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O.P. KHORWAL

Convener Standing Committee on RTI Act - SCOPE Consultant to ILO & SCOPE on RTI Former General Manager, NTPC Arbitrator on panel SFCA

Ref. rti/opk/NHPC/4511

Dated: 18-03-2019

General Manager, CA & CPIO NHPC LTD, Corporate Office: Sector 33, Faridabad, Haryana 1210003

Kind Attn: Mr. Deepak Saigal

Subject: RTI Audit Report 2017-2018 on Implementation in NHPC.

Dear Sir.

Please refer your work order for the subject audit vide Ref. NH/RTI/Misc.-2019//119-20, dated: 14-02-2019 for conduct of RTI Audit at NHPC Corporate Office. Which has been successfully conducted on 11<sup>th</sup> & 14<sup>th</sup> Marcht, 2019. Now, please find enclosed herewith the detailed audit report on RTI implementation for the year 2017-18 as per notification from DoPT, vide OM dated 15-04-2013 along with the recommendations and Certification.

Thanking you,

Yours truly,

O.P.Khorwal.

(CEO)

Excel Engineers & Consultant English Son Bloor, Raigar Pura Karol Bagh, New Delhi-110005

Mob.: 9650990241



# RTI AUDIT ON

# RTI ACT IMPLEMENTATION IN NHPC

(COMPLIANCE OF SECTION-4 & DoPT OM: 15-04-2013)

FOR (2017-2018)

Ву

O.P.Khorwal, CEO & Consultant Excel Engineers & Consultant 49/4680, Vishnu Mandir Marg, Karol Bagh,New Delhi 110005

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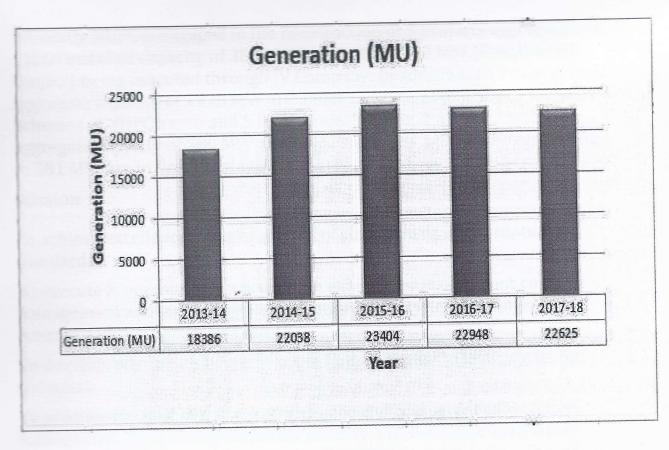
#### 1.0 INTRODUCTION

#### Overview

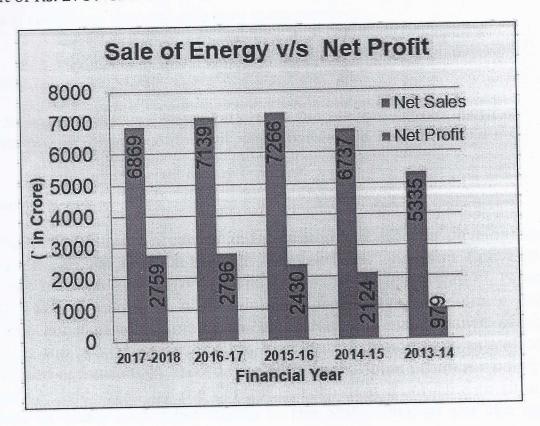
NHPC Limited (formerly known as National Hydroelectric Power Corp.) was incorporated on 7th November 1975 as Central Govt. Enterprise for development of Hydro Power in Central Sector. Since then the Corporation has become the largest central utility for hydro power development in India The company is mandated to plan, promote and organize an integrated and efficient development of power in all aspects through Conventional and Non Conventional Sources in India and abroad. NHPC is a Schedule 'A' Enterprise of Govt. of India with Mini ratna status since 2008. With an authorized share capital of Rs.15,000 crores. NHPC is a premier organization in country for development of hydro power.

