

RTI APPEAL DETAILS	
RTI Appeal Registration No. : PGCIL/A /E/20/00052	RTI Appeal Received Date : 04/11/2020
RTI Request Registration No. : PGCIL/R /E/20/00327	RTI Request Registration Date : 03/09/2020
Name : Akash Tyagi	Gender : Male
Address : C-475A Vikaspuri, Delhi	
Pin Code : 110018	
State : Delhi	Country : India
Phone : Details not provided	Mobile No : +91-7494919377
Email : akashtyagi240285@gmail.com	
Status : Urban	Educational Status :
Citizenship : Indian	Is Appellant below poverty line ? : No
CPIO of Public Authority Approached : 11922	CPIO's Order/Decision Date : Details not provided
CPIO's Order/Decision No. :	Details not provided
Ground For Appeal :	Refused access to Information Requested
Text of RTI First Appeal :	Please see attached the Appeal

RTI bearing request registration no. PGCIL/R/E/20/00327 was submitted online on 03.09.2020 (referred as 04.09.2020 in reply) to the Public Authority named Power Grid Corporation of India Ltd. (PGCIL)

Reply was furnished by the Public Authority on 05.10.2020

For ease of reference:

A. Details of information sought through RTI Application were:

1. List of Transmission projects completed (both RTM and TBCB projects) in last 5 years i.e. Financial year 2015-2016 to Financial Year 2019-2020. Details should include
 - transmission project name,
 - scope of project,
 - project grant date,
 - project start date and
 - project COD date.
2. List of Transmission projects won (both RTM and TBCB projects) in last 5 years i.e. Financial year 2015-2016 to Financial Year 2019-2020. Details should include
 - transmission project name,
 - scope of project,
 - project grant date,
 - project start date (if any) and
 - project COD date if any. In case project not completed, pls provide estimated COD date/month.
3. Please provide source and extent of funding planned/availed, separately for each of the transmission project listed under point no. 1 and 2 mentioned above. Pls provide source and extent details irrespective if source of funding is internal or external.
4. For all the Transmission Projects completed and won (both RTM and TBCB projects), please provide annual cost of funding project wise for past 5 years i.e. Financial year 2015-2016 to Financial Year 2019-2020.
5. What is the construction time period (i.e. from project start date to project commissioning date) of all completed projects (both RTM and TBCB projects) in last 5 years i.e. Financial year 2015-2016 to Financial Year 2019-2020.
6. What is the interest during construction (IDC) amount (pls specify IDC year wise and project wise rather than overall) for all projects completed (both RTM and TBCB projects) in last 5 years i.e. Financial year 2015-2016 to Financial Year 2019-2020.

B. Brief reply submitted by the Public Authority leading to appeal (reply dt. 05.10.2020 is annexed herewith):

1. Public Authority provided few links of CEA website for fetching out the information along with information on intra-state RTM projects, with respect to Query no. 1, 2 and 5, instead of supplying the complete information with respect to all the RTI queries.

2. Further the Public Authority has taken the pleas such as commercial confidence, strategic information, in general, and has declined, in effect, refused access to information requested and provided incomplete, misleading & false information for the ones information that have been provided.

C. Grounds of Appeal (query-wise):

Query No. 1, 2 & 5:

- i. Public Authority provided few links of CEA website, without sharing the actual and complete information. In case of RTM, the CEA link directs to Archive section with plethora of reports, which provides only one information i.e. name of line completed and none of the other details such as scope of project, project grant date, project start date and project COD date.
- ii. Further the reports from the CEA links do not specify whether a project is RTM or TBCB, hence the information provided in misleading and incomplete.

