

Implementation of USOF Project (Phase - I) to Provide Mobile Services in Areas Affected by Left Wing Extremist

[Action Taken by the Government on the Observations and Recommendations of the Committee contained in their 71st Report (17th Lok Sabha)]

**Ministry of Communications
(Department of Telecommunications)**

**PUBLIC ACCOUNTS COMMITTEE
(2023-24)**

ONE HUNDRED AND TWENTY EIGHTH REPORT

SEVENTEENTH LOK SABHA



**LOK SABHA SECRETARIAT
NEW DELHI**

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Presented to Hon'ble Speaker, Lok Sabha on 23.02.2024

Presented to Lok Sabha on:

Laid in Rajya Sabha on:

**LOK SABHA SECRETARIAT
NEW DELHI**

February 2024/ Phalguna 1945 (Saka)

CONTENTS

	PAGE
COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE (2023-24)	(iii)
INTRODUCTION	(iv)
CHAPTER I Report.....	1
CHAPTER II Observations/Recommendations which have been accepted by the Government.....	
CHAPTER III Observations/Recommendations which the Committee do not desire to pursue in view of the replies received from the Government.....	
CHAPTER IV Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.....	
CHAPTER V Observations/Recommendations in respect of which the Government have furnished interim replies.....	

APPENDICES

- I* Minutes of the sitting of the Public Accounts Committee (2023- 24) held on 09 February 2024
- II Analysis of the Acton Taken by the Government on the Observations/Recommendations of the Public Accounts Committee contained in their Seventy-first Report (Seventeenth Lok Sabha)

* Not appended to cyclostyled copy of the report

COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE**(2023-24)****Shri Adhir Ranjan Chowdhury**

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Chairperson**MEMBERS****LOK SABHA**

2. Shri Subhash Chandra Baheria
3. Shri Thalikkottai Rajuthevar Baalu
4. Shri Bhartruhari Mahtab
5. Shri Jagdambika Pal
6. Shri Pratap Chandra Sarangi
7. Shri Vishnu Dayal Ram
8. Shri Rahul Ramesh Shewale
9. Shri Gowdar Mallikarjunappa Siddeshwara
10. Dr. Satya Pal Singh
11. Shri Brijendra Singh
12. Shri Rajiv Ranjan Singh alias Lalan Singh
13. Shri Jayant Sinha
14. Shri Balashowry Vallabhaneni
15. Shri Ram Kripal Yadav

RAJYA SABHA

16. Shri Shaktisinh Gohil
17. Dr. K Laxman
18. Shri Derek O'Brien*
19. Shri Tiruchi Siva
20. Dr. M. Thambidurai
21. Shri Ghanshyam Tiwari
22. Dr. Sudhanshu Trivedi

SECRETARIAT

1. Shri Sanjeev Sharma - Joint Secretary
2. Smt. Bharti S. Tuteja - Director
3. Shri Alok Mani Tripathi - Deputy Secretary

* Elected w.e.f. 19.08.2023 consequent upon retirement of Shri Sukhendu Sekhar Ray, MP on 18.08.2023.

INTRODUCTION

I, the Chairperson, Public Accounts Committee (2023-24) having been authorised by the Committee, do present this 128th Report (Seventeenth Lok Sabha) on Action Taken by the Government on the Observations/Recommendations of the Public Accounts Committee contained in their 71st Report (Seventeenth Lok Sabha) on "Implementation of USOF Project (Phase - I) to Provide Mobile Services in Areas Affected by Left Wing Extremist".

2. The Seventy-first Report was presented to Lok Sabha/laid in Rajya Sabha on 10th August, 2023. Replies of the Government to all the Observations/Recommendations contained in the Report were received. The Public Accounts Committee considered and adopted the draft Report at their Sitting held on 9th February, 2024. Minutes of the Sitting are given at Appendix I.

3. For facility of reference and convenience, the Observations and Recommendations of the Committee have been printed in bold in the body of the Report.

4. The Committee also place on record their appreciation of the assistance rendered to them in the matter by the Committee Secretariat and the Office of the Comptroller and Auditor General of India.

