

प्रेषक,

बी0पी0 सिंह,

अनु सचिव

उ0 प्र0 शासन।

सेवा में,

श्री एस0सी0 कौशल

मुख्य महाप्रबन्धक (प्रोजेक्ट)

भारत ब्रॉडबैंड नेटवर्क लिमिटेड(बी0बी0एन0एल0)

III फ्लोर टेलीफोन इक्सचेंज बिल्डिंग, मूतनाथ, इंदिरा नगर,
लखनऊ -226016

आई0टी0 एवं इलेक्ट्रानिक्स अनु0-1

लखनऊ: दिनांक: 20 जनवरी, 2014

विषय:-नेशनल ऑप्टिकल फाइबर नेटवर्क (NOFN) परियोजना के अन्तर्गत ग्राम पंचायतों में ऑप्टिकल फाइबर केबिल विछाये जाने एवं त्रिपक्षी एम0ओ0यू0 के संबंध में।

महोदय,

उपर्युक्त विषयक अपने पत्र संख्या-सीजीएम (प्रोजेक्ट)/बीबीएनएल/यूपी/एन0एफ0एन/ 2014/5, दिनांक 16.01.2014 का कृपया संदर्भ ग्रहण करने का कष्ट करें।

2- उक्त संबंध में मुझे यह कहने का निदेश हुआ है कि प्रदेश में नेशनल ऑप्टिकल फाइबर नेटवर्क परियोजना के क्रियान्वयन हेतु पूर्व में ही शासनादेश संख्या-880/78-1-2013-81इले0/98, दिनांक 19 सितम्बर, 2013 निर्गत किया जा चुका है, जिसकी प्रति संलग्न क्रम आवश्यक कार्यवाही हेतु प्रेषित है।
संलग्नक-यथोपरि

भवदीय,
(बी0पी0 सिंह)
अनु सचिव

Rameshwar Prasad
21/1/2014
(Rameshwar Prasad)
D.E. (NOFN)
% GMTD AGRA

प्रेषक,

जी0पी0कमल
संयुक्त सचिव,
उ0 प्र0 शासन।

सेवा में,

समस्त प्रमुख सचिव/सचिव,
उ0प्र0 शासन।

आई0टी0 एवं इलेक्ट्रानिक्स अनु0-1 लखनऊ: दिनांक 19 सितम्बर, 2013

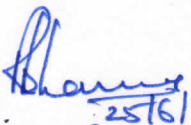
विषय:- प्रदेश में नेशनल ऑप्टिकल फाइबर नेटवर्क परियोजना का
क्रियान्वयन।

महोदय,

भारत सरकार की नेशनल ऑप्टिकल फाइबर नेटवर्क (NOFN) परियोजना के अन्तर्गत प्रदेश में ब्रॉडबैंड कनेक्टिविटी हेतु ग्राम पंचायत स्तर पर ऑप्टिकल फाइबर (OFC) केबिल बिछाये जाने है। उक्त कार्य हेतु भारत सरकार द्वारा स्पेशल परपज वेहिकिल के रूप में भारत ब्रॉडबैंड नेटवर्क लिमिटेड (BBNL) का चयन किया गया है। उक्त परियोजना प्रदेश में क्रियान्वित किये जाने के संबंध में राज्य सरकार द्वारा दूरसंचार विभाग, भारत सरकार एवं भारत ब्रॉडबैंड नेटवर्क लिमिटेड के साथ समझौता ज्ञापन दिनांक 26-10-2012 (प्रति संलग्न) को हस्ताक्षरित किया जा चुका है।

2- परियोजना के क्रियान्वयन हेतु समझौता ज्ञापन के प्रावधानों के अन्तर्गत राज्य सरकार द्वारा अधोलिखित व्यवस्थाएं लागू किये जाने का निर्णय लिया गया है:-