Query No. 3:

Information was sought regarding source and extent of funding planned/availed for each of the RTM/TBCB project which has been declined citing strategic information of the organization from competitive business point of view and therefore, in commercial interest of the organization the same is exempted under Section 8(1)(d) of the Act. In this regard,

- i. Public Authority has failed to explain how such information can be “strategic information of the organization from competitive business” especially considering the projects which have been completed and/or which have been won under bidding, and an end consumer / subscriber, a citizen, is being billed / charged on the basis of these overheads.
- ii. This refusal to access information is unfair and illegal since, the Section 8(1)(d), extract of which is given below, deals with the information, disclosure of which would **harm the competitive position of a third party**. It does not provide any exemption to the public authorities for cases where information does not relate to any third party. In the instant query under RTI, the information sought pertains to Public Authority and not a 3rd party, as alleged.

“information including commercial confidence, trade secrets or intellectual property, the 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;”

- iii. The funding being availed by a Public Authority cannot be claimed to be confidential information as the same is part of financial disclosures. Furthermore, based on all such expenses, the end consumer is to be billed, hence this information cannot be declined.
- iv. In case of RTM projects, public authority raises tariff claims both against return on equity funding as well as interest on loan funding, under relevant CERC regulations. Such tariffs containing returns on equity and interest on loans are paid by Long term transmission customers, who in turn charge this to end-consumers / users of the public utility being developed and transported by the public authority. Therefore, this information cannot be declined in larger consumer’s interest.

- v. The refusal to share information is improper and unfair considering, the funding is accessed from market / public money and thus any such information can't be concealed from the public, even if information being sought in larger consumer interest, is to an extent that funds are going to be used or are used in which project(s).

Query No. 4:

Information was sought regarding annual cost of funding project-wise, for all RTM and TBCB projects, which was replied that in respect of RTM projects, the annual cost of borrowings is available in annual reports of the company, posted on its website.

- i. This is incomplete and false information as the annual reports contain only the company level aggregated borrowing and not project-wise information as sought by the appellant.
- ii. The public authority cannot decline to provide cost of funding project-wise to a citizen.
- iii. It is understood that under CERC tariff regulations, interest on loan and return on equity is claimed by Public Authority on a project-wise basis for RTM projects, by filing a petition. Therefore, Public Authority reply is false and misleading.
- iv. The refusal to share information is improper and unfair considering, the funding is accessed from market/public money and it can't be concealed from the public and on larger consumer interest, as to in which project the funds are going to be used or are used.

Query No. 6:

Information was sought regarding interest during construction (IDC) amount for all completed projects (both RTM and TBCB) in last five years which was refused on the same plea as taken in query no. 3.

- i. The reason provided is false. It is understood that under CERC tariff regulations, IDC information is provided and claimed by Public Authority by filing suitable petition. Therefore, this information cannot be claimed as part of strategic information.
- ii. Moreover, the CPIO cannot take shelter of Section 8(1)(d) to refuse access to this information. Section 8(1)(d), extract of which is given below, deals with the information, disclosure of which would **harm the competitive position of a third party**. It does not provide any exemption to the public authorities for cases where information does not relate to any third party. In the instant query under RTI, the information sought pertains to Public Authority and not a 3rd party, as alleged.

“information including commercial confidence, trade secrets or intellectual property, the 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;”

D. Further Grounds of Appeal:

- a. The Public Authority has not provided any cogent reason justifying how either the Public Authority or so-called 3rd party interest may get jeopardized. This plea is not in the

interests of the Public good and hence can be an attempt to conceal information or actions to hide unacceptable dealings or agreements or arrangements which are against Public interest. The objective of the RTI act is to promote transparency and accountability and contain corruption which could be defeated if the information is claimed as exempted. In fact Citizens own the Government and all information belongs to them, hence the claim of 'commercial confidence' in denying information runs counter to the principles of the Right to Information.

