	365	39	250
<b>Maharashtra</b>	5	1	158	790	75	500
<b>Mumbai</b>	10	2	196	980	75	500
<b>North East</b>	5	1	5	25	2	10
<b>Odisha</b>	10	2	29	145	9	50
<b>Punjab</b>	5	1	51	255	17	100
<b>Rajasthan</b>	NA	NA	NA	NA	NA	NA
<b>Tamil Nadu</b>	NA	NA	NA	NA	NA	NA
<b>Uttar Pradesh (East)</b>	NA	NA	NA	NA	NA	NA
<b>Uttar Pradesh (West)</b>	10	2	72	360	39	250
<b>West Bengal</b>	NA	NA	NA	NA	NA	NA

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<p align="center"><b>Table A5</b>  <b>2300 MHz Band</b>  <b>Block Size: 10 MHz unpaired</b></p>						
<b>Name of Telecom Circle/ Metro LSA</b>	<b>Quantum on sale (MHz) (paired)</b>	<b>No of Blocks</b>	<b>Reserve Price per MHz (Rs Cr)</b>	<b>Reserve Price per Block (Rs Cr)</b>	<b>EMD/ Block (Rs Cr)</b>	<b>Eligibility Points/ Block</b>
<b>Andhra Pradesh</b>	10	1	59	590	39	250
<b>Assam</b>	NA	NA	NA	NA	NA	NA
<b>Bihar</b>	NA	NA	NA	NA	NA	NA
<b>Delhi</b>	10	1	104	1040	75	500
<b>Gujarat</b>	NA	NA	NA	NA	NA	NA
<b>Haryana</b>	NA	NA	NA	NA	NA	NA
<b>Himachal Pradesh</b>	NA	NA	NA	NA	NA	NA
<b>Jammu &amp; Kashmir</b>	NA	NA	NA	NA	NA	NA
<b>Karnataka</b>	10	1	64	640	75	485
<b>Kerala</b>	NA	NA	NA	NA	NA	NA
<b>Kolkata</b>	10	1	32	320	39	250
<b>Madhya Pradesh</b>	NA	NA	NA	NA	NA	NA
<b>Maharashtra</b>	NA	NA	NA	NA	NA	NA
<b>Mumbai</b>	10	1	103	1030	75	485
<b>North East</b>	NA	NA	NA	NA	NA	NA
<b>Odisha</b>	NA	NA	NA	NA	NA	NA
<b>Punjab</b>	NA	NA	NA	NA	NA	NA
<b>Rajasthan</b>	NA	NA	NA	NA	NA	NA
<b>Tamil Nadu</b>	10	1	81	810	75	485
<b>Uttar Pradesh (East)</b>	NA	NA	NA	NA	NA	NA
<b>Uttar Pradesh (West)</b>	NA	NA	NA	NA	NA	NA
<b>West Bengal</b>	NA	NA	NA	NA	NA	NA

<b>Table A6</b>						
<b>2500 MHz Band</b>						
<b>Block Size: 10 MHz unpaired</b>						
<b>Name of Telecom Circle / Metro LSA</b>	<b>Quantum on sale (MHz) (unpaired)</b>	<b>No of Blocks</b>	<b>Reserve Price per MHz (Rs Cr)</b>	<b>Reserve Price per Block (Rs Cr)</b>	<b>EMD/ Block (Rs Cr)</b>	<b>Eligibility Points/ Block</b>
<b>Andhra Pradesh</b>	NA	NA	NA	NA	NA	NA
<b>Assam</b>	NA	NA	NA	NA	NA	NA
<b>Bihar</b>	10	1	15	150	17	100
<b>Delhi</b>	NA	NA	NA	NA	NA	NA
<b>Gujarat</b>	NA	NA	NA	NA	NA	NA
<b>Haryana</b>	NA	NA	NA	NA	NA	NA
<b>Himachal Pradesh</b>	10	1	3	30	2	10
<b>Jammu &amp; Kashmir</b>	10	1	2	20	2	10
<b>Karnataka</b>	20	2	47	470	39	250
<b>Kerala</b>	NA	NA	NA	NA	NA	NA
<b>Kolkata</b>	NA	NA	NA	NA	NA	NA
<b>Madhya Pradesh</b>	NA	NA	NA	NA	NA	NA
<b>Maharashtra</b>	NA	NA	NA	NA	NA	NA
<b>Mumbai</b>	NA	NA	NA	NA	NA	NA
<b>North East</b>	NA	NA	NA	NA	NA	NA
<b>Odisha</b>	NA	NA	NA	NA	NA	NA
<b>Punjab</b>	NA	NA	NA	NA	NA	NA
<b>Rajasthan</b>	NA	NA	NA	NA	NA	NA
<b>Tamil Nadu</b>	20	2	58	580	39	250
<b>Uttar Pradesh (East)</b>	NA	NA	NA	NA	NA	NA
<b>Uttar Pradesh (West)</b>	NA	NA	NA	NA	NA	NA
<b>West Bengal</b>	NA	NA	NA	NA	NA	NA



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<b>Table A7</b>						
<b>3300 MHz Band</b>						
<b>Block Size: 10 MHz unpaired</b>						
<b>Name of Telecom Circle/ Metro LSA</b>	<b>Quantum on sale (MHz) (unpaired)</b>	<b>No of Blocks</b>	<b>Reserve Price per MHz (Rs Cr)</b>	<b>Reserve Price per Block (Rs Cr)</b>	<b>EMD/ Block (Rs Cr)</b>	<b>Eligibility Points/ Block</b>
<b>Andhra Pradesh</b>	50	5	29.12	291.2	17	100
<b>Assam</b>	100	10	5.60	56	4	20
<b>Bihar</b>	50	5	13.44	134.4	9	50
<b>Delhi</b>	50	5	44.80	448	39	250
<b>Gujarat</b>	50	5	25.76	257.6	17	100
<b>Haryana</b>	50	5	6.72	67.2	4	20
<b>Himachal Pradesh</b>	70	7	2.24	22.4	2	10
<b>Jammu &amp; Kashmir</b>	70	7	1.12	11.2	1	5
<b>Karnataka</b>	20	2	20.16	201.6	17	100
<b>Kerala</b>	20	2	10.08	100.8	9	50
<b>Kolkata</b>	50	5	16.80	168	17	100
<b>Madhya Pradesh</b>	20	2	14.56	145.6	9	50
<b>Maharashtra</b>	50	5	32.48	324.8	39	250
<b>Mumbai</b>	50	5	39.20	392	39	250
<b>North East</b>	70	7	1.12	11.2	1	5
<b>Odisha</b>	100	10	5.60	56	4	20
<b>Punjab</b>	50	5	10.08	100.8	9	50
<b>Rajasthan</b>	20	2	12.32	123.2	9	50
<b>Tamil Nadu</b>	50	5	23.52	235.2	17	100
<b>Uttar Pradesh (East)</b>	50	5	15.68	156.8	17	100
<b>Uttar Pradesh (West)</b>	20	2	14.56	145.6	9	50
<b>West Bengal</b>	50	5	10.08	100.8	9	50

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<p align="center"><b>Table A8</b>  <b>26 GHz Band</b>  <b>Block Size: 50 MHz unpaired</b></p>						
<b>Name of Telecom Circle/ Metro LSA</b>	<b>Quantum on sale (MHz) (unpaired)</b>	<b>No of Blocks</b>	<b>Reserve Price per MHz (Rs Cr)</b>	<b>Reserve Price per Block (Rs Cr)</b>	<b>EMD/ Block (Rs Cr)</b>	<b>Eligibility Points/ Block</b>
<b>Andhra Pradesh</b>	400	8	0.64	32	2	10
<b>Assam</b>	650	13	0.11	5.5	0.5	2
<b>Bihar</b>	650	13	0.30	15	1	5
<b>Delhi</b>	450	9	1.00	50	4	20
<b>Gujarat</b>	100	2	0.56	28	2	10
<b>Haryana</b>	250	5	0.15	7.5	0.5	2
<b>Himachal Pradesh</b>	650	13	0.06	3	0.25	1
<b>Jammu &amp; Kashmir</b>	650	13	0.03	1.5	0.25	1
<b>Karnataka</b>	400	8	0.45	22.5	2	10
<b>Kerala</b>	NA	NA	NA	NA	NA	NA
<b>Kolkata</b>	450	9	0.36	18	2	10
<b>Madhya Pradesh</b>	250	5	0.32	16	1	5
<b>Maharashtra</b>	250	5	0.71	35.5	4	20
<b>Mumbai</b>	350	7	0.87	43.5	4	20
<b>North East</b>	650	13	0.03	1.5	0.25	1
<b>Odisha</b>	650	13	0.13	6.5	0.5	2
<b>Punjab</b>	350	7	0.22	11	1	5
<b>Rajasthan</b>	300	6	0.28	14	1	5
<b>Tamil Nadu</b>	300	6	0.52	26	2	10
<b>Uttar Pradesh (East)</b>	400	8	0.34	17	2	10
<b>Uttar Pradesh (West)</b>	300	6	0.32	16	1	5
<b>West Bengal</b>	250	5	0.21	10.5	1	5

