

पावर ग्रिड कोर्पोरेशन ऑफ इंडिया लिमिटेड
Power Grid Corporation of India Limited
सूचना का अधिकार अभिनियम 2005 के अंतर्गत अपीलिय अधिकारी
Appellate Authority under the RTI Act, 2005
केन्द्रीय कार्यालय, 'सौदामिनी', प्लॉट नं.2, सैक्टर-29, गुडगांव, हरियाणा-122007
Corporate Centre, 'Saudamini', Plot No. 2, Sector-29, Gurgaon, Haryana-122007

Ref: C/CP/AA/RTI Act, 2005/2017

Date: 7th October 2019

Sub: Information Regarding RTI Direct Appeal No. 21 from Sh. Suraj Kumar Singh dated 24th September 2019.

Please find attached herewith RTI Direct Appeal No. 21 dated 24th September 2019 from Sh. Suraj Kumar Singh, R/o Chamber No. 565, 5th Floor, Lawyers Block, Saket Court Complex, Saket, New Delhi, 110017, seeking information under RTI Act, 2005.

In order to apprise the Appellate Authority for disposing the subject RTI appeal, it is requested to arrange to provide the information sought by the applicant latest by 15th October 2019.

(Vikas Narwal)
Appellate Cell

To: **Sh. Jasbir Singh,**
Central Public Information officer (CPIO),
Power Grid Corporation of India Limited,
Saudamini, Plot No. 2, Sector-29, Gurugram

S/DGM (CMG)
& Appellate Cell
In Vm
[Signature]

Before the First Appellate Authority
Executive Director (CMG), Shri Sanjeev Singh
Power Grid Corporation of India Limited,
Corporate Centre, Saudamini, Plot No. 2, Sector-29,
Gurgaon - 122007, Haryana

APPEAL UNDER SECTION 19 OF THE RIGHT TO INFORMATION ACT, 2005

In the matter of

Suraj Kumar Singh

Vs.

CPIO, Power Grid Corporation of India Limited

Date of submission: 24/09/2019

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24 SEP 2019
RECEIVED
CORPORATE CENTRE
GURGAON

[Signature]

1

Before the First Appellate Authority

Executive Director (CMG), Shri Sanjeev Singh
Power Grid Corporation of India Limited,
Corporate Centre, Saudamini, Plot No. 2, Sector-29,
Gurgaon – 122007, Haryana

APPEAL UNDER SECTION 19 OF THE RIGHT TO INFORMATION ACT, 2005

To,
First Appellate Authority,
Shri Sanjeev Singh,
Executive Director (CMG) & Appellate Authority
Corporate Centre, Power Grid Corporation of India Limited
Saudamini, Plot No. 2, Sector-29, Gurgaon – 122007, Haryana
Email ID: sanjeev@powergridindia.com
Phone No. 0124-2571962

Ref. No. SKS/1/RTI/FA-2019
Dated: 24.09.2019

A. Contact Details:

1.	Name of the Applicant	Suraj Kumar Singh
2.	Address	Chamber No. 565, 5th Floor, Lawyers Block, Saket Court Complex, Saket, New Delhi – 110 017. Phone: 9810329829 Email ID: advocatesuraj13@gmail.com

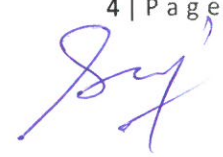
B. Details about RTI request:

1.	Particulars of the CPOI against whose order appeal is preferred	(a) Name	Shri Jasbir Singh (CPIO), Sr. General Manager (CP) Information Officer
		(b) Address	Power Grid Corporation of India Limited (“PGCIL”), Corporate Centre, Saudamini, Plot No. 2, Sector-29, Gurgaon, PIN – 122001 E-mail: cpio.cc@powergrid.co.in
2.	Date of submission of application (Please attach a copy)	A copy of RTI Application no. SKS/1/RTI/2019 dated 16.08.2019 is enclosed hereto as <u>ANNEXURE-A.</u>	
3.	Brief facts leading to appeal	This appeal has arisen due to non-receipt of information enforcing provisions of Sections 8(1) (d) of the RTI Act vide letter no. PGCIL/R/2019/M-37a dated 26.08.2019 by	