To begin with, NHPC was assigned three most difficult and almost abandoned projects i.e. 180 MW BairaSiul in HP, 105 MW Loktak in Manipur and 345 MW Salal-I in J&K from the erstwhile Central Hydroelectric Project Control Board. With the commissioning of BairaSiul in 1981, Loktak in 1983 and Salal-I in 1987, NHPC established its strong position in the hydro power sector of the country. Along the journey of over 44 years, NHPC's total installed capacity has reached to 7071.2 MW from 24 projects including JV, Solar and Wind.

During the financial year 2017-2018, NHPC Power Stations achieved the generation of 22625 MU.



During the Year 2017-18, NHPC had a Sales of Rs. 6869 Crore with a Net Profit of Rs. 2759 Crore.



Presently NHPC is engaged in the construction of 3 projects aggregating to a total installed capacity of 3800 MW including 1000 MW (PakalDul HE Project) being executed through JV Company. In addition, 12 Projects with aggregate capacity of 7835 MW are under clearance stage which includes 7 Schemes of NHPC's own and 5 in JV mode. Further, 2 projects with aggregate capacity of 780 MW are in S&I stage and 3 projects aggregating to 581 MW are in Pre-S&I stage.

#### Mission

To achieve excellence in development of clean power at international standards.

To execute & operate projects through efficient and competent contract management and innovative R&D in environment friendly and socioeconomically responsive manner.

To develop, nurture and empower the human capital to leverage its full potential.

To practice the best corporate governance and competent value based management for a strong corporate identity and showing concern for employees, customer, environment and society.

To adopt & innovate state-of-the-art technologies and optimize use of natural resources through effective management.

#### Vision

To be a global leading organization for sustainable development of clean power throughcompetent, responsible and innovative values.

## **Objectives**

To Plan, promote and organize an integrated and efficient development of power in all its aspects through Conventional and Non Conventional Sources in India and Abroad, including planning, investigation, research, design and preparation of preliminary, feasibility and definite project reports, construction, generation, operation and maintenance of power stations and projects, transmission, distribution, trading and sale of power generated at Stations in accordance with the national economic policy and objectives laid down by the Central Government from time to time and release of water and other needs to the State Govt. as per the agreed

parameters.

- To undertake, where necessary, the construction of inter-state transmission lines and ancillary works for timely and coordinated inter-state exchange of power.
- To coordinate the activities of its subsidiaries, to determine their economic and financial objectives / targets and to review, control, guide and direct their performance with a view to secure optimum utilization of all resources placed at their disposal.
- To act as an agent of Government / Public Sector financial institutions, to
  exercise all the rights and powers exercisable at any meeting of any
  Company engaged in the planning, investigation, research, design and
  preparation of preliminary, feasibility and definite project reports,
  construction, generation, operation, maintenance of Power Stations and
  Projects, transmission, distribution, trading and sale of power in respect of
  any shares held by the Government, Public financial institutions,
  nationalized banks, nationalized insurance companies with a view to
  secure the most effective utilization of the financial investments and loans
  in such companies and the most efficient development of the concerned
  industries.
- To carry on the business of purchasing, selling, importing, exporting, producing, trading, manufacturing or otherwise dealing in all aspects of planning, investigation, research, design and preparation of preliminary, feasibility and definite project reports, construction, generation, operation and maintenance of Power Stations and Projects, transmission, distribution and sale of Power, Power Development, including forward, backward or horizontal integration ancillary and other allied industries and for that purpose to install, operate and manage all necessary plants, establishments and works.

