

F.No.2/34/2015-PPP
Government of India
Ministry of Finance
Department of Economic Affairs
(PPP Cell)

New Delhi the, January 12, 2016

OFFICE MEMORANDUM

Subject: Record of Discussions of the 25th Meeting of the Empowered Committee (EC), held on December 29, 2015

Please find enclosed the Record of Discussions of the 25th Meeting of the Empowered Committee (EC) chaired by Secretary, Economic Affairs held on December 29th, 2015.

Encl: as stated


(Abhilasha Mahapatra)
Director (PPP)
12.1.2016

To,

1. Secretary, Department of Expenditure, North Block, New Delhi.
2. CEO, NITI Aayog, Yojana Bhawan, New Delhi.
3. Secretary, Department of Legal Affairs, Shastri Bhavan, New Delhi.

Copy to:

1. PSO to Secretary, Economic Affairs
2. Sr. PPS to AS (Inv)
3. Sr. PS to JS (Infra.)
4. PS to Director (PPP)

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Empowered Committee for the Scheme for Financial Support to Public Private Partnerships in Infrastructure

25th Meeting on December 29, 2015

Record Note of Discussions

The 25th (twenty fifth) meeting of the Empowered Committee (EC), chaired by Secretary, Department of Economic Affairs (DEA) was held on December 29, 2015. The list of participants is attached.

The EC considered the matter relating to Delegation of Powers to an officer of the rank of Under Secretary and above dealing with the subject-matter in PPP Cell, Department of Economic Affairs for signing of the Tripartite Agreements for disbursement of Viability Gap Fund under the "Scheme and Guidelines for Financial Support to Public Private Partnerships in Infrastructure" (VGF Scheme).

Agenda: Delegation of Powers to an officer of the rank of Under Secretary and above in PPP Cell, DEA for signing of the Tripartite Agreements

1. Joint Secretary (DEA) informed the EC that as per VGF Scheme, prior to disbursement of VGF, the Empowered Institution, the Lead Financial Institution and the private sector company enter into a Tripartite Agreement (TA) in the prescribed format. Each page of four copies of the TA are required to be signed by a representative of each of three entities.
2. Though the TA is part of the Scheme, there is no specific mention of the Authority/level who can sign the TA. It mentions "Government of India" (on behalf of EI). So far, the Joint Secretary in charge of the PPP cell at DEA has been signing such TAs because of precedent and there has been no delegation of the power/authority below Joint Secretary.
3. Considering the voluminous documents received in PPP Cell under VGF Scheme for signing by the Joint Secretary, it was proposed to delegate the power for signing TAs on behalf of the Empowered Institution to an officer of the rank of Under Secretary and above dealing with the subject-matter in PPP Cell, Department of Economic Affairs. Para 70 of the Central Secretariat Manual of Office Procedure on Authentication of Government authorizes an

officer of the status of and above the rank of Under Secretary to execute and sign all orders and other instruments made and executed in the name of President.

4. All Members of EC approved the proposal for Delegation of Powers to an officer of the rank of Under Secretary and above in PPP Cell, DEA for signing of the Tripartite Agreements on behalf of the Empowered Institution (EI) after due approval by the Joint Secretary, DEA / Member Secretary of the EI.
5. The meeting ended with a Vote of Thanks to the Chair.

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Empowered Committee for the Scheme for Financial Support to Public Private
Partnerships in Infrastructure

25th Meeting on December 29, 2015

List of Participants

I. Department of Economic Affairs, Ministry of Finance

- i. Shri Shaktikanta Das, Secretary, Economic Affairs (In Chair)
- ii. Shri Ajay Tyagi, Additional Secretary (Inv)
- iii. Ms.SharmilaChavaly, Joint Secretary(Infra)
- iv. Ms.AbhilashaMahapatra, Director (PPP)

II. Department of Expenditure, Ministry of Finance

- v. Shri Arunish Chawla, Joint Secretary,PF-II

III. NITI AAYOG

- vi. Shri Praveen Mahto, Advisor

IV. Department of Legal Affairs

- vii. Shri M. Khandelwal, Ad.G.A/ Director

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