**12.2 Annexure B: Details of Spectrum holding caps**

<b>TABLE B1: Band -wise &amp; Individual spectrum holding Cap for each LSA</b>				
<b>(Total Spectrum Assigned for unpaired and both sides of spectrum in case of paired spectrum is taken into account)</b>				
<b>LSA</b>	<b>Sub-1 GHz cap (in MHz)</b>	<b>Cap in Bands 1800,2100,2300, &amp; 2500 MHz (in MHz)</b>	<b>Cap in 3300 MHz (in MHz)</b>	<b>Cap in 26 GHz (in MHz)</b>
Andhra Pradesh	51.84	123.84	150	1300
Assam	46.56	123.84	150	1300
Bihar	50.56	123.84	150	1300
Delhi	50.56	123.84	150	1300
Gujarat	50.56	123.84	150	1300
Haryana	50.56	131.84	150	1300
Himachal Pradesh	51.84	123.84	150	1300
Jammu and Kashmir	47.84	123.84	150	1300
Karnataka	51.84	123.84	150	1300
Kerala	51.84	135.84	150	1300
Kolkata	50.56	131.84	150	1300
Madhya Pradesh	50.56	123.84	150	1300
Maharashtra	50.56	123.84	150	1300
Mumbai	50.56	131.84	150	1300
North East	47.84	123.84	150	1300
Odisha	51.84	135.84	150	1300
Punjab	50.56	123.84	150	1300
Rajasthan	50.56	123.84	150	1300
Tamilnadu	51.84	123.84	150	1300
Uttar Pradesh (East)	50.56	123.84	150	1300
Uttar Pradesh (West)	50.56	123.84	150	1300
West Bengal	50.56	123.84	150	1300

### 12.3 Annexure C: Details of Price Increment rule

**Table C1:**

**800 MHz Band**

<b>Excess Demand (In Blocks)</b>	<b>Price Increment as a Percentage of previous Clock Round Price</b>
Less than ZERO (Negative)	0%
ZERO Block	0.5%
1 Block	1%
2 Block	1.5%
3 Block	2%
4 Block	2.5%
5 Blocks and greater	3%

Note: The Price Increment calculated for an LSA in a band cannot exceed the Reserve Price of the LSA in that band (Refer Table A1 of **Annexure A**, [Section 12.1](#) to this NIA), which will be the maximum possible absolute price increment.

**Table C2:**

**900 MHz Band.**

<b>Excess Demand (In MHz)</b>	<b>Price Increment as a Percentage of previous Clock Round Price</b>
Less than ZERO (Negative)	0%
From ZERO up to 5 blocks	0.5%
Greater than 5 up to 10 Blocks	1%
Greater than 10 up to 15 Blocks	1.5%
Greater than 15 up to 20 Blocks	2%
Greater than 20 up to 25 Blocks	2.5%
Greater than 25 up to 30 Blocks	3%
Greater than 30 up to 35 Blocks	3.5%
Greater than 35 up to 40 Blocks	4%
Greater than 40 up to 45 Blocks	4.5%
Greater than 45 up to 50 Blocks	5%
Greater than 50 up to 55 Blocks	5.5%
Greater than 55 up to 60 Blocks	6%
Greater than 60 Blocks	6.5%

Note: The Price Increment calculated for an LSA in a band cannot exceed the Reserve Price of the LSA in that band (Refer Table A2 of **Annexure A**, [Section 12.1](#) to this NIA), which will be the maximum possible absolute price increment.

**Table C3:**

**1800 MHz Band**

<b>Excess Demand (In MHz)</b>	<b>Price Increment as a Percentage of previous Clock Round Price</b>
Less than ZERO (Negative)	0%
From ZERO up to 5 blocks	0.5%
Greater than 5 up to 10 Blocks	1%
Greater than 10 up to 15 Blocks	1.5%
Greater than 15 up to 20 Blocks	2%
Greater than 20 up to 25 Blocks	2.5%
Greater than 25 up to 30 Blocks	3%
Greater than 30 up to 35 Blocks	3.5%
Greater than 35 up to 40 Blocks	4%
Greater than 40 up to 45 Blocks	4.5%
Greater than 45 up to 50 Blocks	5%
Greater than 50 up to 55 Blocks	5.5%
Greater than 55 up to 60 Blocks	6%
Greater than 60 Blocks	6.5%

Note: The Price Increment calculated for an LSA in a band cannot exceed the Reserve Price of the LSA in that band (Refer Table A3 of **Annexure A**, [Section 12.1](#) to this NIA), which will be the maximum possible absolute price increment.

**Table C4:**

**2100 MHz Band**

<b>Excess Demand (In Blocks)</b>	<b>Price Increment as a Percentage of previous Clock Round Price</b>
Less than ZERO (Negative)	0%
ZERO	0.5%
1	1%
2	1.5%

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3	2%
4	2.5%
Greater than 4	3%

Note: The Price Increment calculated for an LSA in a band cannot exceed the Reserve Price of the LSA in that band (Refer Table A4 of **Annexure A**, [Section 12.1](#) to this NIA), which will be the maximum possible absolute price increment.

**Table C5:**

**2300 MHz Band.**

<b>Excess Demand (In Blocks)</b>	<b>Price Increment as a Percentage of previous Clock Round Price</b>
Less than ZERO (Negative)	0%
ZERO	0.5%
1	1%
2	5%
Greater than 2	10%

Note: The Price Increment calculated for an LSA in a band cannot exceed the Reserve Price of the LSA in that band (Refer Table A5 of **Annexure A**, [Section 12.1](#) to this NIA), which will be the maximum possible absolute price increment.

**Table C6:**

**2500 MHz Band**

<b>Excess Demand (In Blocks)</b>	<b>Price Increment as a Percentage of previous Clock Round Price</b>
Less than ZERO (Negative)	0%
ZERO	0.5%
1	1%
2	5%
Greater than 2	10%

Note: The Price Increment calculated for an LSA in a band cannot exceed the Reserve Price of the LSA in that band (Refer Table A6 of **Annexure A**, [Section 12.1](#) to this NIA), which will be the maximum possible absolute price increment.

**Table C7:**

**3300 MHz Band**

<b>Excess Demand (In Blocks)</b>	<b>Price Increment as a Percentage of previous Clock Round Price</b>
Less than ZERO (Negative)	0%
From ZERO upto 4 blocks	0.5%
Greater than 4 and upto 8 blocks	1%
Greater than 8 and upto 12 blocks	1.5%
Greater than 12 and upto 16 blocks	2%
Greater than 16 and upto 20 blocks	2.5%
Greater than 20 blocks	3%

Note: The Price Increment calculated for an LSA in a band cannot exceed the Reserve Price of the LSA in that band (Refer Table A7 of **Annexure A**, [Section 12.1](#) to this NIA), which will be the maximum possible absolute price increment.