#### **Profile**

**Authorised Capital** 

15000 Crore

Value of Assets

55,459.15 Crore as on 31st Dec 2018

Paid Up Capital	10259.32 Crore as on 31st Dec 2018
Projects Completed	Hydro (Incl. JV): 22 Nos. (6971.2 MW) Wind:01 No. (50 MW) Solar:01 No. (50 MW)
	Total: 24 Nos. (7071.2 MW)
Projects Under Construction	2 Nos. (2800 MW)
Projects Awaiting Clearances	8 Nos. (5133 MW)
Projects Under Survey and Investigation Stage	3 Nos. (1130 MW)
Joint Venture Projects	6 Nos. (3370 MW)
Projects on Turnkey Basis	5 Nos. (89.25 MW)
In 2017-2018	
1 Energy Generated	22625 MU
2 PAF	85.32%
3 Income from Sale of Power	6870.78 crore
4 Net Profit	2758.65 crore
In 2016-2017	
1 Energy Generated	22948 MU

2	PAF	83.41%
3	Income from Sale of Power	7219.1 crore
4	Net Profit	2795.59 crore
In 20	15-2016	
1	Energy Generated *	23683 MU
2	PAF	81.60%
3	Income from Sale of Power	7399.84 crore
4	Net Profit	2440.14 crore
In 20	14-2015	
1	Energy Generated	22038 MU
2	PAF	77.3%
3	Income from Sale of Power	6754.72 crore
4	Net Profit	2124.47crore
In 20	13-2014	
1	Energy Generated	18386 MU
2	PAF	77.7%
3	Income from Sale of Power	5450.65 crore

4	Net Profit	Rs. 10040.9 Million	
5	Performance Rating	"Excellent"	
In 20	06-2007		
1	Energy Generated	13048.76 MU	
2	Capacity Index	94.13%	
3	Income from Sale of Power	19630 Million	
4	Net Profit	9248 Million	
5	Performance Rating	"Very Good"	
In 2005-2006			
1	Energy Generated	12567.15 MU	
2	Capacity Index	98.15%	
3	Income from Sale of Power	17140 Million	
4	Net Profit	7427 Million	
5	Performance Rating	"Excellent"	

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## 2.0 Implementation of the RTI Act. 2005

NHPC as per the records available in the RTI Cell, had implemented the RTI Act 2005, immediately after the enactment of the RTI Act in October 2005 as statue by the Government of India. As per the records, the company have nominated one Centralised First Appellate Authority (FAA), one Centralised Central Public Information Officer (CPIO) and 34 Assistant Public Information Officer (APIOs) for its projects, power stations, regional offices and other units of NHPC. In addition NHPC has also nominated Transparency officer to comply with CIC order.

Applications are being received by CPIO and Assistant Public Information Officers (APIOs) as per provisions in the RTI Act and implementation guidelines issued by DoPT. Information to the applicants is being provided through centralised system from corporate office by CPIO only. Quarterly reports to CIC and Ministry is also being compiled & furnished through centralise system by CPIO at corporate office. CPIO time to time is regularly updating the APIOs with latest developments in the area of RTI Implementation through, training, circulars and IOMs.

One number of First Appellate Authority (FAA) is independently receiving the first appeals and disposing of the same in line with the provisions under the act that within stipulated period of 30 days.

List of the Appellate Authorities, CPIO, APIOs and TO is attached at Annexure "I"

At present following officers are directly responsible for smooth implementation of the RTI act 2005 in CC.

Shri Balraj Joshi	Chairman & Managing Director (CMD)
Board Members	Functional Directors of NHPC
Shri Avinash Kumar	ED(HR) & Appellate Authority
Mrs. Savitri Srivastav	CGM(IT)&Transparency Officer
Shri Deepak Saigal	General Manager (C)&CPIO

Shri M.K.Verma	Dy.General Manager(RTI-Cell)
Shri K.M.Tripathi	Senior Manager(RTI-Cell)
Shri R.K.Mittal	Senior Manager(RTI-Cell)
Business units/Projects	APIOs & Nodal Officers
All Employees	As Custodians of Information