		CPIO. A copy of reply to RTI Application is enclosed hereto as <u>ANNEXURE-B</u> .
4.	Subject matter of information	<p>The information requested are related to Power Grid Corporation of India Limited (“PGCIL”).</p> <p>In respect of Request for Proposal dated 19.1.2018 for “Selection Of Transmission Service Provider Through Tariff Based Competitive Bidding Process To Establish Transmission System For Evacuation Of Power From 3X660 MW Ghatampur Thermal Power Project” issued by REC Transmission Projects Company Ltd., please provide all information including records, documents, memos, e-mails, opinions, advices, orders, reports, papers, data material held in any electronic form for the following particulars.</p> <ol style="list-style-type: none"> a) What was the “Initial Offer” price of PGCIL submitted along with “Financial Bid” against aforementioned Request for Proposal (RFP) dated 19.1.2018? b) What was the “Final Offer” price of PGCIL submitted during e-reverse bidding stage against aforementioned Request for Proposal (RFP) dated 19.1.2018? c) What were the “estimated project cost” and “finance cost/interest rate” considered by PGCIL at the time of submission of Bid against aforementioned Request for Proposal (RFP) dated 19.1.2018? d) What were the “Targeted Equity Internal Rate Return” and “Project Internal Rate of Return” considered by PGCIL while submitting Initial Offer price for submission of Bid against aforementioned Request for Proposal (RFP) dated 19.1.2018? e) What were the “Targeted Equity Internal Rate Return” and “Project Internal Rate of Return” considered by PGCIL while submitting Final Offer price for submission of Bid during e-reverse bidding stage against aforementioned Request for Proposal (RFP)



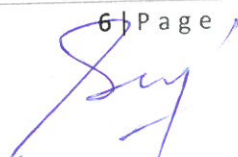
		<p>dated 19.1.2018?</p> <p>f) Please provide copies of Approval Process adopted by PGCIL for approval of "Initial Offer" price and "Final Offer" price within PGCIL while submission of Bid for aforementioned Request for Proposals (RFP) dated 19.1.2018.</p> <p>g) Please provide copy of all Approval Notes, Internal Memos, Minutes of Meetings and Resolutions adopted by PGCIL for approval of "Initial Offer" price and "Final Offer" price at the stage of bidding process for "Qualified Bidder" and during e-reverse bidding stage respectively for submission of Bid against aforementioned Request for Proposal (RFP) dated 19.1.2018.</p>
5.	Prayer or relief sought	<p>Appellant vide this appeal seeks information requested in the RTI Application no. SKS/1/RTI/2019 dated 16.08.2019. The same is re-produced below for reference:</p> <p>In respect of Request for Proposal dated 19.1.2018 for "Selection Of Transmission Service Provider Through Tariff Based Competitive Bidding Process To Establish Transmission System For Evacuation Of Power From 3X660 MW Ghatampur Thermal Power Project" issued by REC Transmission Projects Company Ltd., please provide all information including records, documents, memos, e-mails, opinions, advices, orders, reports, papers, data material held in any electronic form for the following particulars.</p> <p>a) What was the "Initial Offer" price of PGCIL submitted along with "Financial Bid" against aforementioned Request for Proposal (RFP) dated 19.1.2018?</p> <p>b) What was the "Final Offer" price of PGCIL submitted during e-reverse bidding stage against aforementioned Request for Proposal (RFP) dated 19.1.2018?</p> <p>c) What were the "estimated project cost" and</p>



		<p>“finance cost/interest rate” considered by PGCIL at the time of submission of Bid against aforementioned Request for Proposal (RFP) dated 19.1.2018?</p> <p>d) What were the “Targeted Equity Internal Rate Return” and “Project Internal Rate of Return” considered by PGCIL while submitting Initial Offer price for submission of Bid against aforementioned Request for Proposal (RFP) dated 19.1.2018?</p> <p>e) What were the “Targeted Equity Internal Rate Return” and “Project Internal Rate of Return” considered by PGCIL while submitting Final Offer price for submission of Bid during e-reverse bidding stage against aforementioned Request for Proposal (RFP) dated 19.1.2018?</p> <p>f) Please provide copies of Approval Process adopted by PGCIL for approval of “Initial Offer” price and “Final Offer” price within PGCIL while submission of Bid for aforementioned Request for Proposals (RFP) dated 19.1.2018.</p> <p>g) Please provide copy of all Approval Notes, Internal Memos, Minutes of Meetings and Resolutions adopted by PGCIL for approval of “Initial Offer” price and “Final Offer” price at the stage of bidding process for “Qualified Bidder” and during e-reverse bidding stage respectively for submission of Bid against aforementioned Request for Proposal (RFP) dated 19.1.2018.</p>
6.	Grounds of Appeal	<ol style="list-style-type: none"> 1. The denial of information by CPIO is an arbitrary decision and hence illegal; 2. The information requested by the Appellant are very specific and related to particular tender for which the tender process is completed and successful bidder has been selected;