**Table C8:**

**26 GHz Band**

<b>Excess Demand (In Blocks)</b>	<b>Price Increment as a Percentage of previous Clock Round Price</b>
Less than ZERO (Negative)	0%
From ZERO upto 6 blocks	0.5%
Greater than 6 and upto 12 blocks	1%
Greater than 12 and upto 18 blocks	1.5%
Greater than 18 and upto 24 blocks	2%
Greater than 24 and upto 30 blocks	2.5%
Greater than 30 blocks.	3%

Note 1: The Price Increment calculated for an LSA in a band cannot exceed the Reserve Price of the LSA in that band (Refer Table A8 of **Annexure A**, [Section 12.1](#) to this NIA), which will be the maximum possible absolute price increment.

Note 2: All price increments will be in Rs. Crore, rounded down to four decimal places. Therefore, throughout the Auction all prices will be in Rs. Crore with at most four decimal places

## 12.4 Annexure D: Indicative Schedule for Payment

**TABLE D1:** Indicative Schedule for Payment (when upfront is made)

Full Amount Due	Rs. 1000
Upfront Payment (say, 2 years)	100
Balance to be recovered	1000-(100)= Rs. 900
Number of Instalments	18
Interest Rate	8.65%
Assumed Date of first Payment	24-05-2024
Moratorium	2 Years
Effective Date of Spectrum assignment	26-05-2024

<b>Schedule of Payments</b>		
<b>Instalment</b>	<b>Due Date for Payment</b>	<b>Amount (Rs.) (at 8.65 %)</b>
Upfront Payment	24-05-2024	100
1 <sup>st</sup> instalment	26-05-2026	109.09
2 <sup>nd</sup> instalment	26-05-2027	109.09
3 <sup>rd</sup> instalment	26-05-2028	109.09
4 <sup>th</sup> instalment	26-05-2029	109.09
5 <sup>th</sup> instalment	26-05-2030	109.09
6 <sup>th</sup> instalment	26-05-2031	109.09
7 <sup>th</sup> instalment	26-05-2032	109.09
8 <sup>th</sup> instalment	26-05-2033	109.09
9 <sup>th</sup> instalment	26-05-2034	109.09
10 <sup>th</sup> instalment	26-05-2035	109.09
11 <sup>th</sup> instalment	26-05-2036	109.09
12 <sup>th</sup> instalment	26-05-2037	109.09
13 <sup>th</sup> instalment	26-05-2038	109.09
14 <sup>th</sup> instalment	26-05-2039	109.09
15 <sup>th</sup> instalment	26-05-2040	109.09
16 <sup>th</sup> instalment	26-05-2041	109.09
17 <sup>th</sup> instalment	26-05-2042	109.09
18 <sup>th</sup> instalment	26-05-2043	109.09



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**TABLE D2:** Indicative Schedule for Payment (when no upfront payment is made)

Full Amount Due	Rs. 1000
Upfront Payment	Nil
Balance to be recovered	1000
Number of Instalments	20
Interest Rate	8.65%
Assumed Date of first payment	24-05-2024
Moratorium	Nil
Effective Date of Spectrum Assignment	26-05-2024

<b>Schedule of Payments</b>		
<b>Instalment</b>	<b>Due Date for Payment</b>	<b>Amount (Rs.) (at 8.65%)</b>
1 <sup>st</sup> instalment	24-05-2024	98.32
2 <sup>nd</sup> instalment	26-05-2025	98.32
3 <sup>rd</sup> instalment	26-05-2026	98.32
4 <sup>th</sup> instalment	26-05-2027	98.32
5 <sup>th</sup> instalment	26-05-2028	98.32
6 <sup>th</sup> instalment	26-05-2029	98.32
7 <sup>th</sup> instalment	26-05-2030	98.32
8 <sup>th</sup> instalment	26-05-2031	98.32
9 <sup>th</sup> instalment	26-05-2032	98.32
10 <sup>th</sup> instalment	26-05-2033	98.32
11 <sup>th</sup> instalment	26-05-2034	98.32
12 <sup>th</sup> instalment	26-05-2035	98.32
13 <sup>th</sup> instalment	26-05-2036	98.32
14 <sup>th</sup> instalment	26-05-2037	98.32
15 <sup>th</sup> instalment	26-05-2038	98.32
16 <sup>th</sup> instalment	26-05-2039	98.32
17 <sup>th</sup> instalment	26-05-2040	98.32
18 <sup>th</sup> instalment	26-05-2041	98.32
19 <sup>th</sup> instalment	26-05-2042	98.32
20 <sup>th</sup> instalment	26-05-2043	98.32

## 12.5 Annexure E: Earnest Money (EMD) – Eligibility Points (EP) Table

This Table indicates the quantum of Eligibility Points to be awarded based on various values of EMD, and is uploaded separately at DoT website.

## 12.6 Annexure F: Details of Carrier Frequency put to Auction

This annexure is uploaded separately at DoT website, which includes band-wise Tables indicating LSA-wise Carrier Frequency Details of Spectrum put to Auction.

Note: Please refer to note below Table A1 in Annexure A of Section 12.1.

## 12.7 Annexure G: Territorial Jurisdiction of LSAs

Sl. No.	LSA	Areas covered
01.	West Bengal	Entire area falling within the Union Territory of Andaman & Nicobar Islands and area falling within the State of West Bengal and the State of Sikkim excluding the areas covered by Kolkata Metro LSA.
02.	Andhra Pradesh	Entire area falling within the State of Andhra Pradesh and Telangana.
03.	Assam	Entire area falling within the State of Assam.
04.	Bihar	Entire area falling within the State of Bihar and State of Jharkhand.
05.	Gujarat	Entire area falling within the State of Gujarat and Union Territory of Daman and Diu, Silvassa (Dadra & Nagar Haveli).
06.	Haryana	Entire area falling within the State of Haryana except Panchkula town and the local areas served by Faridabad and Gurgaon Telephone exchanges.
07.	Himachal Pradesh	Entire area falling within the State of Himachal Pradesh
08.	Jammu & Kashmir	Entire area falling within the Union Territory of Jammu & Kashmir and Union Territory of Ladakh.

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09.	Karnataka	Entire area falling within the State of Karnataka
10.	Kerala	Entire area falling within the State of Kerala and Union Territory of Lakshadweep and Minicoy.
11.	Madhya Pradesh	Entire area falling within the State of Madhya Pradesh and the State of Chattisgarh.
12.	Maharashtra	Entire area falling within the State of Maharashtra and Goa, excluding areas covered by Mumbai Metro LSA.
13.	North East	Entire area falling within the States of Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Manipur and Tripura.
14.	Odisha	Entire area falling within the State of Odisha.
15.	Punjab	Entire area falling within the State of Punjab and Union territory of Chandigarh and Panchkula town of Haryana.
16.	Rajasthan	Entire area falling within the State of Rajasthan.
17.	Tamilnadu	Entire area falling within the State of Tamilnadu and Union Territory of Puducherry
18.	Uttar Pradesh (West)	Entire area covered by Western Uttar Pradesh with the following as its boundary districts towards Eastern Uttar Pradesh: Pilibhit, Bareilly, Badaun, Kasganj (Kanshiram Nagar), Etah, Mainpuri, Etawah and Auraiya. It will exclude the local telephone area of Ghaziabad and Noida. However, it includes the State of Uttarakhand.
19.	Uttar Pradesh (East)	Entire area covered by Eastern Uttar Pradesh with the following as its boundary districts towards Western Uttar Pradesh :Shahjahanpur, Kannauj, Farrukhabad, Lakhimpur, Kanpur Rural and Jalaun (Orai).
20.	Delhi	Local Areas served by Delhi, Ghaziabad, Faridabad, Noida, and Gurgaon Telephone Exchanges
21.	Kolkata	Local Areas served by Kolkata Telephones of BSNL.
22.	Mumbai	Local Areas served by Mumbai, New Mumbai and Kalyan Telephone Exchanges

**Note:**

1. Yanam, an area of Union Territory of Puducherry is served under Andhra Pradesh LSA in East Godavari LDCA.
2. The definition of Local Areas of exchanges will be as applicable to the existing cellular operators, i.e. at the time of grant of cellular Licenses in Metro Cities in 1994-95
3. The definition of local areas with regard to the above LSA as

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applicable to this license is as per definition applicable to Cellular Mobile Service Licenses as in the year 1994 and 1995, when those Licenses were granted to them. This is in accordance with respective Gazette Notification for such local areas wherever issued and as per the statutory definition under Rule 2 (w) Indian Telegraph Rules, 1951, as it stood during the year 1994/1995 where no specific Gazette Notification has been issued.