5. An analysis of the action taken by the Government on the Observations/Recommendations contained in the Seventy-first Report (Sixteenth Lok Sabha) is given at Appendix-II

NEW DELHI

09 February, 2024
20 Magha, 1945 (Saka)

ADHIR RANJAN CHOWDHURY

Chairperson,
Public Accounts Committee

6
CHAPTER – I

REPORT

This Report of the Public Accounts Committee deals with action taken by the Government on the Observations/Recommendations of the Committee contained in their Seventy First Report (Seventeenth Lok Sabha) on 'Implementation Of Us of Project (Phase – I) to Provide Mobile Services in Areas Affected by Left Wing Extremism relating to Ministry of Communications (Department of Telecommunications).

2. The Seventy First Report (Seventeenth Lok Sabha) was presented to the Parliament on 10.08.2023. It contained 8 Observations/Recommendations. Action Taken Notes have been received from the Ministry of Communications, Department of Telecommunications in respect of all the Observations/Recommendations and are broadly categorised as follows:-

- | | | |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| (i) | Observations/Recommendations which have been accepted by the Government
Para Nos.2-9 | Total: 8
Chapter II |
| (ii) | Observations/Recommendations which the Committee do not desire to pursue in view of the replies received from the Government
NIL | Total: Nil
Chapter III |
| (iii) | Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration
NIL | Total:00
Chapter IV |
| (iv) | Observations/Recommendations in respect of which the Government have furnished interim replies
NIL | Total: 00
Chapter V |

3. The detailed examination of the subject by the Committee had revealed that the highlight significant shortcomings and challenges in the project for providing mobile services in Left Wing Extremism (LWE) affected areas, funded by the Universal Service Obligation Fund (USOF). The Committee emphasizes concerns about the imprudent selection of technology, delays in implementation, vendor-related issues, inadequate marketing strategies, and non-compliance with terms and conditions. The Committee had recommended for the need for a more foresighted, transparent, and efficient approach, incorporating the latest technology, realistic timelines, enhanced monitoring, and financial discipline to ensure the successful provision of critical communication facilities in remote and disturbed areas.

4. Based on the examination of the subject, summarized account of some of the important Observations/Recommendations made by the Committee in their 71st Report are shown as under:-

(a) Imprudent Selection of Low Power BTS using 2G Technology

The Committee observed that the project for providing mobile services in LWE affected areas, funded by USOF, had embarked on a significant initiative in offering communication services in remote regions. However, the technology chosen for the project was 2G, delivering sub-optimal performance and limiting augmentation possibilities. Despite substantial commissioning, the project experienced delays ranging from 3 to 18 months, with an extended duration from September 2020 to June 2022. The Committee found inadequate monitoring and evaluation, expressing concern about limited assurance regarding the realization of expected outcomes despite an expenditure of ₹3,112.32 crore.

(b) Vendor-Guided Selection of Technology Led to De-Facto Single Vendor

The Committee had noted from audit observations that the DoT committee recommended technology selection based on a proposal by M/s VNL, creating a de-facto single-vendor situation. The limited participation in the tendering process and a Transfer of Technology agreement between the participating vendors raised concerns about competition and indigenization. The Committee recommended an open approach to encourage healthy competition and emphasized the need for a review of specifications to ensure qualification criteria and reasonable pricing.

(c) Delays in Implementation Status of LWE Project - Phase I

The Committee noted from audit observations that the agreement between USOF and BSNL, originally slated for September 2013, was signed only in September 2014, causing a one-year delay. Project agreement amendments were made from December 2015 to January 2017, leading to non-achievement of the key objective due to prolonged tower commissioning delays. The Committee urged stakeholders to consider all related issues during initial timeline setting to avoid subsequent extensions.

(d) Agreement for Award of Work by BSNL Prior to Agreement between USOF and BSNL

The Committee expressed concern about BSNL issuing tenders and executing agreements with vendors before finalizing the agreement with USOF, leading to discrepancies. It recommended aligning agreements between USOF and BSNL with the competitive bidding procedure, ensuring parity in cost estimations, and amending purchase orders for consistency.

(e) Inadequate Marketing of Telecom Products

The Committee noted inadequacies in setting up customer service centers and appointing retailers for BSNL products in LWE areas. It suggested that competitive agreements with local outlets could have been more effective, emphasizing the need for better marketing strategies to enhance accessibility and awareness of BSNL products.