In order to implement in the right sprit, faster provisions of the information to the citizen of India, NHPC, RTI Cell has prepared a **Hand Book on "Right to Information Act 2005", in English and Hindi,** which has been uploaded on the web as well as circulated given to all employees at projects/power stations/units and Corporate Centre. This covers important provisions, frequently asked questions, important circulars, decisions and details of CPIO, APIOs& other important information. This is very useful in the implementation of the RTI Act in NHPC. **Copy is attached at Annexure II.** 

In addition during the RTI week, NHPC is conducting the quiz related to RTI implementation, this helps in wider awareness of the RTI Act among employees. Copy of the quiz with answer sheet is attached **as Annexure III**.

#### 3.0 Officers contacted for the Audit

In order to conduct the RTI audit as per DoPT circular dated 15-04-2013 in the NHPC, which is a public authority, , following officials have been contacted for discussions and providing relevant inputs for smooth audit.

Shri Avinash Kumar	ED(HR) & First Appellate Authority
Shri Deepak Saigal	General Manager (C)& CPIO
Shri M.K.Verma	Dy.General Manager(HR)
Shri K.M.Tripathi	Senior Manager(C)
Shri Suresh Kumar	Senior Manager(HR)
Shri R.K.Mittal	Senior Manager(C)
Shri Pradeep Rajalwal	Senior Manager(C)
Shri Rakesh Jawane	Assistant Programmer(IT)

# 4.0 Compliance of RTI Act in NHPC (Compliance of Section 4(1)(b)

In accordance with the act it was the obligations of all the public authorities to comply with the provisions of the section 4(1)(b),(c) & (d) and was to publish the same within 120 days from 15-06-2005 the date of enactment for smooth implementation of the Act from as 12-10-2005, NHPC had to proactively disclose all the information as mentioned in 19 paras i.e.(a) i to xvii,(b) &(c) NHPC have disclosed most of the data/details/ information related to them with respect to these points on the website under RTI portal. Detailed point / para wise status/ compliance against each point/ Para is given in the attached **Annexure II**.

# 5.0 Provision for obtaining of information by citizen of India

Detailed procedure for obtaining information by the citizen of India/applicant from NHPC has been adequately provided under the RTI portal, including particulars & Contact Details of Appellate Authorities (AA) Central Public Information Officer (CPIO), 34 Assistant Public Information Officers (APIOs). Copy enclosed at **Annexure I**.

For making appeal under section 19 of the RTI act by the citizen of India/applicant, NHPC has also provided the complete details and procedure for filing first appeal to First Appellate Authority or any other correspondence related to RTI with the Appellate Authority, procedure for filing Second Appeal to Second Appellate Authority along with the address and contact details are also being given in the order of Appellate Authority.

## 6.0 Acceptance of cash by NHPC for RTI Fee

NHPC is accepting cash against application fee as well as for additional fee for providing information, as per the Fee Rules of RTI Act 2005.

## 7.0 Compliance of Section 4(1) (a)

Detailed discussions were held with heads of departments/ Officers as mentioned at para 3 of this report for implementation of the act & providing of information as well as with respect to record management system/ retrieval of the information being followed by them as well as any difficulty being faced in the implementation. These have been mentioned under the observations in the report.

All the departments have nominated nodal officer at Corporate office as compared to APIOs at the projects. Nodal officers of respective department's are to co-ordinate with custodian of information of that department and act focal point for the RTI Cell and assist respective GM/Chief Engineer in faster disposal of appeals & RTI applications.

CPIO is regularly updating the APIOs with latest developments in the area of RTI Implementation through circulars and IOMs.

There is standard record management policy Guidelines exists in NHPC since 2005. The record officer has been nominated at all the projects and at corporate office.

Computerisation of the documents & records indexing & cataloguing are in advance stage of process.