4. Erstwhile Chennai LSA and Tamilnadu (excluding Chennai) LSA as defined in UAS License, have been merged to make a single LSA namely Tamilnadu LSA. For Unified License, there will be Tamilnadu LSA as defined at Sl. No. 17 in the above List of LSAs.

## 12.8 Annexure H: Application Checklist

Sl. No	Particulars	Please Tick	Page number of Application Document
1.	Completed Application Form	<input type="checkbox"/>	
2.	Completed Declaration as per <b>Annexure N</b>	<input type="checkbox"/>	
3.	Certified copy of Certificate of Registration along with Articles of Association and Memorandum of Association. Company Secretary to certify the copy (in case the Applicant is not an Indian company, copies of the incorporation documents of the Company have to be certified by a Company Secretary registered in India) In case of vacancy in the post of Company Secretary, an authorised signatory's signature will suffice.	<input type="checkbox"/>	
4.	Self-certification from the Company Secretary of his/ her name and membership number	<input type="checkbox"/>	
5.	Certificate from Company Secretary certifying details of Promoters/Partners/Shareholders in the Company and breakdown of the equity of the Company	<input type="checkbox"/>	
6.	Certificate from Company Secretary certifying the paid up Capital	<input type="checkbox"/>	
7.	Certificate from Company Secretary certifying the net worth	<input type="checkbox"/>	
8.	Certified copy of approval of Government of India for terms of Foreign Collaboration or copy of application submitted to SIA/Government in this regard with proof of Submission (if applicable) <i>(Copy to be certified by the Company Secretary)</i>	<input type="checkbox"/>	
9.	Bank Guarantee from a Scheduled Bank (for the Earnest Money Deposit)	<input type="checkbox"/>	

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10.	Power of Attorney by Resolution of Board of Directors that the person signing the Application is an authorized signatory <i>(Copy to be certified by Company Secretary and duly stamped and notarized)</i>	<input type="checkbox"/>	
11.	Non-refundable application fee of Rs. 100,000/- payable to Pay and Accounts Officer (HQ), DoT, New Delhi.	<input type="checkbox"/>	
12.	Duly signed Integrity Pact as per Annexure P	<input type="checkbox"/>	
<b><i>In case of Associated Licensees:</i></b>			
13.	Joint undertaking(s) to nominate the Group Bidding Entity	<input type="checkbox"/>	
14.	<p>Certificates from Company Secretary on ownership details of each of the Associated Licensees establishing the shareholding of the Common Parent in each of the Associated Licensees</p> <ul style="list-style-type: none"> <li>▪ In case of step-down subsidiaries, the shareholding details at each level have to be submitted, clearly establishing the direct/ indirect shareholding of the Common Parent in the Associated Licensees.</li> <li>▪ In the case that any of the Associated Licensee is a listed Company, attach the stock exchange filing establishing the Common Parent as the promoter of the Company</li> </ul>	<input type="checkbox"/>  <input type="checkbox"/>	
<b><i>In case of Prospective New Entrants:</i></b>			
15.	Undertaking confirming that, if the Applicant is successful in winning spectrum in any LSA, it shall acquire a Unified License through an Indian company registered under the Companies Act 2013 or any previous Companies Law (in which the Applicant shall hold at least 26% equity) in advance of starting commercial operations	<input type="checkbox"/>	
16.	Undertaking regarding Compliance to FDI Guidelines	<input type="checkbox"/>	

## 12.9 Annexure I: Application Format

### **APPLICATION FOR PARTICIPATING IN 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz 2500 MHz, 3300 MHz , & 26 GHz Bands AUCTION**

#### **General instructions:**

- (a) All the pages of the form/ supporting documents must be separately signed along with the rubber stamp by the Authorised Signatory or Company Secretary, as required. The name and designation of the signatory and the stamp of the relevant company must also appear wherever documents have been signed.
- (b) In case the Applicant has to furnish no information against any of the items below, either 'Nil', 'No' or 'Not applicable', as the case may be, should be mentioned. If in the information supplied, against any item, a dash is marked or is left blank, it shall be treated as incomplete and the Application may not be considered for further processing.
- (c) All undertakings to be provided on the letterhead of the relevant Company.

1. Name of Applicant Company:

*(Note: Attach certified copy of Certificate of Registration alongwith Articles of Association and Memorandum of Association. Company Secretary is required to certify the copy.)*

2. Complete postal address with Telephone/ Fax numbers/ e-mail address

i) Corporate Office

ii) Registered Office

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3. Address for correspondence with Telephone/Fax numbers/e-mail address. Please provide at least one fixed and one mobile telephone number on which the Authorized Person can be contacted during the Auction. It is the Applicant's responsibility to ensure that ALL these means of communications are working and being monitored regularly from the date of Application to the conclusion of the Auctions:

- a) A complete Postal Address
- b) Fixed telephone number
- c) Mobile telephone number (Note: the mobile telephone specified should be capable of receiving SMS)
- d) E-mail address

4. Name of the Company Secretary certifying the documents along with his/her Membership number

*(Note: Attach self-certification from the Company Secretary. In case there are more than one Company Secretary certifying documents, the details or self-certification of all these Company Secretaries to be submitted.)*

(a) Names and passport numbers of the authorised signatories of the different companies that are signing the Application or any attachment to it. Where the authorised signatory does not possess a passport, other documents like PAN Card, Voter's ID card, Aadhar Card or Driving License will be acceptable.

5. Name of Authorised Person, designation, address and Telephone/Fax numbers/email address and her/his



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specimen signature counter-signed by the authorized signatory.

*(Note: Attach Power of Attorney empowering him/ her to take all decisions connected with the Auction, on the Bidder's behalf including but not limited to, the authority to put in Bids in respect of any of the LSAs and to commit payment of the necessary amount if the Bidder is granted spectrum in any LSA.)*

*(Note: Applicants can authorise one more person, who would act as the Alternate Authorised Person in case of non-availability of the primary Authorised person. In case of any duplication of submissions made by the Applicant, the submission signed by the primary Authorised Person would be considered as final and binding)*

- 6. a) Net worth and Paid up capital of the applicant Company may be provided as detailed below:
  - I. Net worth (As on date/ as on the working day previous to the date of application).....

**NOTE:**

The closing numbers and the exchange rates published by the RBI as at the previous working day to the date of application are allowed.

II. Net worth (As on last audited statement)  
.....

III. Paid Up capital (As on date).....

IV. Paid Up capital (As on last audited statement)  
.....

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b) Details of Promoters/ Partners/ Shareholders in the Company:

<b>S. No</b>	<b>Name of Promoter/ Partner/ Shareholder</b>	<b>Indian/ Foreign</b>	<b>Equity Percentage</b>	<b>Net Worth (As on date)</b>	<b>Net Worth (As per last audited statement)</b>	<b>Paid-up capital</b>	<b>Whether it is to be counted for calculating the net worth towards the eligibility for bidding(Yes/No)</b>

*Note:*

1. *Also provide combined net worth of any promoter that holds more than 10% in the Company (actual break-up to be provided; certificate from the Company Secretary or authorised signatory of each of such promoter(\*) to be provided).*

*\*In respect of Networth and Paid Up capital details (as on date), of such promoter(s) /partner(s) /shareholder(s), whose networth is not to be used for meeting the eligibility criteria for the Auction, certificate need not be given by the Company Secretary of such promoters/partners /shareholders. However, these details are to be provided by the applicant Company. As regards last audit statement /figures the clarification given below shall also be applicable.*

2. *Complete break-up of 100% of equity must be given. Individual equity holding up to 5% of the total equity can be clubbed but Indian and Foreign equity must be separate.*
3. *Details of Net worth, both as on the date of application and also as on the date of last audited financial statement need to be provided.*

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*However, only the Net worth, as on date of application, would be counted for deciding the eligibility of the applicant company.*