3. CPIO has not specifically demonstrated how disclosure of information would result in violation of commercial confidence and may impact competitive position of PGCIL for future projects consequently a violation of section 8(1)(d) of the RTI Act, 2005;
4. CPIO has not specifically demonstrated how sharing of information sought by the applicant may jeopardize PGCIL interest which may result in loss of business through TBCB route to PGCIL and consequently a violation of section 8(1)(d) of the RTI Act, 2005;
5. CPIO has not specifically demonstrated how disclosure of information and documents requested by the applicant contain information which is of commercial confidence and there is no obvious public interest that warrants the disclosure of such information and consequently violation of section 8(1)(d) of the RTI Act, 2005. As per provision of section 8(1)(d) of the RTI Act, 2005, the authority may refuse to give information relating to commercial confidence, trade secret or intellectual property, disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information. In this reference in the present case, the tariff charged by PGCIL for the development, operation and maintenance of the above mentioned transmission system will have direct implication on the customers of the transmission system such as state distribution companies. Such customers, being distribution companies are supported by state / central government funds, the source of which is mostly the taxpayer's money. Further, the tariffs will be passed on by these distribution companies on the end consumers who consume electricity which is general public at large. The rationale adopted for charging the general public is thus, a matter of public interest to clearly establish that PGCIL, a public sector undertaking is not charging tariffs at an unreasonably high required returns and thus plundering the nation;
6. The information requested by the Appellant is falling under the definition of information provided



		<p>under Section 2(f) and related to larger public interest and the disclosure of information shall bring transparency in business affairs of PGCIL and bring accountability of PGCIL;</p> <ol style="list-style-type: none">7. Once a decision is taken in the matter of grant of tender and successful bidder has been selected, there is no justification to keep it secret and the citizen has a right to know the basis on which the decision has been taken by the public authority;8. The information requested is project specific for which the bidding process is concluded and successful bidder has been selected. The disclosure of project specific information for which successful bidder has been selected and will not jeopardize the competitive position of PGCIL or interest or result in loss of business;9. If PGCIL, being a public authority refuse to disclose the document, the very purpose of the RTI Act will be frustrated;10. A citizen has a right to know the genuineness of a document submitted by the tenderer in the matter of grant of tender for development and maintenance of transmission system or for any other work for which the tender process is completed and the successful bidder has been selected, therefore, it will not influence the contract. In any view of the matter, the document in question cannot be treated as trade secret or commercial confidence;11. The Appellant also submits that it is a settled law that the onus is upon the public authority to show as to how disclosure of information and documents requested by the applicant contain information which is of commercial confidence and there is no obvious public interest that warrants the disclosure of such information. A mere replication of the words of Section 8(1)(d) would not suffice. The applicant relies upon the judgments of Hon'ble High Court of Jharkhand in State of Jharkhand and Anr. Vs. Navin Kumar Sinha and Anr. (MANU/JH/0328/2007);12. The Appellant requests your good office to set aside the decision of the CPIO and direct the said CPIO to disclose all information specified in the instant RTI application and present appeal and honour the
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		objective of the RTI Act.
7.	Period to which the information is required	January, 2018 – till date
8.	Last date for filing the appeal	24.09.2019
9.	If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	Appeal is preferred well within prescribed time limit.
10.	Copies of documents relied upon by the applicant	RTI Application no. SKS/1/RTI/2019 dated 16.08.2019 (ANNEXURE-A). Copy of reply dated 26.08.2019 (ANNEXURE-B)

**Signature of the Appellant
Suraj Kumar Singh**

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**APPLICATION UNDER SECTION 6(1) OF THE RIGHT TO
INFORMATION ACT, 2005**