- (1) नेशनल ऑप्टिकल फाइबर नेटवर्क स्थापित किये जाने हेतु ऑप्टिकल फाइबर केबिल बिछाये जाने के संबंध में विभिन्न सरकारी विभागों के स्वामित्व में पड़ने वाले भूमि की खुदाई से पूर्व विभिन्न स्तरों से अनुमति प्राप्त करने में आने वाली जटिलताओं को देखते हुए प्रदेश सरकार द्वारा भारत ब्रॉडबैंड नेटवर्क लिमिटेड, जो कि प्रोजेक्ट की इम्प्लीमेंटेशन एजेंसी है, को प्रदेश सरकार के अधीन विभिन्न संस्थाओं से परियोजनावधि में पुनः अनुमति न लेनी पड़े, इस


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हेतु ब्लैकट अप्रूवल रूतद्वारा प्रदान किया जाता है। इसके अन्तर्गत ऑप्टिकल फाइबर केबिल (OFC) बिछाने हेतु निःशुल्क अनुमति एवं अधिकार (RoW) होगा तथा कोई भी रीइन्स्टैटमेंट शुल्क नहीं लिया जायेगा।

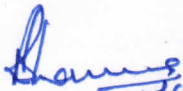
(2) उक्त समझौता ज्ञापन के प्रस्तर-5.2 में की गयी व्यवस्था के अनुसार ग्राम पंचायत तक ऑप्टिकल फाइबर केबिल बिछाने से सम्बन्धित समस्त कार्यवाही भारत ब्रॉडबैंड नेटवर्क लिमिटेड (BBNL) द्वारा की जायेगी। भारत ब्रॉडबैंड नेटवर्क लिमिटेड द्वारा रीइन्स्टैटमेंट का कार्य इस भाँति किया जाएगा कि सड़क के किनारे खोदी गयी सतह भरसक उसकी मूल स्थिति में ले आई जाए। सड़क की कटान को बचाने के लिए यथाशक्ति प्रयास किया जायेगा। पक्की सड़क को पार करने के लिए एच0डी0 अथवा हॉरिजेन्टल बोरिंग का प्रयोग किया जायेगा ताकि सड़क को होने वाली क्षति को कम से कम किया जा सकें।

(3) परियोजना के कियान्वयन हेतु भारत ब्रॉडबैंड नेटवर्क लिमिटेड के साथ समन्वय के लिए आई0टी0 एवं इलेक्ट्रॉनिक्स विभाग नोडल विभाग के रूप में कार्य करेगा।

(4) चूँकि ग्राम पंचायतों तक नेशनल ऑप्टिकल फाइबर नेटवर्क द्वारा कनेक्टिविटी प्रदान किया जाना स्थानीय जनता, ग्राम पंचायत एवं राज्य सरकार के हित में है अतः राज्य सरकार के स्थानीय निकाय, राज्य सरकार की कम्पनियों तथा एजेन्सियों द्वारा राइट ऑफ वे (Row) चार्जेंज अधिरोपित नहीं किये जायेंगे। इसे परियोजना में राज्य सरकार का अंशदान माना जायेगा।

(5) भारत ब्रॉडबैंड नेटवर्क लिमिटेड द्वारा ग्राम पंचायत कनेक्टिविटी प्रदान किये जाने हेतु स्थापित किये जाने वाले OPGW/ABSS केबिलों की स्थापना के लिए राज्य सरकार की वितरण कंपनियों /पारेषण कंपनियों द्वारा वितरण लाइनों/पारेषण लाइनों/उप पारेषण लाइनों पर शुल्क रहित राइट ऑफ वे प्रदान किया जायेगा।

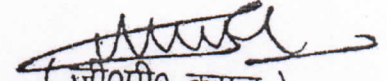
(6) परियोजना से संबन्धित उपकरणों की स्थापना/उपकरणों को रखने के लिए यथाआवश्यकता शुल्क भुगतान के आधार पर ग्राम पंचायत भवन अथवा अन्य समुचित स्थान पर स्थल एवं बिजली उपलब्ध कराई जाएगी तथा ऐसे स्थानों पर भारत ब्रॉडबैंड नेटवर्क


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लिमिटेड के स्टाफ अथवा प्रतिनिधि को ऑपरेशन एवं मेन्टीनेन्स के लिए अनुमति होगी।

संलग्नक यथोक्त।

भवदीय,

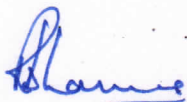

(जी०पी० कमल)