- I. *the details of Net worth and Paid-Up capital can be given “As on 31-12-2023” in place of “As on Date”, or, if their results for the quarter ending 31-12-2023 are not declared, the listed entities can submit the Net worth and Paid-Up capital details as of last published results (30-09-2023), however, in such a case-*
  - (i) *A certificate to be given by the Company Secretary or Authorized Signatory of the Company that Company continues to meet the requirement of Net worth and Paid-Up capital, as on date of application.*
  - (ii) *Further, details of any Capital infusion/dilution, done between 31-12-2023/ 30-09-2023 (whichever is applicable) and Date of application, be given (certified by Company Secretary or Authorized Signatory of the Company).*
- II. *Further, in respect of Companies, having financial year closing at the end of Calendar year, i.e., 31st December, the last Audited Financial Statement, as on 31-12-2022 shall be acceptable, with a certificate from Company Secretary/Authorized Signatory to the effect that date of financial year closing is at the end of calendar year i.e., 31st December.*
- III. *Moreover, it is clarified that the company has to maintain minimum required Net worth and Paid-up Capital, in accordance with the NIA for the number of LSAs where it is bidding for assigning spectrum during the auction process and for the number of LSAs where it has been declared successful bidder for assignment of spectrum till grant of Unified License/Wireless license and thereafter the Company would be governed by guidelines/conditions of UL/WL.*
4. *Certificate from Company Secretary or authorised signatory should be given in respect of above details.*
5. *Applicant Company should clearly indicate in the last column, as to whether it wants a particular promoter’s net worth to be taken into*

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*consideration towards counting the eligibility for bidding for spectrum auction.*

c) Equity Details

Indian \_\_\_\_\_  
Foreign \_\_\_\_\_  
**Total** \_\_\_\_\_

7. List of UASL/UL license(s) held by the Applicant and its Associated Licensees, if any. Please mention operative licenses (i.e. licenses which are currently in force) only.

<b>Type of the License (UASL/UL)</b>	<b>LSA</b>	<b>Name of the Company</b>

*(Note: Attach Undertaking that in case the Applicant is declared a Successful Bidder in any LSA where it (along with its Associated Licensees) does not currently hold a UASL/UL license, it will acquire a Unified License.)*

8. Ownership details of each of the Associated Licensees establishing the shareholding of the Common Parent in each of the Associated Licensees.

*(Note: In case of step-down subsidiaries, the shareholding details at each level have to be submitted, in the same format as in point 6(b) (above), clearly establishing the direct/ indirect shareholding of the Common Parent in the Associated Licensees.)*

*(Note: In case any of the Associated Licensees is a listed Company, attach the stock exchange filing establishing the Common Parent as a promoter of the Company.)*

*(Note: Attach Certificates from Company Secretary of each Company whose shareholding is presented.)*

9. List of telecom service license(s) held by the Applicant and its allies/sister concerns/partners, if any, and their present status:

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<b>Type of the License (Basic Cellular/ UASL/UL/ Paging/ NLD/ ILD/ ISP etc.) and LSA</b>	<b>Name of the Company</b>	<b>Status whether operative/ surrendered/ Terminated</b>

*(Type of the License means Basic/Cellular/UASL/UL/Paging/NLD/ILD/ISP licenses etc. Details of all the Licenses held by Allies/sister concerns/Partners or legal entities with 10% or more common equities must be shown separately.)*

10. Paid up capital of the Company (certificate from Company Secretary certifying the paid up capital to be provided.)

*(Note: Paid up capital to be provided as on the date of application.)*

11. Certified copy of approval of Government of India for terms of Foreign Collaboration or copy of application submitted to SIA/Government in this regard with proof of Submission (if applicable).

*(Note: Copy to be certified by the Company Secretary)*

12. Number of Initial Eligibility points applied for and details of corresponding Bank Guarantee for the Earnest Money Deposit.

*(Note: Attach Bank Guarantee)*

13. Power of Attorney by Resolution of Board of Directors that the person signing the Application is an authorized signatory.

*(Note: Copy to be certified by Company Secretary and duly stamped and notarized. In case, the Applicant is not an Indian company, and does not have a Company Secretary, Power of Attorney may be certified by the legal counsel of the Company.)*

*(Note: Power of Attorney is also required for the authorised signatories of any other company that is required to sign any Attachment to the Application.)*

14. Net worth of the Company (certificate from Company Secretary or authorised signatory certifying the net worth to be provided).

**Certificates/ undertaking:**

- A. I hereby certify that the Applicant has carefully read the Notice and undertakes to fully comply with the terms and conditions of the Notice.
- B. I hereby certify that the Applicant is legally capable of both bidding for and satisfying its obligations under the terms and conditions for award of the spectrum and the UASL/ Unified License (as applicable), including but without limitation to any approvals, consents, permissions and board approvals from its holding company(ies) under any laws or rules and regulations issued by any governmental or regulatory or supervisory body in any competent jurisdiction.
- C. I hereby certify that neither the Applicant nor any of its Associated Licensees are the subject of criminal or civil proceedings that could be expected to adversely affect its business or its ability to bid in the Auction.
- D. I hereby certify that the Applicant will accept the changes required to be made to the existing licenses held by it or any of its Associated Licensees (if applicable) as a precondition to or as a consequence of the assignment of spectrum.
- E. I hereby certify that the Applicant understands that this Application, if found incomplete in any respect and/ or if found with conditional compliance or not accompanied with the Earnest Money Deposit, shall be summarily rejected.
- F. I hereby certify that the Applicant understands that the processing fee is non-refundable irrespective of whether or not the spectrum is granted to it.
- G. I hereby certify that the Applicant has read and understood the FDI guidelines for investment in telecom services in India, and will comply with the same before commencing operations.
- H. I hereby certify that the Applicant will intimate the DoT promptly in case of any change in the information submitted as part of the Application.
- I. I hereby certify that the Applicant will comply, and ensure that all of

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its Insiders and Associated Licensees will comply, with the terms and conditions of the Notice relating to confidentiality.

- J. I hereby certify that the Applicant understands that all matters relating to the application or spectrum if granted to it will be subject to jurisdiction of courts/ Tribunal(s) in Delhi/ New Delhi only.
- K. I hereby certify that the Applicant understands that if at any time, any averments made or information furnished as part of this application is found incorrect, then its application and the spectrum if awarded on the basis of such application shall be cancelled.
- L. I certify that the information provided in this Application (including the attachments) is true, accurate and complete to the best of my knowledge.

Date Signature and name of the Authorised Signatory

Place: (Company's Seal)

### **Note:**

- i. There should be a Power of Attorney/Board Resolution in favour of each of the authorised signatories authorizing the concerned person to sign the Application including the relevant undertakings.
- ii. Signature of the Authorised Person should be counter-signed by any other authorised signatory, in case the Authorised Person is also an authorised signatory for the purpose of the Application.
- iii. Only a single application can be submitted by the Group Bidding Entity in respect of all the eligible companies within a Group.
- iv. Company Secretary of the relevant company should sign and certify the forms where required.
- v. There is no specific format for Power of Attorney, but it should be on stamp paper of the state in which the office is situated.
- vi. Certificate of paid-up capital and certificate of net worth – please indicate on the letter head of the Company.
- vii. Directors and Authorised Representatives of the Applicant Company will also be authorized signatories with respect to the application. There should be a Power of Attorney/Board Resolution in favour of each of the authorised signatories authorizing the concerned person to sign the Application including

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the relevant undertakings.

- viii. Applicants are required to inform the Government promptly in case of any change in the information submitted by them as part of their Application.
- ix. In case of vacancy in the post of company secretary, an authorised signatory's signature will suffice.



## 12.10 Annexure J: Format for Earnest Money Deposit

*(in the form of a Bank Guarantee from a Scheduled Commercial Bank)*

To,  
The President of India,  
New Delhi.

2. Whereas **<Full name of the Applicant>**(hereinafter called “**the Proposer**”) desires to submit the proposal for participating in the Auction for spectrum in the 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz, 2500 MHz, 3300 MHz and 26 GHz Bands in compliance to DoT NIA No\_\_\_\_\_dated\_\_\_\_\_.

