

RTI APPEAL DETAILS			
RTI Appeal Registration No. :	PGCIL/A /E/20/00051	RTI Appeal Received Date :	30/10/2020
RTI Request Registration No. :	PGCIL/R /E/20/00329	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. :	+91-9560245345
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 :	Pl see attached Appeal along with Grounds		

RTI bearing request registration no. PGCIL/R/E/20/00329 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 01.10.2020

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. For all the Transmission projects completed (both RTM and TBCB projects) in last 5 years i.e. Financial year 2015-2016 to Financial Year 2019-2020, what is the project wise and year-wise O&M cost, starting from the year of commissioning of the project till Financial Year 2019-2020. Kindly also provide the annual %age O&M cost as compared to the annual tariff received for such already commissioned projects. Kindly share this data project wise and year wise.
3. For all the Transmission projects completed (both RTM and TBCB projects) in last 5 years i.e. Financial year 2015-2016 to Financial Year 2019-2020, what is the annual insurance cost of all the Projects (separately for Transmission Line and Substation/substation elements) from start year of the project till Financial Year 2019-2020. Kindly provide this information project wise and year wise.
4. It is understood that PGCIL provides intercompany loans to its SPVs (special purpose vehicle). Kindly share the intercompany loan agreement for a particular SPV i.e. FATEHGARH-II TRANSCO LIMITED.

B. Brief reply submitted by the Public Authority leading to appeal (reply dt. 01.10.2020 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 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 as well as gave incomplete, misleading & false information/contentions.

C. Grounds of Appeal (query-wise):

Query No. 1:

- 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

as sought under the RTI application 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 is misleading and incomplete.

Query No. 2 and 3:

The information has not been provided stating that in case of RTM projects the information is not separately available on a project-wise basis and the information has been declined in case of TBCB projects stating commercial confidence in nature and exempted from disclosure under Section 8(1)(d) of Act.

For RTM projects

- i. Public Authority has provided a false response that it does not have separate O&M and insurance cost on a project-wise basis, for RTM projects. It is stated that Public Authority has to claim O&M expenses for a project as per CERC's tariff regulations, which are to be approved by CERC and insurance is also part of O&M expenses therein.
- ii. Besides, it would be poor financial governance for a Maharatna PSU (or for that matter any company), if a project does not record all heads of expenses (like O&M, Insurance etc.), making it impossible to arrive at cost of project and whether the said project is profitable or loss making.
- iii. If Public Authority is not keeping proper financial records of different expenses, it entails further due diligence and scrutiny from perspective of adherence to financial governance benchmarks and accounting standards.

For TBCB projects

- iv. It is observed from Annual report of FY 2019-20 of one of the TBCB SPV of Public Authority (Powergrid Vizag Transmission Ltd), made available on Public Authority's public website, O&M cost and insurance information are being provided in said report at page number 39 for Repair and Maintenance and various other pages for insurance as well. Thus, the Public Authority is adopting double standards for providing same set of information i.e. claiming commercial confidence while replying to RTI whereas providing the same in annual reports. Therefore, Public Authority is misleading and falsely claiming this information to be of commercial confidence.
- v. Further, Public Authority has failed to explain how such information can be "commercial confidence" especially considering the projects which have been completed and an end consumer / subscriber, a citizen, is being billed / charged on the basis of these overheads.
- vi. Furthermore, 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, where information does not relate to any third party, as 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;"

- vii. The O&M costs, Insurance Costs of 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.

Query No. 4:

The information has been declined stating it to be of commercially confidence in nature and disclosure of which would hamper competitive position and hence, exempted under Section 8(1)(d) of the Act.

- i. This refusal to provide information especially when these are SPVs, is improper and unfair considering, the agreements between two entities funding is from market / public money and its terms can't be hidden.
- ii. Further, it is observed from Annual report of FY 2019-20 of one of the TBCB SPV of Public Authority (Powergrid Vizag Transmission Ltd), made available on Public Authority's public website, commercial details of loan from Powergrid to its SPV is provided therein. Therefore, it is misleading on Public Authority's part to claim commercial confidence for such information.
- iii. Also, as there is no 3rd party involved and SPV is only a subsidiary of the Public Authority, thus, the SPV is also a Public Authority under RTI Act 2005.
- iv. For the sake of arguments only, the Public Authority could have provided the agreement while making the commercial clauses non-readable (by whitening etc).
- v. The Public Authority cannot decline to provide cost of funding project-wise to a citizen.
- vi. 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).