संयुक्त सचिव

संख्या-880/78-1-2013 तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. निजी सचिव, मुख्य सचिव उ०प्र० शासन।
2. निजी सचिव, अवस्थापना एवं औद्योगिक विकास आयुक्त उ०प्र० शासन।
3. संचार एवं सूचना प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग भारत सरकार
4. भारत ब्रॉडबैंड नेटवर्क लिमिटेड।
5. प्रबन्ध निदेशक, यू०पी०एल०सी०/यू०पी० डेस्क।
6. गार्डफाइल।


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आज्ञा से,
N. Sin
(निर्मला श्रीवास्तव)
अनु सचिव

Chief General Manager (Project)

मुख्य महाप्रबन्धक (प्रोजेक्ट)

उत्तर प्रदेश, लखनऊ

Tel: 0522-2354500 Fax: 0522-2354000

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भारत ब्रॉडबैंड नेटवर्क लिमिटेड

(भारत सरकार का उपक्रम)

BBARAT BROADBAND NETWORK LIMITED

(A Govt. of India Enterprise)

No: CGM (Project) / BBNL / UP / NOFN / 2014 / 5

16.01.2014

To,

Shri Jiresh Nandan,
Principal Secretary (IT & Electronics),
Govt. Of Uttar Pradesh, Lucknow.

Subject: Tripartite MoU among (1) Department of Telecommunications, Government of India & (2) Bharat Broadband Network Limited (BBNL) & (3) Government of Uttar Pradesh regarding National Fibre Optic Network (NOFN) project for providing broadband to Gram Panchayats.

Your kind attention is invited to the Tripartite MoU No: NOFN/RoW-27 dated 26.10.2012 (Copy enclosed for ready reference) signed among Department of Telecommunications, Government of India & Bharat Broadband Network Limited & Government of Uttar Pradesh regarding National Fibre Optic Network (NOFN) project for providing broadband to Gram Panchayats.

It is reiterated that the Central Government has proposed to establish an Optical Fibre based network for Broadband connectivity to Gram Panchayats for universal services to rural population of the country and accordingly National Fibre Optic Network (NOFN) project has been created for providing broadband to Gram Panchayats. The objective is to extend the existing optical fibre network to panchayats by utilizing Universal Services Obligation Fund (USOF) and creating an institutional mechanism for management and operation of NOFN for non-discriminatory access to all service providers. The work of Phase -1 of NOFN project is now in advance stage of execution and the target for completion is 31.03.2014.

Whereas the State Government vide clause 6.2 of the subject MoU has agreed that "No RoW charges including reinstatement charges will be levied by any State Government, their local bodies, companies or agencies as the information highway proposed to be created through NOFN for broadband connectivity to Panchayats and State Governments." It is to mention that various State Governments have issued Notifications to this effect to their subordinate offices / agencies that the State Government is pleased to allow BBNL for implementation of NOFN in all the Gram Panchayats of State with the support of Government of India & that No RoW charges including reinstatement charges will be levied by any State Government, their local bodies, companies or agencies from BBNL as the information highway proposed to be created through NOFN for broadband connectivity to Panchayats and State Governments. Copy of Notification issued by Orissa Government is enclosed for example. There is urgent need for issuing similar notification in Uttar Pradesh.

On similar grounds, it is therefore requested to kindly arrange to issue suitable Notification in Uttar Pradesh as it is the State containing largest number of Gram Panchayats (about 52,000) out of total 2.5 Lakh Panchayats in the country. The success of this NOFN project thus depends too much on the performance in Uttar Pradesh. An early action shall be highly appreciated.

Encls: As above.

S.C. Kaushal

(S.C. KAUSHAL)

CGM (Project), BBNL, UP, Lucknow /
CGM North Central Zone (UP & UKD)

Copy to the following for kind information please:

1. Shri P.K. Agarwal, Director (Planning), BBNL, New Delhi.
2. Shri A.K. Purwar, CGM BBNL, UP East Circle, Lucknow
3. Shri D.N. Tripathi, CGM BBNL, UP West Circle, Meerut.