## 8.0 Suo-motu disclosures under section 4(2), 4(3) & 4(4)

NHPC as per requirement of Suo-motu disclosures under 4(2), 4(3) & 4(4) have provided adequate information related to its functions, products, policies etc. on the web site as well as in the annual report in English and Hindi.

## 9.0 Status of RTI applications for the year 2017-2018

No. of applications received during the year	= 535+3(OB)=538
No. of applications disposed of during the year	= 536
No. of applications disposed of within 30 days	=470+66*
No. of applications disposed of after 30 days	= Nil
No. of applications pending, if any,	=02**

\* Applications where additional fees was sought.

\*\* Application received in last fortnight of Financial Year.

However, all the applications have been disposed of within 30 working days, hence included above.

# 10.0 Status of RTI appeals to first appellate authority for the year 2017-2018

No. of appeals received during the year	= 65
No. of appeals disposed of within 30 days	= 64
No. of appeals disposed of after 30 days	= 00

\* First Appeal received in last fortnight of Financial Year.

# 11.0 Status of RTI second appeals to CIC for the year 2017-2018

No. of appeals received during the year = 13

No. of appeals disposed of during the year = 13

## 12.0 Quarterly Reports (section 25)

As per the records, all the 4 quarterly reports were physically available in the office of CPIO, NHPC and seen by me. It has been found that NHPC is regularly submitting quarterly reports to CIC, in the prescribed time and Performa of DoPT. The copies of quarterly report are enclosed at **Annexure III.** 

## 13.0 Update of information (Section 4 (xvii)

NHPC has confirmed that, it is updating the information every year & as and when required. Presently, updated information is available on the website by 29-10-2018.

## 14.0 Training on RTI (Section 26)

NHPC is regularly deputing CPIOs/APIO and other officials for RTI training. NHPC has also conducted one in-house RTI program. Considering the number of APIOs and the quantum of applications are being received more, awareness program for employees of NHPC on RTI needs to be organised for faster disposal of applications and saving of the administrative time & cost. It is suggested to have region wise training program and yearly meet of APIOs.

## 15.0 Availability of latest circulars, guidelines and notifications on RTI

NHPC RTI section has been created a separated RTI Cell Corner at NHPC internal website (Intranet). All DoPT Circulars, important CIC/Court orders are displayed on intranet RTI Cell corner to keep its employees acquainted and up to date. Also Circulars of DoPT & CIC are available in the RTI Cell at Corporate Centre. They are keeping all the relevant and latest circulars/notifications readily available in separate RTI circular file.

## 16.0 Update of Replies on Website

Regarding Update of RTI replies on website, NHPC is uploading the RTI replies on the website in order to comply with the DoPT Circular No. 1/1/2013-IR, Dated: 21-10-2014. It was examined and found updated on the website.

#### 17.0 CITIZEN CHARTER.

NHPC has published the information regarding citizen charter on the website as per DoPT Circular dated 15-04-2013. Copy **Attached as annexure IV.** 

#### 18.0 PPP CONTRACTS/ AGREEMENTS

NHPC has to publish the information regarding PPP contracts/Agreements on the website as per DoPT Circular dated 15-04-2013. NHPC, presently is not having any such agreement/ assignments.

#### 19.0 PROCUREMENTS / BID AWARDS

NHPC has to publish the information regarding contracts/bid awards on the website as per DoPT Circular dated 15-04-2013. NHPC, is putting the information related to procurement giving complete details of the awards such as name of the contractor and value.

#### 20.0 CAG & PAC PARA

NHPC has included the CAG & PAC para in their annual report at page no. 356, which is available on the web site of the company as well as in the hard copy of the annual report 2016-2017. **Annexure V.** 

## 21.0 RTI para in Annual Report

NHPC in their annual report have included a para on implementation of RTI Act 2005, along with status of applications disposed of during the financial yea 2016-17 at page no. 27. **Annexure VI.** 

## 22.0 Transfer Policy & Transfer Orders

The transfer policy of employees is available on the website of NHPC, however, the transfer orders are being put on the intranet of NHPC, which is available only to the employees. In case any applicant seeking for the specific transfer order of the employee is being provided as per the provision under the act after applying the section 8 of the RTI Act 2005 if applicable.