To,

Dated: 16th Aug, 2019

Ref: SKS/1/RTI 2019

Sh. Jasbir Singh (CPIO),
Sr. General Manager (CP)
Corporate Centre,
Power Grid Corporation of India Limited ("PGCIL"),
Saudamini, Plot No. 2, Sector-29, Gurgaon – 122001
E-mail: cpio.cc@powergrid.co.in

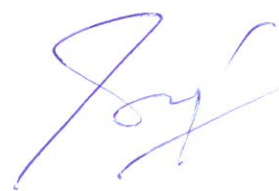
1. **Applicant Name:** Suraj Kumar Singh
2. **Applicant Address:** Chamber No. 565, 5th Floor, Lawyers Block, Saket Court
Complex, Saket, New Delhi-110017
3. **Applicant Phone No.:** 9810329829
4. **Email ID:** advocatesuraj13@gmail.com
5. **Application Date:** 16.08.2019
6. **Particulars / Questions for information:** As per ANNEXURE-1.
7. **Application Fee:** Rs. 100/- (IPO bearing No. 53H 041772 dated 20.04.2019)
8. **Is Applicant under below poverty line:** No
9. **Whether the information is required by Post or in Person:** Post/Person

Suraj Kumar Singh
Signature of Applicant

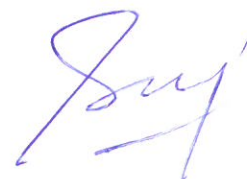
ANNEXURE-1 (Ref: SKS/1/RTI 2019)

(PARTICULARS / QUESTIONS FOR INFORMATION)

1. In respect of Request for Proposal dated 19.1.2018 for "Selection Of Transmission Service Provider Through Tariff Based Competitive Bidding Process To Establish Transmission System For Evacuation Of Power From 3X660 MW Ghatampur Thermal Power Project" issued by REC Transmission Projects Company Ltd., please provide all information including records, documents, memos, e-mails, opinions, advices, orders, reports, papers, data material held in any electronic form for the following particulars.
 - a) What was the "Initial Offer" price of PGCIL submitted along with "Financial Bid" against aforementioned Request for Proposal (RFP) dated 19.1.2018?
 - b) What was the "Final Offer" price of PGCIL submitted during e-reverse bidding stage against aforementioned Request for Proposal (RFP) dated 19.1.2018?
 - c) What were the "estimated project cost" and "finance cost/interest rate" considered by PGCIL at the time of submission of Bid against aforementioned Request for Proposal (RFP) dated 19.1.2018?



- d) What were the "Targeted Equity Internal Rate Return" and "Project Internal Rate of Return" considered by PGCIL while submitting Initial Offer price for submission of Bid against aforementioned Request for Proposal (RFP) dated 19.1.2018?
- e) What were the "Targeted Equity Internal Rate Return" and "Project Internal Rate of Return" considered by PGCIL while submitting Final Offer price for submission of Bid during e-reverse bidding stage against aforementioned Request for Proposal (RFP) dated 19.1.2018?
- f) Please provide copies of Approval Process adopted by PGCIL for approval of "Initial Offer" price and "Final Offer" price within PGCIL while submission of Bid for aforementioned Request for Proposals (RFP) dated 19.1.2018.
- g) Please provide copy of all Approval Notes, Internal Memos, Minutes of Meetings and Resolutions adopted by PGCIL for approval of "Initial Offer" price and "Final Offer" price at the stage of bidding process for "Qualified Bidder" and during e-reverse bidding stage respectively for submission of Bid against aforementioned Request for Proposal (RFP) dated 19.1.2018.





सूचना
का अधिकार

पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड
Power Grid Corporation of India Limited

सूचना का अधिकार अभिनियम 2005 के अंतर्गत केन्द्रीय लोक सूचना अधिकारी
Central Public Information Officer under the RTI Act, 2005
केन्द्रीय कार्यालय, 'सादामिनी', प्लॉट नं.2, सेक्टर-29, गुडगांव, हरियाणा-122007
Corporate Centre, 'Saudamini', Plot No. 2, Sector-29, Gurgaon, Haryana-122007



PGCIL/R/2019/M-37a
Dated : 26 August, 2019

Shri Suraj Kumar Singh,
Shri Suraj Kumar Singh, Chamber No. 565, 5th Floor, Lawyers Block, Saket Court Complex, Saket,
New Delhi - 110 017,

Sub.: Information under Right to Information Act, 2005.