Rameshwar Prasad

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Office: Office of Chief General Manager (Project), BBNL, UP,
III Floor, Telephone Exchange Building, Bhootnath, Indiranagar, Lucknow (U.P.) - 226016.
Corporate Office : Bharat Broadband Network Limited (BBNL), 3rd Floor, CDOT Campus,
Mandigaon Road, Chhatrapur, New Delhi-110030

Website: www.bbnl.nic.in

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(TRIPARTITE Memorandum of Understanding)

AMONG

Department of Telecommunications, Government of India

AND

Government of Uttar Pradesh

AND

Bharat Broadband Network Limited

MoU No.NOFN/RoW-27

DATED 26.10.2012

MEMORANDUM OF UNDERSTANDING

Made on this 26th day of October, 2012 among

Department of Telecommunications, Government of India (hereinafter referred to as "Central Government") under the administrative control of Ministry of Communications & Information Technology having its office at Room no. 319, Sanchar Bhawan, Ashoka Road, Delhi - 110117 (hereinafter referred to as "DoT" which expression shall unless repugnant to the context or meaning thereof include its administrators, successors and assigns) of the First Part,

AND

Bharat Broadband Network Limited, a company incorporated under the provisions of the Companies Act, 1956 and having its registered office at Sanchar Bhawan, New Delhi (hereinafter referred to as "BBNL" which expression shall, unless repugnant to the context or meaning thereof, include its successors and assigns) of the Second Part

AND

Government of Uttar Pradesh (hereinafter referred to as "State Government") which expression shall unless repugnant to the context or meaning thereof includes its successors and assigns) of the Third Part.

WHEREAS the Central Government has proposed to establish an Optical Fiber based network for Broadband connectivity to Panchayats for Universal Services to rural population of the country and accordingly cabinet has approved vide cabinet memo no. 37/CM/2011(i) dated 28.10.2011 for creation of National Optical Fiber Network (hereinafter referred to as "NOFN") as a National Asset, for providing Broadband to Panchayats. The objective is to extend the existing optical fiber network to Panchayats by utilizing the Universal Services Obligation Fund (USOF) and creating an institutional mechanism for management and operation of NOFN for non-discriminatory access to all service providers. WHEREAS the

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DOT intends to undertake the execution of the NOFN project (hereinafter referred to as the "Project") through creation of an SPV, the BBNL, on the terms & conditions contained in this agreement and Guideline for NOFN issued by Department of Telecommunications from time to time.

AND WHEREAS BBNL, the Execution Agency of the project will facilitate dissemination of information by Central/ State government for overall development of the state through creating and/ or upgrading the telecommunication/ information infrastructure in Gram Panchayat.

NOW IT IS HEREBY AGREED BY AND AMONGST THE PARTIES HERETO as follows:-

- 1.0 The Tripartite Agreement is signed between Government of India, Bharat Broadband Network Limited and Government of Uttar Pradesh for the implementation of project in letter and spirit.
- 2.0 The Central Government has approved the formation of Executing Agency vide cabinet approval no. 37/CM/2011(i) dated 28.10.2011 and vide letter no.4/4/2009-Policy-I(pt.) dated 16.11.2011 of Department of Telecommunications for implementation, operation and maintenance of the Project under administrative control of the Department of Telecommunications (DoT). BBNL has been formed and designated as Executing Agency.

3.0 Objectives of Project

The scope of work in project includes

- a) connecting the gram panchayats of India on Optical fiber using the fiber(s) of other PSUs/TSPs and/or laying incremental fiber network for providing the broadband connectivity.
- b) setting up of suitable telecom network on this national optical fiber network for enabling of various types of applications in the gram panchayats / villages.
- c) operation and maintenance of this project in accordance with the Central Government /DoT guidelines;

Responsibilities of parties towards Installation, Operation and Maintenance of the Project

4.0 CENTRAL GOVERNMENT

- 4.1 Central Government has formed a CPSU, BBNL, under the administrative control of Department of Telecommunications, Ministry of Communications and Information Technology as executing agency.
- 4.2 The Central Government shall issue the guidelines and modalities of formulating/ implementing projects under the programme from time to time.
- 4.3 The Central Government will finance the project through USO Fund.
- 4.4 The Central Government through DoT/ High Level Committee shall monitor and review the implementation of the Scheme and BBNL will execute, monitor the

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implementation and provide connectivity to State Govt. / Telecom service providers to roll out different types of telecom services.