## 23.0 Discretionary and Non-Discretionary Grants

No Discretionary and Non- Discretionary Grants being granted by NHPC.

## 24.0 Foreign Tours of Foreign Tours of PM/Ministers

There is no rank of Joint Secretary in NHPC, however, in case information related to foreign / domestic official tour is sought is being provided as per the provisions under the RTI Act 2005.

## 25.0 Examination/ Audit of CPIO Office/AA Office

In order to examine for the purpose of Auditing of the implementation of the RTI in NHPC, in line with DoPT OM dated 15-04-2013 , detailed discussions were held in the office of CPIO & FAA on 11-03-2019 & 14-03-2019 along with full team of RTI Cell & FAA Officers. The discussions were held with all the officials mentioned at para 3.0 as well as the clarification if any were provided by them.

The process of RTI application receipt till disposal or despatched by NHPC including obtaining of information from other departments/custodians of information were checked and examined, which has been found very satisfactory. RTI receipts register is being maintained properly by NHPC. The dispatch register is also being properly maintained by NHPC. In addition in order to monitor the applications, a separate program has been developed and in use. Copy attached as **annexure VII**.

The CPIO is regularly and promptly furnishing the information to the applicants within the prescribed time of 30 days, in accordance with the provisions under the RTI act. **During the period 2017-18, 100% applications have been consistently disposed of within 30 days.** 

Detailed discussions were also held in the office of FAA, Shri Avinash Kumar, 14-03-2019 with respect to implementation of RTI Act & First Appeal disposal process of NHPC. The orders passed by the First Appellate Authority were examined and found in order. **During the period 2017-18, 100% First Appeals have been consistently disposed of within 30 days.** The First Appellate Authority is **issuing clear speaking orders with reasoning.** 

It has been advised to include the details of the Second Appellate Authority in the order issued by First appellate authority for the benefit of the applicants..

Records of documents, availability of relevant circulars /guidelines, training of officers on RTI etc were also examined, observation during the audit have been highlighted below under the observations.

#### 26.0 Observations;

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All the documents such as receipt & despatch registers, files, proactive disclosures under section 4 and as per DoPT OM 15-04-2013, website of NHPC including RTI Portal, record management system, obtaining information from the custodian or deemed PIO were examined /audited, the detailed observations are as given below;

- 1.0 The pro active disclosures for sections 4(1)(b) have been adequately provided for all the XVII points. Where not applicable, it has been mentioned with the reasoning. **Refer Annexure II.** In addition, most of the provisions applicable to CPSEs have also been complied of the DoPT Circular dated 15-04-2013.
- 2.0 Under Chapter4 (1) (b) (xi), Budget Allocations, budgets and actual expenditures details have been provided only for 2017-18. However, audited balance sheets given in the Annual Reports on the website of NHPC provides details from 2012. It needs to be linked with RTI Portal for compliance of budget and expenditure details of the last five years.
- 3.0 On examinations of records of replies & information provided to the applicants it has been found that NHPC is consistently providing the replies /information for 100 % within 30 days and only few applications were disposed beyond 30 days due to non receipt of the additional fee from the applicants. The applications were delayed because of seeking additional fee as per the RTI Fee Rules 2005, however, all the applications have been

disposed of within 30 working days by excluding the time for obtaining the fee..

 $4.0\,$  On examinations of first appeals management, it has been found that 100% appeals were disposed of within 30 days during the period 2017-28.

5.0 Regarding Update of RTI replies on Web site NHPC has been uploading the RTI replies & AA Orders which are in the interest of the public, in order to comply the DoPT circular No. 1/1/2013-IR, Dated: 21-10-2014.