Know all men by these presents that we **<Name of the Bank>** (hereinafter called “**the Bank**”) are bound unto the President of India (hereinafter referred to as “the Authority”), in the sum of **<Amount in figures>** (**<Amount in words>**) for which payment will and truly be made to the said Authority, the Bank binds itself, its successors and assignees by these presents.

3. The conditions of this obligation are:

- (i) If the Proposer having been notified of the acceptance of its proposal by the DoT, during the period of the proposal’s validity:
  - (a) Fails or refuses to execute the contract form, if required; or
  - (b) Fails to deposit the Successful Bid Amount in the stipulated timeframe as per the Notice;
- (ii) The Proposer misrepresents facts in its application;
- (iii) The Proposer violates any of the Auction Rules or otherwise disrupts the Auction process;

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- (iv) The Proposer does not bid for even 1 LSA in the first Clock Round of the Auction;
- (v) The Proposer defaults on its bid;
- (vi) The Proposer withdraws its proposal during the period of its validity specified in the Notice.
- (vii) The Proposer is in violation of Integrity Pact.

We undertake to pay to the Authority, the above amount upon demand, without any demur and without the Authority having to substantiate its demand.

4. This guarantee will remain in force up to 31<sup>st</sup> December , 2024, further extendible by another six months on your request and any demand in respect thereof should reach the Bank not later than the date up to which this Bank Guarantee is valid.
5. Notwithstanding anything contained above, our liability, under the Guarantee shall be restricted to **<Amount in figures>** and our Guarantee shall remain in force until 30<sup>th</sup> June 2025. Unless a demand or claim under this Guarantee is made on us in writing within this date i.e., 30<sup>th</sup> June 2025, all your rights under the Guarantee shall be forfeited and we shall be released and discharged from all liabilities there under.

Dated day <month>, 2024

<Name of Bank>

Signature

Witness:

1. \_\_\_\_\_

2. \_\_\_\_\_

## 12.11 Annexure K: Format of Undertaking to obtain Unified License

Format of Undertaking to obtain Unified License (in respect of LSA(s) where neither the Applicant nor any of its Associated Licensees has an existing UASL/ Unified license with authorization for access service)

### **UNDERTAKING TO OBTAIN UNIFIED LICENSE WITH AUTHORIZATION OF ACCESS SERVICE IN SPECIFIED LSA(S)/ \*AUTHORIZATION OF ACCESS SERVICE IN SPECIFIED LSA(S)**

We, \_\_\_\_\_ and \_\_\_\_\_, the undersigned, as Director and Authorized Signatory respectively of \_\_\_\_\_ (“Applicant”) hereby confirm, undertake, acknowledge and certify the following:

- a) The applicant desires to submit a proposal for participating in the auction for spectrum in 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz, 2500 MHz, 3300 MHz and 26 GHz Bands in compliance to DoT NIA.
- b) The applicant would abide by the ownership restrictions as prescribed in the respective licenses for existing Licensees. In respect of New Entrants, the conditions prescribed in UL shall be applicable.
- c) That in case the applicant is declared a Successful Bidder in the any of the LSA (s) , it shall apply for a Unified License with authorization for access service in that (those)Specified LSA(s)/ authorization for use of spectrum band, if not permitted earlier, access service in the Specified LSA(s) either directly or through one of its Associated Licensees or through a wholly-owned subsidiary of the applicant (“Nominated Unified License Applicant”) or a company nominated by the applicant where the applicant has a minimum of at least 26% (“New Entrant Nominated Unified License Applicant”);
- d) That the Nominated Applicant/ New Entrant Nominated Unified License applicant will satisfy all the conditions required to obtain a Unified License with authorization of access service in specified LSA(s)/ authorization of access service in specified LSA(s) as per the “Guidelines for grant of Unified License as amended from time to time”;

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- e) That in case the application for grant of Unified License with authorization of access service in specified LSA(s)/ authorization of access service in specified LSA(s) of the Nominated License Applicant/ New Entrant Nominated Unified License Applicant is rejected, the Government shall have the right to revoke the spectrum;
- f) That in case an application for a Unified License with authorization of access service in specified LSA(s)/ authorization of access service in specified LSA(s) by the Nominated License Applicant /New Entrant Nominated Unified License applicant has not been made within seven(7) days of the applicant being declared a successful bidder , the Government shall have the right to curtail / revoke the spectrum;
- g) The Nominated License applicant /New Entrant Nominated Unified License applicant shall be responsible for the performance of the bid obligations and the applicant shall obtain an undertaking to this effect (“Adherence Undertaking”) from the Nominated License Applicant/ New Entrant Nominated Unified License applicant before the Nominated License Applicant /New Entrant Nominated Unified License applicant submits the Unified License/ authorization of access service in specified LSA(s) application along with a certified copy of the Adherence Undertaking.

Signature and Name of the Authorized Signatory  
Company’s Seal

Date:

Place:

\*To be applicable if holding Unified License with authorization for access services in other LSAs or for services other than access services.

**12.12 Annexure L: Format of Undertaking to nominate a Group Bidding Entity**

Format for an Undertaking to nominate a Group Bidding Entity for the 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz, 2500 MHz, 3300 MHz and 26 GHz Bands Auction

**JOINT UNDERTAKING TO NOMINATE GROUP BIDDING ENTITY**

We, -----  
----- and -----  
-----, the undersigned, as Directors and  
Authorised Representatives of -----  
----- <Name of the  
Associated Licensee> (“Nominator”)

and

We, -----  
----- and -----  
-----, the undersigned, as Directors and  
Authorised Representatives of -----  
----- <Name of the Group  
Bidding Entity> (“Group Bidding Entity”)

Hereby confirm, undertake, acknowledge and certify the following:

(a) That the Nominator has authorised the Group Bidding Entity to bid for Spectrum Auction in the 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz, 2500 MHz, 3300 MHz and 26 GHz Bands in compliance with DoT on its behalf in the following LSAs:

1. \_\_\_\_\_
2. \_\_\_\_\_

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- (b) That the Nominator is a UASL /UL with access service authorisation licensee in all the LSAs mentioned in point(a) above;
- (c) That the Nominator has read and understood the Notice for the Auctions and will abide with all applicable conditions including, but not limited to, payment of bid amount, spectrum usage charges and compliance with rollout obligations;
- (d) That in case the Group Bidding Entity is declared a Successful Bidder in any of the LSAs mentioned in point(a), the Nominator shall accept the allotment/ assignment to itself of spectrum won by the Group Bidding Entity in that LSA by the Government;
- (e) That the Nominator and the Group Bidding Entity shall be jointly and severally liable for the performance of the bid obligations;
- (f) That the Nominator agrees to make the necessary changes to its existing UASL/ UL with access service authorisation (as required by the conditions specified).

Signed:

For <name of the Nominator Company >

Authorised signature

(Name & Position)

Company seal affixed

Authorised signature

(Name & Position)

Date: \_\_\_\_\_

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Signed:

For<name of the Group Bidding Entity>

Authorised signature

(Name & Position)

Company seal affixed

Authorised signature

(Name & Position)

Date:\_\_\_\_\_

## 12.13 Annexure M: Format for Ownership Compliance Certificate

Format for Ownership Compliance Certificate for the Spectrum Auction in 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz 2500 MHz, 3300 MHz and 26 GHz Bands

*(Signatories should be one Director & one Authorised signatory.)  
(for all Applicants on the letter head of the concerned Company)*

We, -----

-----and -----

-----,the undersigned, as Directors and Authorised Representatives of -----

-----<Name of the Applicant> (“Applicant”) hereby confirm, undertake, acknowledge and certify the following:

- (a) That we have carefully gone through the list of Applicants (“Provisional Bidders”) for the Spectrum Auction in 800 MHz, 900 MHz, 1800 MHz, 2100 MHz, 2300 MHz 2500 MHz, 3300 MHz and 26 GHz Bands and their Associated Licensees and their ownership details put up on the DoT website;
- (b) That we have made due enquires to the extent reasonably possible of any entity:
  - Who holds a direct or indirect material interest in the Applicant or any of its Associated Licensees; and
  - In whom the Applicant or any of its Associated Licensees hold a direct or indirect material interest;
- (c) That we would abide by the ownership restrictions as prescribed in the respective licenses for existing Licensees. In respect of New Entrants, the conditions prescribed in UL shall be applicable.
- (d) That the Unified License license is subject to the condition that:



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In the event of holding/obtaining Access spectrum, no licensee or its promoter(s) directly or indirectly shall have any beneficial interest in another licensee company holding “Access Spectrum” in the same LSA.