- b. 'Commercial confidence' or 'commercial confidentiality' pertains to the practice whereby a business may withhold information due to the apprehension of perceived harm to commercial interests, however in all contract of a 'State' especially in case of concluded contracts, there can be no such plea available to any Public Authority.
- c. Because the Public Authority failed to substantiate how the information could prejudicially affect commercial interests of the 3rd party, hence Section 8(1)(d) of the Act is not attracted. Also, the service rendered by it comes under the purview of public service.
- d. Because, the Public Authority failed to take into consideration that it is a 'state' within the meaning of Article 12 of the Constitution of India and as per the Constitution of India read with the RTI Act, it is bound to share the information to the Indian citizens, unless exempted, which has to be proved by the Public Authority.
- e. Because, for the sake of arguments, it is stated that information held by many private companies should be open to the public, if such information relates to the provision of a public service or is necessary for the exercise or protection of a right and the information sought is under Larger Public interest.
- f. Being a Public Authority and a PSU with 'Maharatna' status, PGCIL must hold utmost transparency towards information to citizens and should not violate the spirits of RTI Act.
- g. Public Authority has not appreciated the facts and has failed to provide substantive and proper information against all the queries and has responded generally with incomplete, misleading, false information and at places refused the access to information.

E. Prayer:

1. To allow the present Appeal and direct the public authority to complete, proper and accurate information.
2. To direct the public authority to provide the name(s), designation(s) of the official(s) who have handled and/or provided the response / reply / information to the respective query / sub-query wise.

Annexure: As stated above



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/E/20/00327

दिनांक: October 5, 2020

Shri Akash Tyagi,
C-475A, Vikaspuri, Delhi-110018
Delhi

विषय: सूचना का अधिकार अधिनियम, 2005 के तहत जानकारी।

महोदय / महोदया,

कृपया आर.टी.आई. अधिनियम, 2005 के तहत दिनांक 4 September, 2020 को प्रेषित अपने आर.टी.आई. अनुरोध का संदर्भ लें।

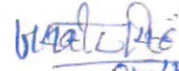
उपरोक्त पत्र में वांछित जानकारी अनुलग्नक-1 में संलग्न है।

यदि आप केन्द्रीय लोक सूचना अधिकारी के उत्तर से संतुष्ट न हो तो, केन्द्रीय लोक सूचना अधिकारी के उत्तर की प्राप्ति के 30 दिनों के भीतर पहले अपील प्राधिकारी के सम्मुख अपील की जा सकती है। आरटीआई अधिनियम, 2005 के तहत केन्द्रीय कार्यालय, गुडगांव में अपील प्राधिकारी का विवरण निम्नानुसार है:

श्री बी.एन.डे.भौमिक,
कार्यपालक निदेशक (तकनीकी विकास) एवं अपील प्राधिकारी
केन्द्रीय कार्यालय, पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड,
सादामिनी, प्लॉट नंबर-2, सेक्टर-29, गुडगांव-122001, हरियाणा।
ईमेल आईडी: appellate.cc@powergrid.co.in
फोन नंबर: 0124-2571790,2863616

धन्यवाद,

भवदीय,


(जसबीर सिंह) 05/10/2020

मुख्य महाप्रबंधक (के. आ.) एवं के.तो.सू.अधिकारी

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

Information Sought:

1. List of Transmission projects completed (both RTM and TBCB projects) in last 5 years i.e. Financial year 2015-2016 to Financial Year 2019-2020. Details should include transmission project name, scope of project, project grant date, project start date and project COD date.
2. List of Transmission projects won (both RTM and TBCB projects) in last 5 years i.e. Financial year 2015-2016 to Financial Year 2019-2020. Details should include transmission project name, scope of project, project grant date, project start date (if any) and project COD date if any. In case project not completed, pls provide estimated COD date/month.
3. Please provide source and extent of funding planned/availed, separately for each of the transmission project listed under point no. 1 and 2 mentioned above. Pls provide source and extent details irrespective if source of funding is internal or external.
4. For all the Transmission Projects completed and won (both RTM and TBCB projects), please provide annual cost of funding project wise for past 5 years i.e. Financial year 2015-2016 to Financial Year 2019-2020.
5. What is the construction time period (i.e. from project start date to project commissioning date) of all completed projects (both RTM and TBCB projects) in last 5 years i.e. Financial year 2015-2016 to Financial Year 2019-2020.
6. What is the interest during construction (IDC) amount (pls specify IDC year wise and project wise rather than overall) for all projects completed (both RTM and TBCB projects) in last 5 years i.e. Financial year 2015-2016 to Financial Year 2019-2020.