- 4.5 The Central Government shall approve the guidelines for operationalisation of various components of the scheme including mechanism for payment of fees to Execution Agency.

5.0 BBNL, the execution agency

- 5.1 BBNL will provide the connectivity / Bandwidth on OFC media by tapping at suitable point of existing OFC of BSNL/ Railtel / PGCIL or by laying OFC.
- 5.2 BBNL will undertake all works related to laying of new Optical Fiber to reach Gram Panchayat. The work of reinstatement will be done in such a manner that best of the efforts should be made to bring the original position of the dug surfaces along the road side. Maximum efforts should be made to avoid the road cutting. HDD or Horizontal boring methods will be explored to cross the pacca road, if crossing is necessary, to minimize the damage of the road.
- 5.3 BBNL will coordinate with State Government for all activities related to Right of Way.
- 5.4 BBNL can further provide OFC based connectivity to any Telecom service Provider / Internet Service Provider/ any information based service provider in the rural area.
- 5.5 BBNL will bear the cost of space rented in Gram Panchayat Bhawan or any other location and also power consumed for the said purpose.
- 6.0 Union Territory/ State Government :

State Government/UT will act as a facilitator for providing NOFN services and will ensure the following

- 6.1 Designate a nodal department to coordinate with BBNL for implementation of NOFN Project in the State/Union Territory.
- 6.2 No RoW Charges including reinstatement charges will be levied by any State Government, their local bodies, companies or agencies as the information highway proposed to be created through National Optical Fiber Network for broadband connectivity to Panchayats is primarily for the benefit of the local communities to Panchayats and State Governments. This support will be considered as contribution of the State Government towards this project as a larger good for ensuring the time bound implementation of the programme and to avoid any delays in grant of RoW permission.
- 6.3 Electric Utilities (Transco/ Discoms) shall give Right of Way (RoW) on their transmission lines/ sub-transmission lines/ distribution lines free of cost to BBNL for installation of OPGW/ ADSS cable as may be suitable for extending connectivity to Gram Panchayats.
- 6.4 The State Government through its competent authority will issue blanket approval to BBNL authorizing it for laying OFC without further need of RoW permission under the

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State agencies & electric utilities in the State for the NOFN Project during installation as well as operation and maintenance phase i.e. life cycle of the project.

- 6.5 The blanket approval for RoW should be applicable to the all State Government agencies like PWD/ RES/ Forest* / Municipality/ Panchayat authorities / Electricity Boards / Irrigation / Private Electricity Distribution Agency etc. as applicable.

(* subject to adherence to provisions of Forest Conservation Act wherever applicable)

- 6.6 State Government, will provide space and power at Gram Panchayat Bhawan or any other suitable location on cost basis for equipment placement and smooth operation of the NOFN project as required.
- 6.7 State Government, will provide unhindered access to BBNL's staff or its representative in Panchayat Bhawan or any other suitable location for operation/maintenance.
- 6.8 This agreement will be valid for operation and maintenance of the OFC Network.

7.0 Advantage to State Government

- 7.1 Panchayats are the constitutionally mandated 3rd tier of government and key institutions for local self government in the rural areas. Coverage of Panchayats with Broadband internet connectivity has a great potential for empowering rural masses by giving them access to information, public services including those of education, health and financial inclusion.
- 7.2 Bandwidth requirement for Panchayats will be higher due to sharing of connectivity and extensive use of audio / video applications
- 7.3 The network can be used for service delivery platform for payment, enrollment and registration for targeting benefits to BPL category, MNREGA, PDS, certificates for birth/ death/ income, land records and registration effectively and efficiently by electronic means.
- 7.4 State government can develop e-office for delivery of document management system, collaborative messaging, e-file, record management, project and task management, RTI, Parliament Questions, court cases, public grievances, inventory and stores, administration, Human resource, budget monitoring, circulars, events, notices, etc taking into consideration of Panchayats and rural citizen.
- 7.5 Other applications for the Panchayats are Government schemes, Planning, Management, Monitoring, Payments, Education, Health, Employment, Agriculture and Commerce.
- 7.6 Further with the help of central government standardized ICT Systems & Services state government can get robust & reliable National Network, improved efficiency & reduced costs, improved Centre-State co-ordination, improved co-ordination among states, sharing of best practices, better planning, visibility & monitoring of development, enhanced Cyber Security & Data Control, improved public service & delivery at Panchayats and improved productivity, efficiency & reduced cost.

