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Ref: C/HR/HRR/1752

Date: 28.04.2023

To  
The Executive Director (HR)  
Power Grid Corporation of India Ltd.  
Corporate Centre, Saudamini  
Plot No. 2, Sector 29  
Gurugram, Haryana-122001

Ref:

1. POWERGRID's Letter no. PG/CC/HR/Policy/7.1/2020 dated 11<sup>th</sup> February 2020
2. This Office letter no. C/HR/HRR/236 dated 1<sup>st</sup> June 2022
3. This Office letter no. CC/HR/HRR/1057 dated 10<sup>th</sup> November 2022
4. POWERGRID's Letter no. PG/CC/HR/2023 dated 18<sup>th</sup> January 2023

**Subject: Recovery of Differential Licence Fee/HRR from Grid-India Executives who availed Company Leased Accommodation during the period 01.04.2012 to 31.12.2016**

Respected Sir,

1. This is with reference to the earlier correspondence on the aforementioned subject (ref. 1 above), wherein it was informed by POWERGRID to undertake the recovery of the differential amount of Licence Fee/House Rent Recovery (HRR) from the Grid-India (erstwhile POSOCO) executives who availed Company Leased Accommodation during the period 01.04.2012 to 31.12.2016.
2. As informed earlier, the action in this regard was undertaken by Grid-India and the recovery of the differential license fee/HRR was made in instalments from the serving employees of Grid-India. In respect of superannuated/separated employees, the recovery was made from the available dues, and in case of non-availability of any dues, such superannuated/separated employees were informed to deposit the differential amount with the organization. Further, regarding deceased employees, it was decided that the due amount shall not be recovered from their families.
3. In view of the legal opinion obtained by Grid-India, based on the representation received from the retired employee(s), the organization vide its letter dated 01.06.2023 informed POWERGRID that "Recovery from the retired employees, or the employees who are due to retire within one year of the order of recovery" would be impermissible in law as per the Supreme Court Ruling in the case of State of Punjab & Ors. Vs. Rafiq Masih (2014). This has also been confirmed by POWERGRID vide their legal opinion sought from the Additional Solicitor General of India.

In view of the above, the recovery shall not be undertaken from those executives who retired within one year from notification by Grid-India.

Thus, the recovery in respect of the executives who are retired from service is being regulated accordingly and the amount already recovered in such cases is being refunded by the organization.

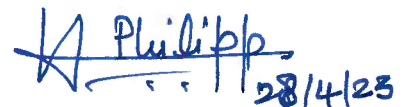
4. In respect of the resigned employees/families of the deceased employees, the legal opinion from Additional Solicitor General of India furnished by POWERGRID stipulates that "the cause of action no more subsists. It would be neither prudent nor equitable to recover any amount from this class of employees."

Based on the above, the recovery in respect of the executives falling in the above categories is being regulated accordingly.

5. In respect of other executives, the legal opinion from Additional Solicitor General of India furnished by POWERGRID stipulates that the recovery of differential license fee/HRR is permissible and in view of the rationale provided in the legal opinion, the recovery in this regard has been regulated accordingly in compliance with the MoP instructions.
6. It is important to note that POWERGRID vide its letter dated 11.02.2020 (ref. 1 above) advised to undertake recovery from total 191 Grid-India executives who availed Company Leased Accommodation during the period 01.04.2012 to 31.12.2016. Based on the rationale given in Para 3 & 4 above, the recovery in this regard is not applicable in the case of total 46 separated executives (37 retired on or before 30.11.2022, 6 resigned prior to 11.02.2020 and 3 deceased).
7. The C&AG Audit para 7.7 of the Report no. 13 of 2019 was with respect of house rent from executives availing leased accommodation. The same has been mostly completed in respect of concerned remaining executives who were informed by Grid-India (erstwhile POSOCO) on 22<sup>nd</sup> November 2021. The legal opinion shared by Grid-India vide letter dated 1<sup>st</sup> June 2022 (ref. 2 above) and the one shared by POWERGRID vide letter dated 18<sup>th</sup> January 2023 (ref 4 above) has been duly honoured.
8. It is requested that the matter be closed at this stage as the letter and spirit of C&AG audit para 7.7 of the Report no. 13 of 2019 has been complied. There have also been movement of personnel from Grid-India (erstwhile POSOCO) to POWERGRID. Neither the C&AG para mentions about remittance of the recovered amount to the POWERGRID nor it is justifiable in view of the separate balance sheets of Grid-India (erstwhile POSOCO) since 1<sup>st</sup> October 2010 as a legal entity.

Thanking You

**Yours Sincerely**



**(Ajay Philipp)**

**Sr. General Manager (HR)**

**Copy to:**

- (1) CMD, Grid-India
- (2) CMD, POWERGRID