Reply:

- 1,2&5: Details of transmission projects under RTM are available at CEA website: <https://www.cea.nic.in/monthlyarchive.html>.

The details of Intra State transmission projects under RTM are enclosed and marked as **Annexure-I**. The details of TBCB projects (Inter-State Transmission Projects) completed and won in last 5 years i.e. Financial year 2015-2016 to Financial Year 2019-2020 are available in CEA website with the following link:

<http://cea.nic.in/reports/monthly/transmission/2020/competitive-07.pdf>

http://cea.nic.in/reports/monthly/transmission/2020/competitive_uc-07.pdf

4. In respect of RTM projects, annual cost of borrowings in last five years are available in Annual Reports of the Company posted on its website in the respective year.

Further, in case of TBCB project, transmission projects are secured through bidding process. The annual cost of borrowings are commercial confidence in nature and disclosure of which would hamper the competitive position of POWERGRID and therefore exempted from disclosure under Section 8(1)(d) in the Right To Information Act, 2005.

- 3&6. Project wise source and extent of funding and Interest during construction (IDC) for all projects completed under RTM & TBCB are part of strategic information of the organization from competitive business point of view & therefore, in commercial interest of the organization the same is exempted under Section 8(1)(d) in the Right To Information Act, 2005.

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Intra state Transmission
Projects

Transmission Project Name ESTABLISH TRANSMISSION SYSTEM FOR EVACUATION OF POWER FROM 2 X 660 MW
JAWAHARPUR THERMAL POWER PROJECT AND CONSTRUCTION OF 400 kV SUBSTATION AT
FIROZABAD ALONG WITH ASSOCIATED TRANSMISSION LINES

Project grant date & Start
date 21-Dec-18

Scope of Project
Project COD date/Expected
COD date

Sr. No.	Name of the Transmission Element	Scheduled COD
Lot-1		
1.	L.I.L.O of 765 kV Mainpuri-Gr. Noida SC line at Jawaharpur TPS	21st December, 2020
2.	Establishment of 400/220/132 kV (AIS) substation Firozabad (Capacity 2x500+2x 160 MVA), including 125 MVAR Bus Reactor with additional spare bays	21st December, 2020
3.	L.I.L.O of one circuit of 400 kV Agra South - Fatehabad (765kV) DC line at 400 kV Firozabad	21st December, 2020
4.	L.I.L.O of 220kV Firozabad (220kV) - Agra (765kV PG) line at 400kV Firozabad	21st December, 2020
5.	L.I.L.O of 132 kV Atmadpur - Barhan SC line at 400kV Firozabad	21st December, 2020
6.	132 kV Firozabad (400kV)- Narkhi DC line	21st December, 2020
Lot-2		
7.	Jawaharpur TPS-Firozabad 400 kV DC Quad line	20th March, 2021

Transmission Project Name Construction of 765/400/220 kV GIS Substation, Meerut with associated lines and 400/220/132 kV GIS Substation, Simbhaoli with associated Transmission lines