8.0 Benefit to Panchayats.

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8.1 Citizens resident in Panchayats' will get easy and convenient access to public services on education, health, security, employment, agriculture, banking, pension, transport, energy, legal, etc.

8.2 They will get access to and awareness on government schemes in a transparent manner and with transactions in real time, improved Government interface and enhanced Governance experience leading to citizen's empowerment.

9.0 Benefits to Government of India

9.1 Central Government will get standardized, secure, scalable, future proof & reliable National ICT Network & Systems, Re-engineered processes based on leading best practices, Robust & Reliable common National ICT infrastructure.

9.2 Central Government will be able to ensure efficient delivery of centrally sponsored schemes, enhanced access, transparency and accountability at Central & State information repository on people, places and programmes for improved planning, monitoring and implementation of Central Schemes and enhanced inputs for planning process at all levels,

9.3 Better Centre-State interface for information sharing and collaboration will improve public faith in the Government system as a whole and improved productivity, efficiency & reduced cost of the central schemes for welfare of citizen.

10.0 Confidentiality

All parties acknowledge the confidentiality of the information, which may be exchanged between the parties from time to time as being essential to this MOU and agree not to disclose the same to any outside party. However, each party shall be free to disclose such information as is:

- o Part of the public domain at the time of disclosure or
- o Required to be disclosed by official authorities in accordance with the applicable laws.

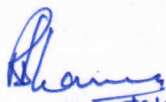
11.0 Arbitration and applicable law:

11.1 The parties hereby agree that any controversy, claim or dispute arising out of the interpretation, application or in connection with this MOU which cannot be resolved amicably, shall be referred to Secretary (Telecom), Govt. of India whose decision shall be final and binding on all parties. All disputes will be resolved as per the Government of India policies and applicable Indian Laws.

11.2 All three parties shall not use logos, trademarks and intellectual property of each other.

12.0 Force Majeure:

No failure or omission by either party to carry out or observe or perform any of the terms and conditions of this agreement shall give rise to any claim against such party or be deemed a breach of this MOU if such failure or omission arises from an act of God, act or omission of Government, War or Military operation, accidents, national or local emergency, fire, lightning, explosion, flood, inclement weather, equipment failure or any other cause whether similar or dissimilar outside such Party's control.


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13.0 **Validity:** This MOU shall come into force upon signature by all three parties and shall be valid for entire life cycle of the project.

14.0 **Termination**

14.1 This MOU can be terminated under extreme exigency conditions by the concerned parties under mutual agreement.

14.2 In case of war/hostilities, second party based on operational requirements towards national security can suspend the MOU by giving three months' notice to the first party and can resume the same at the end of the war/hostilities.

| | |
|---|--|
| SIGNED AND DELIVERED BY (on behalf of MINISTRY OF Communication & Information Technology Govt. of India) Signature Name & Designation <u>Mahy Shrivastava</u> Address <u>J.S.G.I., DoT</u> | in the presence of Signature Name & Designation <u>I. S. SASIRY</u> Address <u>Jt. Administrator, USOC</u> <u>Dept. of Telecom</u> <u>New Delhi</u> |
| SIGNED AND DELIVERED BY (on behalf of STATE GOVT. OF Uttar Pradesh) Signature Name & Designation <u>Jeevesh Nandan</u> Address <u>Secretary (IT & Electronics)</u> | in the presence of Signature (K.K. MNAGIA) Name & Designation <u>DDG (B.D.)</u> Address <u>DDT</u> |
| SIGNED AND DELIVERED BY (on behalf of BBNL) Signature Name & Designation <u>PRADEEP KUMAR</u> Address <u>AGARWAL</u> <u>DIRECTOR (PLANNING), BBNL</u> | in the presence of Signature Name & Designation <u>A. K. Bhasin</u> Address <u>DDG (D)</u> <u>Sanchar Bhawan, New Delhi</u> |

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