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6.0 NHPC has deputed CPIO/APIO/Nodal officers and other officials for RTI training during the year 2017-2018 for its in house program. More, awareness program on RTI needs to be arranged for faster disposal of application at the projects, who are delaying the information submission to CPIO as per the section 26 of the RTI Act 2005 and DoPT OM 24-06-2008. It was suggested to conduct **region wise RTI Program for the concerned officers.** 

In order to update the APIOs, it was suggested to have yearly meet for APIOs and HODs.

7.0 The details of the forign & Domestic tours of the officers of the rank of Jt. Secretary needs to be disclosed as per OM dated 15-04-2013. There is no rank of Joint Secretary in NHPC, however, in case information related to foreign / domestic official tour is sought is being provided as per the provisions under the RTI Act 2005.

8.0 NHPC, **RTI Cell has prepared a Hand Book on Right to Information Act** 2005, in English and Hindi, In addition during the RTI week, NHPC arranges quiz related to RTI implementation, this helps in wider awareness of the RTI Act among employees also and so very useful in the implementation of the RTI Act in NHPC effectively.

Initiative taken by the NHPC such as RTI Hand Book & Quiz for awareness of RTI Act, setting a good example for other PSUs.

## 27.0 Final Conclusions / Recommendation to NHPC

NHPC is implementing the RTI ACT 2005 across all its offices at Corporate Office , Regional Offices& Projects/Power Stations as per the provisions under the RTI Act 2005 from the enactment of the statue that from 2005 itself.

NHPC has fully complied the obligations of public authority by pro active disclosures of the information as per section 4(1)(b) of the RTI Act by providing information on the web site except for the budget details 4(1)(b)(xi) and the provisions under which they have agreed to comply before the next revision of the website by linking the Annual Reports of NHPC, which are available on the website of NHPC.

In addition, most of the provisions applicable to CPSEs have also been complied of the DoPT Circular dated 15-04-2013. Detailed status is given in the attached Annexure II.

NHPC is implementing RTI ACT 2005 in right and true spirit, may be seen from the status of applications and appeals that all the applications have been disposed of by CPIO within the time limit of 30 days and also all the appeals were dispose of by the appellate authority within 30 days as per the provisions in the act.

Following needs to be complied at the time of revision or before the next year audit.

1.0 Under Chapter4 (1) (b) (xi), Budget Allocations, budgets and actual expenditures details have been provided only for 2017-18. However, audited balance sheets given in the Annual Reports which are available on the website of NHPC having details from 2012. It needs to be linked with RTI Portal for compliance of budget and expenditure details of the last five years.

2.0 Considering the quantum of applications are being received related to various projects, more in house awareness program for employees of NHPC on RTI needs to be organised for faster disposal of applications and saving of the administrative time & cost.

It was suggested to conduct region wise RTI Program for the concerned officers of the regions.

In order to update the APIOs on the RTI subject, it was suggested to have yearly meet for APIOs and HODs.

3.0 The details of the foreign & Domestic tours of the officers of the rank of Jt. Secretary and above needs to be disclosed as per OM dated 15-04-2013. There is no rank of Joint Secretary in NHPC, however, in case information related to foreign / domestic official tour is sought is being provided as per the provisions under the RTI Act 2005. NHPC may

disclose of general nature only which are not related to business of NHPC.

In view of above, NHPC has fully complied all the parameters of the audit for the year 2017-2018.

#### 28.0 Certification

In view of the above, it is concluded that NHPC is meeting all the requirements of the provisions of RTI act that compliances for section 4 (1)(b), DoPT OM/circular dated 15-04-2013 for Suo-Motu Disclosures and other provisions of the act. NHPC is providing the information against all the RTI applications within stipulated time of 30 days and all the first appeals have also been disposed of within stipulated time of 30 days clearly indicate implementation of RTI Act in true spirit.

Certified By

O.P.Khorwal, CEO

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