Project grant date & Start date 19-Dec-19

Scope of Project
Project COD date/Expected
COD date

Sl. No.	Name of the Transmission Element	Scheduled COD
A. 765/400/220kV GIS substation, Meerut with associated lines :-		
1	Construction of 765/400/220kV GIS substation, Meerut (2x1500 MVA 765/400kV, along with 1x500MVA 765/400kV 1-Ph ICT - Spare Unit + 2x500MVA 400/220kV, 240MVAR 765kV bus reactor along with 1 no. 80 MVAR 1-Ph spare unit and 80MVAR 400kV bus reactor) with following Bays :-	31.08.2021
	(i) 765kV, 1500MVA ICT Bay - 02 nos.	
	(ii) 765kV, 240MVAR Bus Reactor Bay - 01 no.	
	(iii) 400kV, 1500MVA ICT Bay - 02 nos.	
	(iv) 400kV, 500MVA ICT Bay - 02 nos.	
	(v) 400kV, 80MVAR Bus Reactor Bay - 01 no.	
	(vi) 220kV, 500MVA ICT Bay - 02 nos.	
	(vii) 765kV Feeder Bay - 02 nos.	
	(viii) 400kV Feeder Bay - 04 nos.	
	(ix) 220kV Feeder Bay - 06 nos.	
2	Construction of following additional bays for future extension :-	31.08.2021
	(i) 765kV Feeder Bay - 02 nos.	
	(ii) 400kV Feeder Bay - 02 nos.	
	(iii) 220kV Feeder Bay - 04 nos.	
	(iv) 765kV T/F Bay - 01 no.	
	(v) 400kV T/F Bay - 02 nos.	
(vi) 220kV T/F Bay - 01 no.		
3	LILOf 765kV S/C Gr. Noida (765kV) – Hapur (765kV) .(WUPPTCL) at 765kV substation, Meerut	

B. 400/220/132kV GIS substation, Simbhaoli with associated lines:-		
1	Construction of 400/220/132kV GIS substation: Simbhaoli (2x500 MVA 400/220kV + 2x200MVA 220/132kV, 80MVAR 400kV bus reactor)	
	i. 400kV ICT Bay - 02 nos.	
	ii. 400kV, 80MVAR Bus Reactor Bay - 01 no.	
	iii. 220kV ICT Bay - 04 nos.	
	iv. 132kV ICT Bay - 02 nos.	
	v. 400kV Feeder Bay - 04 nos.	
	vi. 220kV Feeder Bay - 02 nos.	
	vii. 132kV Feeder Bay - 02 nos.	
2	Construction of following additional bays for future extension :-	
	i. 400kV Feeder Bay - 02 nos.	
	ii. 220kV Feeder Bay - 04 nos.	
	iii. 132kV Feeder Bay - 04 nos.	
	iv. 400kV T/F Bay - 01 no.	
	v. 220kV T/F Bay - 02 nos.	
	vi. 132kV T/F Bay - 01 no.	
3	Simbhaoli (400kV) – Muradnagar-II (Ghaziabad)	
	400kV DC Line (Twin Moose)	
4	Simbhaoli (400kV) – Meerut (765kV) 400kV DC Line	
	(Twin Moose)	
		31.05.2021
		31.08.2021

Transmission Project Name

**ESTABLISH TRANSMISSION SYSTEM FOR CONSTRUCTION OF
765/400/220 KV GIS SUBSTATION, RAMPUR AND 400/220/132 KV GIS
SUBSTATION, SAMBHAL WITH ASSOCIATED TRANSMISSION LINES**

Project grant date & Start
date

12-Dec-19

Scope of Project

Project COD date/Expected
COD date

Sl. No.	Name of the Transmission Element	Scheduled COD
1.	Construction of 2X1500 + 2X500 MVA, 765/400/220 kV GIS substation, Rampur (including 330 MVAR Bus reactor and 240 MVAR line reactor at one 765kV)	31.08.2021
	i. 765kV, 1500MVA ICT Bay: 2 nos.	
	ii. 765kV, 330MVAR Bus Reactor Bay: 1 no.	
	iii. 400kV, 1500MVA ICT Bay: 2 nos.	
	iv. 400kV, 500MVA ICT Bay: 2 nos.	
	v. 220kV, 500MVA ICT Bay: 2 nos.	
	vi. 765kV Feeder Bay: 2 nos	
	vii. 400kV Feeder Bay: 4 nos.	
	viii. 220kV Feeder Bay: 4 nos.	
	Construction of following additional bays at S/s for future extension:	
	i. 765kV Feeder bay: 1 no.	
	ii. 400kV feeder bay: 2 nos.	
	iii. 220kV feeder bay: 4 nos.	
	iv. 765 kV T/F bay: 1 no.	
v. 400 kV T/F bay: 2 nos.		
vi. 220 kV T/F bay: 1 no.		
2.	Rampur (765 kV) – Sambhal 400 kV D/c line (Twin Moose)	31.08.2021
3.	Construction of 2X500 + 2X160 MVA, 400/220/132 kV GIS substation, Sambhal (including 125 MVAR Bus reactor)	31.05.2021
	i. 400kV, 500MVA ICT Bay: 2 nos.	
	ii. 400kV, 125MVAR Bus Reactor Bay: 1 nos.	
	iii. 220kV ICT Bay: 4 nos.	
	iv. 132kV ICT Bay: 2 nos.	
	v. 400kV Feeder Bay: 4 nos.	
	vi. 220kV Feeder Bay: 4 nos.	
	vii. 132kV Feeder Bay: 4 nos.	
	Construction of following additional bays at S/s for future extension:	
	i) 400kV feeder bay: 2 nos.	
	ii) 220kV feeder bay: 2 nos.	
	iii) 132 kV feeder bay: 2 nos.	
	iv) 400 kV T/F bay: 1 no	
	v) 220 kV T/F bay: 2 nos.	
vi) 132 kV T/F bay: 1 no		