(f) Evaluation of Performance of LWE Sites

Expressing dismay over delayed instructions for non-technical checks, the Committee recommended the establishment of an independent Project Monitoring Unit for effective oversight. While acknowledging recent measures, it urged continuous monitoring to gauge coverage and service quality in LWE areas.

(g) Quality of Service - Non-Compliance of Terms and Conditions of Agreement

The Committee noted complaints about non-functional towers affecting mobile connectivity for security forces. It recommended concrete actions to address downtime issues, emphasizing the need for stringent measures to ensure compliance with agreement terms and conditions.

(h) Irregular Payments for Electricity Connections and Security Costs

The Committee highlighted violations in awarding O&M based on lump-sum costs without specifying deliverables like electricity supply. It suggested recovering payments for inconsistencies and recommended detailed breakdowns in O&M agreements to enforce financial discipline

5. The Action Taken Notes submitted by the Ministry on the Observations/Recommendations of the Committee contained in their 71st Report (Seventeenth Lok Sabha) have been reproduced in the relevant Chapters of this Report in the succeeding paragraphs. The Committee will now deal with the Action Taken by the Government on some of their Observations/Recommendations made in the original Report which require reiteration/merit comments.

6. The Committee desire the Ministry of Communications (Department of Telecommunications) to furnish Action Taken Notes in respect of Observations/Recommendations contained in Chapters I and V within six months of the presentation of the Report to the House.

Recommendation No. 8 Quality of Service- Non-Compliance of terms and conditions of Agreement

7. The Committee note from the audit observation that in November 2015, MHA conveyed complaints received from the Chhattisgarh and Madhya Pradesh Police to USOF that the towers installed by BSNL in the LWE areas were largely non-functional as a result of which security forces deployed in the area were deprived of mobile connectivity. Besides, USOF passed on these complaints to BSNL but did not carry out any performance test directly or through Designated Monitoring Agencies (DMA). The Committee note from the Audit observation that the downtime was more than two per cent in over 53 per cent sites due to which the very purpose of the project viz. "to provide mobile connectivity especially to the security forces in LWE area" was not met. The Committee further note from the submissions made by the Ministry that Mobile network setup in LWE affected areas under the scheme faced numerous problems related to naxal activities in the starting of the project resulting in high downtime and that uptime and QoS is not fully dependent on BTS equipment only but multiple factors where Core network as well as transmission media is also involved. In addition, as per the project Agreement, penalty clause mentioned for downtime/interruption in mobile service from LWE sites was to be calculated on monthly basis and deducted from tendered OPEX for the particular BTS which had been carried out

by field units while settlement of the claims. The Committee desire that concrete action regarding downtime/interruption in mobile service for LWE sites should be taken to strengthen the network services and further given the security considerations, stringent measures be taken to obviate contravention of terms and conditions of Agreement.

8. The Ministry of Finance, Department of Revenue in their Action Taken Notes have submitted as under:

“2.1.4.3 Monitoring/Evaluation of the Project b. Quality of Service-Non-Compliance of terms and conditions of Agreement

Mobile network setup in LWE affected areas under the scheme faced numerous problems related to naxal activities in the starting of the project resulting in high downtime. Now the people in those areas are aware of benefits of mobile connectivity and gradually, the network is improving. It is to note that uptime and QoS is not fully dependent on BTS equipment only but multiple factors where Core network as well as transmission media is also involved. As the mobile infrastructure was built from scratch as well as other development activities were going in parallel in LWE areas including Road buildings and other developmental projects, it took many months to stabilize the transmission network as well as redundant network to meet the desired QOS and uptime. As such, the observation of Audit that the project has not met the very objective is not correct. The project has met its desired objective and the demand, based on social impact assessment reports indicate high requirement of 4G services which has also been considered by department. In addition, as per the project Agreement, penalty clause mentioned for downtime/ interruption in mobile service from LWE sites. The Penalty would be calculated monthly basis and deducted from tendered OPEX for the particular BTS which has been carried out by field units while settlement of the claims.”

9. Audit made the following observations:-

“Department has not taken concrete action regarding downtime / interruption in mobile service for LWE sites as it is evident from the ATN that the penalty would be calculated on monthly basis and deducted from tendered OPEX for the particular BTS which has been carried out by field units while settlement of the claims, whereas audit has raised the issue of BTS downtime during the audit of LWE-I scheme in 2020.”