D. Further Grounds of Appeal:

- a. The Public Authority has not provided any cogent reason justifying how either the interest of Public Authority or of any 3rd party, 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 provide 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, 'सौदामिनी', प्लॉट नं.2, सेक्टर-29, गुडगांव, हरियाणा-122007
Corporate Centre, 'Saudamini', Plot No. 2, Sector-29, Gurgaon, Haryana-122007



PGCIL/R/E/20/00329

दिनांक: October 1, 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.डि.भौमिक,
कार्यपालक निदेशक (तकनीकी विकास) एवं अपील प्राधिकारी
केन्द्रीय कार्यालय, पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड,
सौदामिनी, प्लॉट नंबर-2, सेक्टर-29, गुडगांव-122001, हरियाणा।
ईमेल आईडी: appellate.cc@powergrid.co.in
फोन नंबर: 0124-2571790, 2863616

धन्यवाद,

भवदीय,

(जसबीर सिंह) 01/10/2020

मुख्य महाप्रबंधक (के. आ.) एवं के.लो.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. For all the Transmission projects completed (both RTM and TBCB projects) in last 5 years i.e. Financial year 2015-2016 to Financial Year 2019-2020, what is the project wise and year-wise O&M cost, starting from the year of commissioning of the project till Financial Year 2019-2020. Kindly also provide the annual % age O&M cost as compared to the annual tariff received for such already commissioned projects. Kindly share this data project wise and year wise.
3. For all the Transmission projects completed (both RTM and TBCB projects) in last 5 years i.e. Financial year 2015-2016 to Financial Year 2019-2020, what is the annual insurance cost of all the Projects (separately for Transmission Line and Substation/substation elements) from start year of the project till Financial Year 2019-2020. Kindly provide this information project wise and year wise.
4. It is understood that PGCIL provides intercompany loans to its SPVs (special purpose vehicle). Kindly share the intercompany loan agreement for a particular SPV i.e. FATEHGARH-II TRANSCO LIMITED.

Reply:

1. Details of transmission projects under RTM are available at CEA website: <https://www.cea.nic.in/monthlyarchive.html>. Details of Intra State transmission projects under TBCB are enclosed and marked as **Annexure-I**. TBCB projects (Inter-State Transmission Projects) completed in last 5 years i.e. Financial year 2015-2016 to Financial Year 2019-2020 is available in CEA website with the following link:

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

- 2&3:** The information sought under RTI query 2 and 3 above pertains to O&M Cost and Insurance cost project wise and year-wise for all the Transmission projects completed (both RTM and TBCB projects) in last 5 years. It is to submit here that primarily POWERGRID implements inter-State Transmission systems under RTM route. In respect of RTM projects, information of project wise O&M cost and insurance is not separately available in POWERGRID. Consolidated figures of O&M cost and insurance for all the projects put together including those completed in last five years, is available in Annual Reports of the Company for respective year are posted on its website. As the separate project-wise O&M cost is not available, the annual %age of O&M cost as compared to the annual tariff

received for individual commissioned projects cannot be provided. The commissioned assets of POWERGRID are insured either through self-insurance scheme/ third party insurance.

Further in case of TBCB project, transmission projects are won through bidding process. The O&M cost and Insurance cost (project wise and year-wise O&M) are of 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.

4. Intercompany loan agreement for the SPV Fatehgarh-II Transco Limited is 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.

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ANNEXURE-I

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.	LILO 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.	LILO of one circuit of 400 kV Agra South - Fatehabad (765kV) DC line at 400 kV Firozabad	21st December, 2020
4.	LILO of 220kV Firozabad (220kV) - Agra (765kV PG) line at 400kV Firozabad	21st December, 2020
5.	LILO 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	31.05.2021
	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 :-	31.05.2021
	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)	31.08.2021
	400kV DC Line (Twin Moose)	
4	Simbhaoli (400kV) – Meerut (765kV) 400kV DC Line	31.08.2021
	(Twin Moose)	

**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**

Transmission Project Name

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 Gormi (MPPTCL) with Panther conductor	36

vi.	<p>Establishment of 2x160 MVA, 220/132 kV Substation near Blind 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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