Transmission Project Name

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)

Project grant date & Start date

11-Sep-19

Scope of Project

Project COD date/Expected COD date

Sr.No	Name of the Transmission Element	Scheduled COD
(A)	Intra-State Transmission Work associated with construction of 400 kV Substation near Guna (Distt.Guna)	
i.	400 kV DCDS (Quad Moose) line from Bina (MPPTCL) to Guna (New) with 2 X 80MVAR Switchable line reactor at Guna end	36
ii.	220 kV DCDS line from Guna (New) to Guna (MPPTCL) with Zebra Conductor	36
iii.	220 kV DCDS line from Guna (New) to Shivpuri (MPPTCL) with Zebra Conductor	36
iv.	Establishment of 2x500 MVA, 400/220 kV Substation near Guna involving following works- 400kV - ICT 400/220 kV - 2x500 MVA - ICT bays - 2 Nos. - Line bays - 2 Nos. - Bus Reactor 125 MVAR - 1 No. - Bus Reactor bay - 1 No. - Space for ICT (Future) - 1 No. - Space for ICT bays (Future) - 1 No. - Space for Line bays (Future) - 4 Nos. 220kV - ICT bays - 2 Nos. - Line bays - 4 Nos. - Space for ICT bays (Future) - 1 No. - Space for line bays (Future) - 4 Nos.	36
(B)	Intra-State Transmission Work associated with construction of 220 kV S/s near Bhind (Distt.-Bhind)	
i.	220 kV DCDS line from Morena (TBCB-CWR T L) to Bhind (New) with Zebra Conductor	36
ii.	Construction of 2 Nos. 220 kV feeder bays at Morena (TBCB-CWRTL) 400 kV S/s [02 Nos for 220 kV DCDS line from Morena (TBCB-CWR T L) to Bhind (New) with Zebra Conductor]	36
iii.	132 kV DCDS line from Bhind (New) to Bhind (MPPTCL) with Panther conductor	36
iv.	132 kV DCDS line from Bhind (New) to Porsa (MPPTCL) with Panther conductor	36
v.	132 kV DCDS line from Bhind (New) to Gorni (MPPTCL) with Panther conductor	36

vi.	<p>Establishment of 2x160 MVA, 220/132 kV Substation near Bhand involving following works-</p> <p>220 kV</p> <ul style="list-style-type: none"> - ICT 220/132 kV - 2x160 MVA - ICT bays - 2 Nos. - Line bays - 4 Nos. - Space for ICT (future) - 2 Nos. - Space for ICT bays (Future) - 2 Nos. - Space for line bays (Future) - 4 Nos. <p>132 kV</p> <ul style="list-style-type: none"> - ICT bays - 2 Nos. - Line bays - 6 Nos. - Space for ICT bays (future) - 2 Nos. - Space for line bays (future) - 6 Nos. 	36
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