For the purpose of this clause:

- (a) Promoter shall mean legal entity other than Central Government, financial institutions and scheduled banks, which hold 10% or more equity in the licensee company.
- (b) Beneficial interest shall mean holding of any equity directly or indirectly including through chain of companies in the licensee company.
- (c) Any arrangement contrary to above shall be made consistent with the above stipulations within a period of one year from the date of grant of UL.

Exception granted in para 1.4 of UAS licensee in respect of basic and CMTS licenses existing on 11.11.2003 shall end on the expiry of CMTS/UASL/Basic Service license held by such licensee. They shall comply with the above stipulation within a period of one year from the date of migration to UL.

- (d) That the Applicant will promptly intimate the Government if any part of this undertaking were to undergo a material change.

Signed:

Authorised Signatory  
(Name & Position)

Authorised Signatory  
(Name & Position)

Company Seal & Date

**12.14 Annexure N: Format of declaration by bidders**

*(LSA-wise information where the Applicant is an Existing Licensee / New Entrant)*

*(Please refer to [Section 3.2](#) (Associated Eligibility Conditions))*

Sr. No.	LSA	Existing Licensee / New Entrant								Details of Telecom Service Licenses held by the Applicant in the LSA UAS/ UL with access service authorisation along with effective date of licence			
		Licensee	Please Tick <input type="checkbox"/> for Yes & <input type="checkbox"/> for No								Licence No. & Date	Effective Date of License	Type of License
			800 MHz	900 MHz	1800 MHz	2100 MHz	2300 MHz	2500 MHz	3300 MHz	26 GHz			
1	Andhra Pradesh	New Entrant											
		Existing Licensee											
2	Assam	New Entrant											
		Existing Licensee											
3	Bihar	New Entrant											
		Existing Licensee											
4	Delhi	New Entrant											
		Existing Licensee											
5	Gujarat	New Entrant											
		Existing Licensee											
6	Haryana	New Entrant											
		Existing Licensee											
7	Himachl Pradesh	New Entrant											

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		Existing License											
8	Jammu & Kashmir	New Entrant											
		Existing License											
9	Karnataka	New Entrant											
		Existing License											
10	Kerala	New Entrant											
		Existing License											
11	Kolkata	New Entrant											
		Existing License											
12	Madhya Pradesh	New Entrant											
		Existing License											
13	Maharashtra	New Entrant											
		Existing License											
14	Mumbai	New Entrant											
		Existing License											
15	North East	New Entrant											
		Existing License											
16	Odisha	New Entrant											
		Existing											

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		License e											
1 7	Punjab	New Entrant											
		Existing License e											
1 8	Rajastha n	New Entrant											
		Existing License e											
1 9	Tamilna du (excludin g Yanam)	New Entrant											
		Existing License e											
2 0	Uttar Pradesh (West)	New Entrant											
		Existing License e											
2 1	Uttar Pradesh (East)	New Entrant											
		Existing License e											
2 2	West Bengal	New Entrant											
		Existing License e											

Note: Details of all the License(s) held by Allies/Sister concern/Partners or legal entities with 10% or more common equities must be shown separately.

I hereby certify that the above information has been prepared as per the provisions contained in the NIA document and is correct to the best of my knowledge.

(Signature of Authorised Signatory)

Company Seal

**12.15 Annexure O: Format for application for Frequency assignment to the successful bidder**

(One application for each LSA)

1. Name of the Applicant (as in the Service License): .....
2. Address and Contact details: .....
3. Name of the Licensed Service Area for which frequency assignment is required:  
.....
4. Proof of upfront/first payment made: .....
5. Quantum of spectrum already held and that won provisionally in the Auction 2024:

Frequency Band	Type of Acquisition of Spectrum (Auction/ Administrative/ Trading/ Merger)	Uplink		Downlink		Year of Frequency Assignment	Remarks
		From	To	From	To		
700 MHz band							
800 MHz band							
900 MHz band							
1800 MHz band							
2100 MHz band							
2300 MHz band							
2500 MHz band							
3300 MHz band							
26 GHz band							

Note: Please append rows to incorporate additional blocks of existing spectrum or newly acquired spectrum as the case may be.

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6. Emission proposed to be used: .....

Date:

Place:

Signature and Name of authorised signatory

Company Seal

## 12.16 Annexure P: Format of Integrity Pact

### INTEGRITY PACT

This Integrity Pact is made and executed at .....on this..... day of ....., 20.....

BY AND BETWEEN

**THE PRESIDENT OF INDIA** acting through .....(name of the officer), Director (Wireless Finance), Department of Telecommunications (DoT), Ministry of Communications, Govt. of India having its office at ..... (hereinafter referred to as “**Licensor**” which terms or expression shall, unless excluded by or repugnant to the subject or context, mean and include its successor-in-office, administrators or permitted assignees) – **First Party**;

**AND**

**M/s** ----- represented by .....(name & designation of the officer) having its office at ..... (hereinafter referred to as “**Bidder/Buyer**” which term or expression shall, unless excluded by or repugnant to the subject or context, mean and include its successor-in-office, administrators or permitted assignees) – **Second Party**.

### Preamble

WHEREAS, Licensor proposes to auction the rights to use the spectrum as per the terms and conditions mentioned in the relevant Notice Inviting Applications,

and

WHEREAS, Bidder/Buyer is willing to procure the rights for usage of spectrum as per the terms and conditions mentioned in the relevant Notice Inviting Applications,

and

WHEREAS, Licensor values full compliance with all relevant laws and regulations, and the principles of economical use of resources, and of fairness

and transparency in its relations with its Bidder(s) and / or Buyer(s).

In pursuance, thereto, the following clauses of the Integrity Pact will be applicable and this document shall be deemed to be an integral part of the Agreement/Contract between us.

In order to achieve these goals, Licensor may appoint an Independent External Monitor who will monitor the auction process and the execution of the contract for compliance with the principles mentioned above.

### **Section 1 - Commitments of the Licensor**

(1) The Licensor commits itself to take all measures necessary to prevent corruption and to observe the following principles:-

- a. No employee of Licensor, personally or through family members, will in connection with the auction for, or the execution of a contract, demand, take a promise for or accept, for him/herself or third person, any material or immaterial benefit which he/she is not legally entitled to.
- b. Licensor will, during the auction process, provide to all Bidder(s)/Buyer(s) the same information and will not provide to any Bidder/Buyer confidential/additional information through which the Bidder(s)/Buyer(s) could obtain an advantage in relation to the auction process or the contract execution.

(2) If the Licensor obtains information on the conduct of any of its employees which is a criminal offence under the relevant Indian Penal Code (IPC) or Prevention of Corruption (PC) Act, or if there be a substantive suspicion in this regard, the Licensor will inform the Chief Vigilance Officer and in addition can initiate disciplinary actions.

### **Section 2 - Commitments of the Bidder(s)/Buyer(s)**

(1) The Bidder(s)/Buyer(s) commits himself to take all measures necessary to prevent corruption. He commits himself to observe the following principles during his participation in the auction process and during the contract execution.



- a. The Bidder(s)/Buyer(s) will not, directly or through any other person or firm, offer, promise or give, to any of the Licensor's employees involved in the auction process or the execution of the contract or any third person any material or other benefit which he/she is not legally entitled to, in order to obtain in exchange any advantage of any kind whatsoever during the auction process or the execution of the contract.
- b. The Bidder(s)/Buyer(s) will not enter with other Bidder(s) / Buyer(s) into any undisclosed agreement or understanding, whether formal or informal. This applies in particular to prices, submission or non-submission of bids or any other actions to restrict competitiveness or to introduce cartelisation in the bidding process.
- c. The Bidder(s)/Buyer(s) will not commit any offence under the relevant IPC/PC Act; further the Bidder(s)/Buyer(s) will not use improperly, for purposes of competition or personal gain, or pass on to others, any information or document provided by the Licensor as part of the business relationship, regarding plans, technical proposals and business details, including information contained or transmitted electronically.
- d. The Bidder(s)/Buyer(s) will, when presenting his/her bid, disclose any and all payments he/she has made, is committed to or intends to make to agents, brokers or any other intermediaries in connection with the award of the contract.