Sir/Madam,

This has reference to your RTI request dated 16 August, 2019 for providing information under RTI Act, 2005.

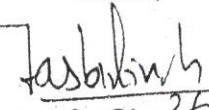
The desired information is attached at Annexure-I.

First Appeal, if any, against the reply of CPIO may be made to the first appellate Authority within 30 days of the receipt of the reply of CPIO. Details of Appellate Authority at Corporate Centre, Gurgaon, under RTI Act, 2005 is as below:

Shri Sanjeev Singh,
Executive Director (CMG) & Appellate Authority
Corporate Centre, Power Grid Corporation of India Limited
"Saudamini", Plot No. 2, Sector-29, Gurgaon - 122007, Haryana.
Email ID: sanjeev@powergridindia.com
Phone No. 0124-2571962

Thanking you,

भवदीय,


(जसबीर सिंह) 26/8/19

वरिष्ठ महाप्रबंधक (के. आ.) एवं के.सो.सू.अधिकारी

Email ID: cpio.cc@powergrid.co.in

Annexure-I**Projects:**

1. Transmission Service Provider Through Tariff Based Competitive Bidding Process to establish "Transmission System for EVACUATION OF Power from 3X660MW Ghatampur Thermal Power Project"
2. Transmission Service Provider Through Tariff Based Competitive Bidding Process to establish "Transmission System for "Intra-State Transmission Work associated with construction of 400 kV Substation near Guna (Distt.- Guna) & Intra-State Transmission Work associated with construction of 220 kV S/s near Bhind (Distt.-Bhind)"
3. Transmission Service Provider Through Tariff Based Competitive Bidding Process to establish "Transmission System for Transmission system associated with LTA application from Rajasthan SEZ (Part -C)"
4. Transmission Service Provider Through Tariff Based Competitive Bidding Process to "WRSS-21 (Part-B) - Transmission System strengthening for relieving over loadings observed in Gujarat Intra-state system due to RE injections in Bhuj PS"
5. Transmission Service Provider Through Tariff Based Competitive Bidding Process to "Transmission system associated with LTA applications from Rajasthan SEZ Part-D"

Queries:

- a) What was the "Initial Offer" price of PGCIL submitted along with "Financial Bid" against aforementioned Request for Proposal (RFP)?
- b) What was the "Final Offer" price of PGCIL submitted during e-reverse bidding stage against aforementioned Request for Proposal (RFP)?
- c) What were the "estimated project cost" and "finance cost/interest rate" considered by PGCIL at the time of submission of Bid against aforementioned Request for Proposal (RFP)?
- d) What were the "Targeted Equity Internal Rate Return" and "Project Internal Rate of Return" considered by PGCIL while submitting Initial Offer price for submission of Bid against aforementioned Request for Proposal (RFP)?
- e) What were the "Targeted Equity Internal Rate Return" and "Project Internal Rate of Return" considered by PGCIL while submitted Final Offer price for submission of Bid during e-reverse bidding stage against aforementioned Request for Proposal (RFP)?
- f) Please provide copies of Approval Process adopted by PGCIL for approval of Initial Offer" price and "Final Offer" price within PGCIL while submission of Bid for aforementioned Request for Proposals (RFP).

- g) Please provide copy of all Approval Notes, Internal Memos, Minutes of Meetings and Resolutions adopted by PGCIL for approval of "Initial Offer" price and "Final Offer price at the stage of bidding process of "Qualified Bidder" and during e-reverse bidding stage respectively for submission of Bid against aforementioned Request for Proposal (RFP).

The sought information pertains to Inter State and Intra State Transmission Projects to be developed under Tariff Based Competitive Bidding process u/s section 63 of Electricity Act 2003.

In regard to Tariff Based Competitive Bidding (TBCB) kind of Projects, it is to state that the information in regard of Request for Proposal (RFP) under TBCB Projects warrants confidentiality as they are of commercial confidence in nature and may impact competitive position of POWERGRID for future projects. Therefore, sharing of information sought by applicant may jeopardize POWERGRID interest which may result in loss of business through TBCB Route to POWERGRID.

In view of the above, the information pertaining to Projects cannot be furnished.

Reply:

"As per the Section 8(1) (d) of the Right to Information Act, 2005 - disclosure of information and documents requested contain information which is of commercial confidence and there is no obvious public interest that warrants the disclosure of such information."

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RP Singh