10. Ministry submitted the following comments on Audit observations:-

“It is to note that uptime and QoS is not fully dependent on BTS equipment only but transmission media is also involved. As the mobile infrastructure was built from scratch as well as other development activities were going in parallel in LWE areas including road buildings and other developmental projects, it took many months to stabilize the transmission network as well as redundant network to meet the desired QoS and uptime.

11. The Committee had while noting that the downtime was more than two per cent in over 53 per cent sites due to which the very purpose of the project viz. “to provide mobile connectivity especially to the security forces in LWE area” was not met desired that concrete action regarding downtime/interruption in mobile service for LWE sites should be taken to strengthen the network services and further given the security considerations, stringent measures be taken to obviate contravention of terms and conditions of Agreement. The Committee note from the reply of the Ministry that Mobile network setup in LWE affected areas under the scheme faced numerous problems related to naxal activities in the starting of the project resulting in high downtime.

Further, as the mobile infrastructure was built from scratch as well as other development activities were going in parallel in LWE areas including Road buildings and other developmental projects, it took many months to stabilize the transmission network as well as redundant network to meet the desired QOS and uptime and based on social impact assessment reports, high requirement of 4G services which has also been considered by department. The Committee are of the considered opinion that while the Ministry has acknowledged the challenges faced in LWE areas any concrete action concrete action regarding downtime / interruption in mobile service has not been taken. The Committee while noting that as per the project Agreement, penalty would be calculated on monthly basis and deducted from tendered OPEX for the particular BTS which has been carried out by field units while

settlement of the claims desire to be apprised of penalty imposed since the Audit made its observation. The Committee are of the view that given to the importance of seamless mobile connectivity in LWE areas, all stakeholders must strengthen the monitoring and evaluation mechanisms by implementing regular audits, enhancing communication and coordination between stakeholders, reviewing and implementing penalty mechanisms to accurately reflect downtime impact.

Recommendation No. 9: Irregular payments for electricity connections and security costs

12. The Committee note that as per clause 6.3 of the Agreement between USOF and BSNL, BSNL was required to ensure deliverables as stipulated by USOF/DoT in the Agreement. Hence, award of O&M by BSNL to the vendor based on a lump sum cost without specifying electricity supply as a deliverable was a violation of the agreement between USOF and BSNL. Further, separate items such as usage of DG sets on mobile tower sites, electricity charges specified in the agreement between USOF and BSNL have not been specified in the approved tender for the vendors and that the vendors were also meeting expenditure on the electricity charges from the same quantum of O&M subsidy in the case of 152 LWE sites where electricity connections were provided. The Committee further note from audit revelation that maintenance of electric connection and cost of electricity had to be borne by the vendor and the financial implications of the same were considered by BSNL while evaluating the tender but it was not separately specified and as a result, the vendor got payment towards electricity consumption for the sites which were never provided electric connection, i.e., for costs never incurred. The Committee note from the submission of the Ministry that BSNL called a tender to get cost effective and efficient way to get the project implemented in line with cabinet approvals and a comprehensive scope had been defined including security guard deployment for site security and deployment of green energy solution to get rid of Commercial power supply. Further, no separate rate was called for electricity consumption in the tender; rather a single comprehensive rate for Complete OPEX works per site for all OPEX related deliverable was called for, irrespective of EB site or non EB site. Likewise, Security cost was not separately specified and as a result the vendor got payment towards security at the sites which were never provided with any, like for sites within Police stations and CRPF Camps. The Committee while noting from GFR 204 that "*Lump-sum contracts should not be entered into except in cases of absolute necessity; Where lump-sum contracts become unavoidable, full*

justification should be recorded; The contracting authority should ensure that conditions in the lump-sum contract absolutely safeguard and protect the interests of the Government” opine that award of O&M by BSNL to the vendor should not have been on lump-sum basis (without detailing out the estimated component costs). The Committee are of the view that recovery of payments from the BSNL/Vendors on payments made over and above the limits of agreement between the BSNL and USOF may be considered to enforce financial discipline and to settle such inconsistencies for the posterity.

13. The Ministry of Communications (Department of Telecommunications) furnished the following action taken replies to the recommendation of the Committee:-

“4.1.4.4 Financial Issues

i. Irregular payments for electricity connections i.e. BSNL has called a tender to get cost effective and efficient way to get the project implemented in line with cabinet approvals. A comprehensive scope has been defined including security guard deployment for site security, deployment of green energy solution to get rid of Commercial power supply.

ii. The sites have been installed in the Left-Wing Extremist affected areas. The sites were allocated by the State Governments. During the rollout of the sites, in many instances the sites were changed. It may be noted that the sites are located in LWE prone areas, where even security agencies are also being ambushed. Developmental works like road, telecom, electricity etc. in those areas also face resistance from the local populace in many instances and these developmental activities also get delayed for varying lengths of time.

Also, for such far flung areas, which are not motorable, the electricity connections have not come through despite constant persuasion by the circles. In these circumstances, it was not possible to have 100% survey in all respects in advance. The observation of the audit for proper advance survey is not practicable in those challenging areas and those specific times.

iii. Keeping in view the urgency of the project from the point of internal security, many sites were commissioned without electricity connection but with due commitment from vendors that without electric connection also, vendor would maintain uptime through its own resources. Subsequently, electric connections are being installed as and when it is made available by Electricity Board. However, there are many sites where electric connection has not yet been provided but is expected to be done in near future.

iv. However, despite efforts from BSNL, only 152 sites have been provided with electric connection so far and accordingly an amount of Rs.48.18 crore (including percentage of Rs.4.38 crore) has been adjusted by USOF against the non-provision of electric connection at 876 no's of L WE sites from the BSNL's claim vide sanction memo no.30- 40/2018-USOF/L WE-VSAT B/W/ 5169-5173 dated 25.10.2021. Accordingly; the audit objections appear to be resolved.

v. Regarding audit observation of electricity supply, it is indicated that the same was for the purpose of estimation and the agreement between USOF and BSNL clearly specify the composite cost in Annexure

vi. This has also been appreciated by Audit in its final conclusion that the BSNL floated the tender on turn-key basis where only composite cost was discovered and there was a difference between the agreement between USOF-BSNL and BSNL-vendor. No separate rate was called for electricity consumption in the tender; rather a single comprehensive rate for Complete OPEX works per site for all OPEX related deliverable was called for, irrespective of EB site or non EB site. The SOR item no 12 as mentioned in Section 3C of the tender document is as follows

OPERATION & MAINTENANCE OF THE SITE		
Operation & Maintenance of the site after commissioning.		
Site having 2+2+2 TRX, 10 Watt BTS, related BSC, OMC, & NOC, 40/60 M Tower, VSAT/Radio backhaul; shelter/rooftop, PMU, Fire Alarm & Fire Fighting System With/without electric connection	1,716	Rate for 5 years per BTS site.
Site having 2+2+2 TRX, 5 Watt BTS, related BSC, OMC, & NOC, 40/60 M Tower, VSAT/Radio backhaul, fencing, shelter/rooftop, PMU, Fire Alarm & Fire Fighting System with/without electric connection	30	Rate for 5 years BTS site
Site having 2+2+2 TRX, 2 Watt BTS, related BSC, OMC, & NOC, 40/60 M Tower, VSAT/Radio backhaul; shelter/rooftop, PMU, Fire Alarm & Fire Fighting System With/without electric connection	30	Rate for 5 years BTS site
Site having 2+2+2 TRX, 2 Watt BTS, related BSC, OMC, & NOC, 40/60 M Tower, VSAT/Radio backhaul; shelter/rooftop, PMU, Fire Alarm & Fire Fighting System With/without	30	Rate for 5 years BTS site

electric connection		
Site having 2+2+2 TRX, 2 Watt BTS, related BSC, OMC, & NOC, 40/60 M Tower, VSAT/Radio backhaul; shelter/rooftop, PMU, Fire Alarm & Fire Fighting System With/without electric connection	30	Rate for 5 years BTS site

- As per Annexure IX of the agreement between USOF- BSNL indicating cost values; there are mainly two components viz-a-viz Tendered and Non-Tendered. The Non-Tendered Components are paid to BSNL and no payment is paid subsequently to vendors.
- The tendered components and its cost calculations are arrived through the tendered discovered cost of BSNL tender arrived through an open and competitive process. The same has been communicated to USOF/DoT and approved by Union Cabinet. For tendered cost; BSNL is paid as per its tender conditions. The cost of Rs 132.77 cr. for OPEX subsidy of electricity connection is for estimation purpose only and approved cost is on the project is on the basis of tendered discovered cost of BSNL. Further, BSNL has floated the tender in which rates are based on composite comprehensive package and no component wise cost has been discovered by BSNL. Instead; being a turn-key project on cost plus basis; BSNL awarded the work on outcome based with all sub-summed components for OPEX and no component wise subsidy is mentioned in the tendered discovered prices.
- BSNL tender does not specify any category/ component wise cost and a lump cost has been identified for maintenance of the site in its tender and payments are made as per terms and conditions of approved tender. This tender discovered single comprehensive rate of Rs 1,20, 734 lakh (for all 5 type of sites) for OPEX for 1836 towers for 05 years approved by Telecom Commission has been mentioned against all five OPEX items mentioned in the estimate in Annexure - IX of the agreement and is shown in the approved column, which is right most column, in Annexure IX of LWE Agreement.
- As such there is no irregular payment being made by USOF to BSNL or by BSNL to its vendor.

14. Audit made the following observations:-

“As per USOF Sanction Memo

(F.No.30- 40/2018- USOF/LWE- VSATB/W/516 9-5173 dated 25/10/2021, an amount of Rs.48, 18, 00,000 has been deducted towards non provision of electricity connection at 876 sites.

Further, on review of Action Taken Note on the report submitted by the department, it is found that the department in its reply has not mentioned about recovery/adjustment of the subsidy amounting to Rs.121.42 crore (Rs. 58.07 crore for CAPEX and Rs. 63.35 crore for OPEX) paid to BSNL for non-provision of electricity connection at LWE sites.,”

15. Ministry submitted the following comments on Audit observations:-

“BSNL has received Rs. 51.40 Crores (Rs. 5 lakh per site) from USOF for provision of electricity at 1028 no's of LWE sites under 1836 sites LWE Project. However, Electricity could be provided at 152 sites only. USOF has deducted the balance amount of Rs. 43.80 Crores against non-provision of electricity at 876 no's of LWE sites. Regarding the provision for electricity supply cost, it is stated that the same is part of only the estimates However, as also agreed by audit, the contract/tender floated by BSNL was on lump sum basis without any specific cost item. Audit may also appreciate that cost of electricity supply changes over such long period and also state wise and realistic estimates for such costs cannot be made. As such BSNL adopted a pragmatic approach and floated a tender on lump sum basis without compromising on delivery of required SLA”.

16. The Committee had noted that maintenance of electric connection and cost of electricity had to be borne by the vendor and the financial implications of the same were considered by BSNL while evaluating the tender but it was not separately specified and as a result, the vendor got payment towards electricity consumption for the sites which were never provided electric connection, i.e., for costs never incurred. The Committee had, therefore opined that award of O&M by BSNL to the vendor should not have been on lump-sum basis (without detailing out the estimated component costs). The Committee had recommended that recovery of payments from the BSNL/Vendors on payments made over and above the limits of agreement between the BSNL and

USOF may be considered to enforce financial discipline and to settle such inconsistencies for the posterity.

The Committee note from the reply of the Ministry that BSNL called a tender for cost-effective implementation, considering security measures and green energy solutions. Due to challenges in Left-Wing Extremist (LWE) affected areas, sites were changed during rollout. Some sites were commissioned without electricity connections, with vendors committed to maintaining uptime and that efforts were made to provide electricity, but only 152 sites had received it. The Committee while noting that maintenance of electric connection and cost of electricity had to be borne by the vendor and since it was not separately specified, the vendor got payment towards electricity consumption for the sites which were never provided electric connection. Here, the Committee reiterate their earlier recommendation that recovery of payments from the BSNL/Vendors on payments be made over and above the limits of agreement between the BSNL and USOF may be recovered and the Committee be apprised thereof.

NEW DELHI:
09 February, 2024
20 Magha, 1945 (Saka)

ADHIR RANJAN CHOWDHURY
Chairperson,
Public Accounts Committee