(2) The Bidder(s)/Buyer(s) will not instigate third persons to commit offences outlined above or be an accessory to such offences.

### **Section 3 - Disqualification from auction process and exclusion from future contracts**

If the Bidder(s)/Buyer(s), before award or during execution has committed a transgression through a violation of Section 2, above or in any other form such as to put his reliability or credibility in question, the Licensor is entitled to disqualify the Bidder(s)/Buyer(s) from the auction process or to terminate the contract, if already signed, for such reason. The Licensor is also entitled to exclude the Bidder(s)/Buyer(s) from future contract award processes.

#### **Section 4 - Compensation for Damages**

(1) If the Licensor has disqualified the Bidder(s)/Buyer(s) from the auction process prior to the award according to Section 3, the Licensor is entitled to demand and recover the damages equivalent to Earnest Money Deposit (EMD) and/ or Performance Bank Guarantee (PBG).

(2) If the Licensor has terminated the contract according to Section 3, or if the Licensor is entitled to terminate the contract according to Section 3, the Licensor shall be entitled to demand and recover from the Bidder(s)/Buyer(s) amount equivalent to maximum amount of Liquidated Damages and/ or the amount equivalent to Performance Bank Guarantee and/ or the amount equivalent to EMD.

#### **Section 5 - Previous Transgression**

(1) The Bidder(s)/Buyer(s) declares that no previous transgressions occurred in the last 3 years with any other company in any country conforming to the anti-corruption approach or with any other Public Sector Enterprise in India that could justify his exclusion from the auction process.

(2) If the Bidder(s)/Buyer(s) makes incorrect statement on this subject, he can be disqualified from the auction process, and/or the contract can be terminated, if already signed, for such reason.

#### **Section 6 - Equal treatment of all Bidder(s)/Buyer(s)**

(1) The Licensor will enter into agreements with identical conditions as this one with all Buyer(s)/ Bidders(s).

(2) The Licensor will disqualify from the auction process all Bidder(s)/Buyer(s) who do not sign this Pact or violate its provisions.

#### **Section 7 - Criminal Charges against violating Bidder(s)/Buyer(s)**

If the Licensor obtains knowledge of conduct of a Bidder/Buyer, or of an employee or a representative or an associate of a bidder/Buyer, which constitutes corruption, or if the Licensor has substantive suspicion in this regard, the Licensor will inform the same to the Chief Vigilance Officer.

## Section 8 - Independent External Monitors

(1) The Licensor has appointed Independent External Monitors (hereinafter referred to as Monitor) for this Pact in consultation with the Central Vigilance Commission. The details of Monitors are as given below:-

I. Shri Umendra, IFOS (Retd.)

Address: 1/55 C, Vipulkhand, Gomit Nagar, Lucknow-226010.

(Mob. No. 9415279693 & email ID: [sharmaumendra@gmail.com](mailto:sharmaumendra@gmail.com))

(2) The task of the Monitor is to review independently and objectively, whether and to what extent the parties comply with the obligations under this agreement.

(3) The Monitor is not subject to instructions by the representatives of the parties and performs his functions neutrally and independently.

(4) The Bidder(s)/Buyer(s) accepts that the Monitor has the right to access without restriction to all auction documentation of the Licensor including that provided by the Bidder. The Bidder will also grant the Monitor, upon her request and demonstration of a valid interest, unrestricted and unconditional access to his auction documentation. The Monitor shall be under contractual obligation to treat the information and documents of the Bidder(s)/Buyer(s) with confidentiality.

(5) The Licensor will provide to the Monitor sufficient information about all meetings among the parties related to the auction provided as meetings could have an impact on the contractual relations between the Licensor and the Buyer(s)/Bidder(s). The parties offer to the Monitor the option to participate in such meetings.

(6) As soon as the Monitor notices, or believes to notice, a violation of this agreement, he/she will so inform the Licensor and request the Licensor to discontinue or take corrective action, or to take other relevant action. The Monitor can in this regard submit non-binding recommendations. Beyond this, the Monitor has no right to demand from the parties that they act in a specific manner, refrain from action or tolerate action.

(7) The Monitor will submit a written report to the designated authority of the Licensor/Secretary in the Department, within 8 to 10 weeks from the

date of reference or intimation to him by the Licensor and, should the occasion arise, submit proposals for correcting problematic situations.

(8) If the Monitor has reported to the designated authority of the Licensor /Secretary in the Department, a substantiated suspicion of an offence under relevant IPC/PC Act, and the designated authority of the Licensor /Secretary in the Department, has not within the reasonable time, taken visible action to proceed against such offence or reported it to the Chief Vigilance Officer, the Monitor may also transmit this information directly to the Central Vigilance Commissioner, Government of India.

(9) The Bidder(s)/ Buyer(s) shall not approach courts while representing the matters to Monitor and will await for the decision of Monitor in the matter before approaching the Courts.

(10) The word 'Monitor' would include both singular and plural.

### **Section 9 - Pact Duration**

This Pact begins when both parties have legally signed it. It expires for the Bidder(s)/Buyer(s) 12 months after the last payment under the respective contract, and for all other unsuccessful Bidder(s)/Buyer(s) 6 months after the end of auction.

If any claim is made/lodged during this time, the same shall be binding and continue to be valid despite the lapse of this pact as specified above, unless it is discharged/determined by the designated authority of the Licensor /Secretary in the Department.

### **Section 10 - Other Provisions**

(1) This agreement is subject to Indian Law. Place of jurisdiction is as mentioned in the relevant Notice Inviting Applications document.

(2) Should one or several provisions of this agreement turn out to be invalid, the remainder of this agreement remains valid. In this case, the parties will strive to come to an agreement to their original intentions.

**IN WITNESS WHEREOF**, the parties hereunto set their hands and seals and acknowledged this **Integrity Pact** as of the date first above written.

For and on behalf of  
**THE PRESIDENT OF INDIA (First Party)**  
SIGNED, SEALED AND DELIVERED by

**Name:** .....

**Designation:**.....

**Address:**.....

**(Authorized Signatory)**

For and on behalf of  
**M/s ..... (Second Party)**  
SIGNED, SEALED AND DELIVERED by

Name: .....

Designation:.....

Address:.....

**In the presence of Witness:**

1. (name & address of the witness)

.....  
.....  
.....

2. (name & address of the witness)

.....  
.....  
.....

### 12.17 Annexure Q: Format of Undertaking regarding compliance to FDI guidelines

Format of Undertaking regarding compliance to FDI guidelines (in respect of LSA(s) where neither the Applicant nor any of its Associated Licensees has an existing UASL/ Unified license with authorization for access service)

#### UNDERTAKING REGARDING COMPLIANCE TO FDI GUIDELINES

We, \_\_\_\_\_ and \_\_\_\_\_, the undersigned, as Director and Authorized Signatory respectively of \_\_\_\_\_ (“Applicant”) hereby confirm, undertake, acknowledge and certify the following:

1. The (applicant company name ....) do hereby declare and confirm that none of the investors/shareholders of the Indian applicant company and the foreign investor(s) including their respective beneficial owners (having any percentage of shareholding) are situated in or are citizen(s) of country(ies) sharing land border with India.
- 2 . Further, the (applicant company name ....) understands that 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 para 3.1.1(a) of extant FDI policy, such subsequent change in beneficial ownership will also require Government approval.
3. (.....name of the applicant company) hereby declare that as per Rule 3[b(vii)] of Schedule I of FEM (NDI) Rules, 2019, the onus of compliance with sectoral or statutory caps on foreign investment and relevant rules & conditions, if any, shall be on (.....name of the applicant company) while receiving foreign investment, if any.

Signature and Name of the Authorized Signatory  
Company’s Seal

Date:

Place: