Chapter 2 - Financing of Projects from Extra Budgetary Resources (Project Finance)

2.1 Introduction

Over a period of time, Indian Railways (IR) has been facing acute congestion in its network. Decongesting the existing railway network requires introduction of new lines (NL), doubling (DL), electrification of lines (RE), conversion of meter gauge into broad gauge (GC), development of workshop (WS) and other traffic facilities (TF).

Indian Railways has traditionally been financed through Gross Budgetary Support (GBS) and internal Resources. In addition, Railways have been raising Extra Budgetary Resources ²¹ (EBR) through Indian Railway Finance Corporation (IRFC), since its inception in 1987, for procurement of rolling stock. As on 1 April 2015, IR needed ₹ 2,04,413 crore²² for completion of 524²³ ongoing works.

Ministry of Railways (MoR), therefore, resorted to Extra Budgetary Resources (EBR) for project financing from 2015-16 onwards. MoR entered (March 2015) into a Memorandum of Understanding (MoU) with Life Insurance Corporation of India (LIC). As per the MoU, LIC agreed to make available to MoR, a non-renewable financial assistance with limit of ₹ 1,50,000 crore over a period of five years from 2015-16 to 2019-20.

As per Railway Board's procedure order (October 2015), LIC funds shall be drawn initially by IRFC by issuing bonds to which LIC will subscribe. The funds thus raised shall be provided to MoR for execution of identified projects.

2.2 Sources and Application of funds

(a) During 2015-19, MoR utilized EBR funds to the tune of ₹ 59,337 crore for financing projects like DL, NL, GC, RE etc. MoR also spent ₹ 5,079 crore from

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As per Railway Board's letter No. 2014-B-104 Dated 24-05-2015, EBR means Extra Budgetary Resources and no expenditure can be booked unless the funds are specifically available against the work/project. EBR is not a part of the Budget Order which is the authority to book expenditure, including Vote on Account Budget Order.

Report of the Committee for mobilisation of resources for major projects, Ministry of Railways (June 2015)

²³ NL-170, GC-67, DL-233, RE-54

EBR for funding eight national projects²⁴ in Northeast and Jammu & Kashmir region. It was observed that the financial arrangement with LIC materialized only partially due to regulatory constraints²⁵. As against the commitment of ₹ 1.50 lakh crore, IRFC raised ₹ 16,200 crore from LIC till 31 March 2019. MoR's requirement of balance funds was met from market borrowing through IRFC.

Source-wise drawal of funds during the four years period 2015-19 is shown in the **Table 2.1** below:

Table 2.1: EBR Funds received by MoR during 2015-19 for project finance (₹ In crore)				
Year Funds from LIC Funds from Market Borrowing				
2015-17	10000	13170	23170	
2017-18	6200	8560	14760	
2018-19	NIL	27434	27434	
TOTAL	16200	49164	65364	

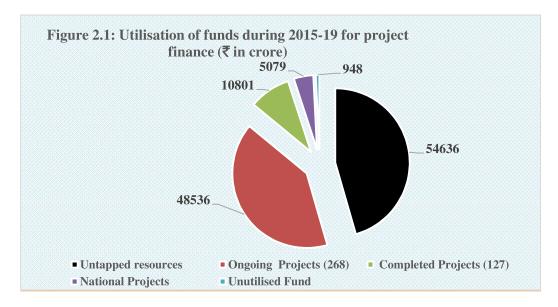
For LIC funds, interest is linked to 10-year benchmark (G-Sec). As per MoU between MoR and IRFC (May 2017), the tenure of the financing facility from LIC is 30 years. There is a moratorium of five years followed by payment of only interest from years 6 to 10. From the 11th to the 30th year, the loan will be repaid in equated instalments. Other than LIC borrowings by IRFC are mostly short term/medium term borrowings which carry higher rate of interest.

Thus, the objective of financing railway projects through LIC was not achieved. The terms and conditions for repayment by the MoR in respect of funds borrowed from the market are yet to be finalised with IRFC.

(b) Overall picture of MoR's plan of fast tracking the project execution over a period of five years through EBR, as it stands at the end of 4th year is shown in the **Figure 2.1**:

Projects important from strategic points of view in Jammu and Kashmir and North East Region or developmental projects which result in greater integration of these regions with the rest of India were categorized as "National Projects"

The investment in IRFC bonds by LIC was subject to exposure norms laid down by Insurance Regulatory Development Authority (IRDA). In terms of the investment regulations 2013 of IRDA, Insurance companies can have the maximum exposure of 20 per cent of outstanding paid up capital, free reserves and surplus and bonds and debentures taken together at any given point of time. This limit can be enhanced by 5 per cent with the approval of the Board of Director of Insurance Company.



₹ 1.20 lakh crore²⁶ was to be drawn and utilized by 31 March 2019. However, as seen above, ₹ 54,636 crore (45.53 *per cent*) could not be tapped due to slow progress of works. ₹ 48,536 crore has been spent on projects which are still not complete and are on-going.

The efficiency of the IR in application of funds raised from EBR and timely completion of projects is brought out in subsequent paragraphs. As per records of Zonal Railways, 521 projects were identified to be funded from EBR during 2015-19. No expenditure was, however, incurred in respect of 126 projects out of 521 due to various reasons like delay in sanction/non-sanction of Detailed Project Report/Detailed Estimate, non-completion of survey, land acquisition, changes in plan, proposed for shelving etc. Audit findings on scrutiny of records relating to 395 projects funded from EBR are discussed below:

2.3 Identification/Sanction of Projects for EBR Funding

The objective of IR was to decongest the IR network and ensure return on investment for debt servicing by timely completion of projects. In March 2016, RB constituted a five-member committee of Additional Members (AMs Committee) headed by AM (Works) to identify and sanction works to be funded from EBR. The physical and financial progress of EBR projects was to be monitored by AMs committee. RB periodically issued guidelines /instructions outlining the criteria to be adopted for identification/sanction of projects for funding from EBR. Only such projects which can be completed within the next five years (2015-20) should be considered for funding from EBR. The guidelines also specified that the projects, which have issues relating to land acquisition, forest and environmental clearance etc. should be considered after these issues are resolved. RB also from time to time specified the cut off rate of return (ROR) for

Proportionate for four years 2015-19 as against the limit of ₹1.5 lakh crore to be drawn in five years 2015-20

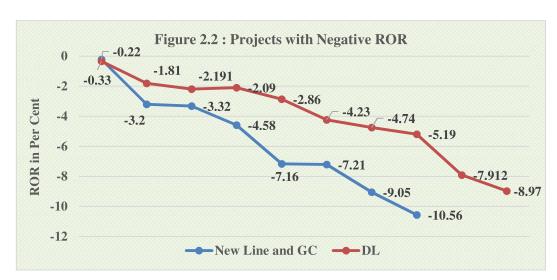
the projects and issued directions for EPC (Engineering, procurement and Construction) as the preferred mode of execution.

2.3.1 Selection of Unremunerative Projects

As per RB's letter (October 2011), for projects to be funded from EBR, the cut off rate of return (ROR) determining the financial remunerativeness of investment was 14 *per cent*. This was relaxed subsequently. In June 2016, RB specified that works like Gauge Conversion and Traffic facilities, having ROR greater than 12 *per cent* could be considered for funding from EBR. The cut off rate was further reduced to 10 *per cent* in October 2017.

Scrutiny of records revealed that:

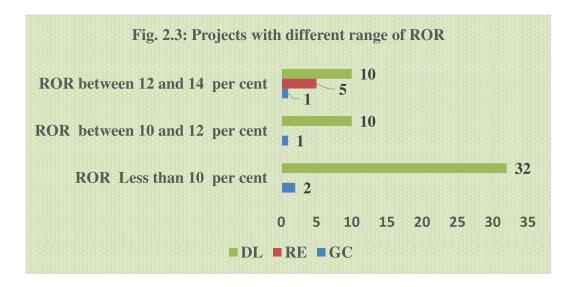
Against their own criteria, RB sanctioned 18 projects²⁷ with negative ROR for funding from EBR. The ROR ranged between -10.56 and - 0.22 as shown in **Figure 2.2** below:



An amount of ₹ 6,053 crore has already been incurred from EBR on these 18 projects. During 2015-19, four projects were complete and ₹ 15,009 crore is further required for completion of 14 works in progress.

Railway Board also sanctioned 61 projects for EBR funding where ROR though positive, was less than the periodically prescribed ROR as shown in the **Figure 2.3**:

²⁷ DL-10, NL-05 and GC-03



An expenditure of ₹ 9,869 crore was incurred from EBR on these 61 projects and 14 projects completed till March 2019. Further, an amount of ₹ 32,950 crore is required to complete 47 ongoing projects.

Thus, out of ₹ 64,416 crore, IR incurred an expenditure of ₹ 15,922 crore (24.72 *per cent*) from EBR on 79 projects having ROR less than the desired or negative.

2.3.2 Non-adoption of EPC mode of contracting

Engineering, Procurement and Construction (EPC) Contract carry out designs of project, procure equipment's and materials required as per the specifications and deliver the project within the specified period. Non-EPC projects are executed through more than one Lump-sum contracts. Unlike Lump-sum contract, EPC contract minimizes the owner's risks besides being more flexible and efficient delivery method. The client needs to deal with the single agency instead of multiple agencies as in Lump-sum contract projects.

In June 2016, RB instructed the ZRs that EPC mode of contracting is to be adopted for projects which are free of land acquisition issues, forest clearance etc. Scrutiny of records revealed the following:

During 2016-17, out of 39 DL only eight projects pertaining to seven ZRs²⁸ and RVNL were sanctioned by RB for execution through EPC mode. However, none of the eight projects was executed on EPC mode. The status of awarding of contracts for these projects as on 31 March 2019 is indicated in the **Table - 2.2**:

²⁸ WCR,SECR,SER,NWR,ECoR,ECR and CR

Table 2.2: Status of EPC tenders /Contracts

Sl.	. Zonal Name of work Status of Tender Reasons for				
No.	Railways	THE OF WOLK	/ Contract	Discharge/Termination	
1.	WCR	Bina – Katni (278 Km) 3rd line	EPC tender is under finalisation.	Not Applicable	
2.	SECR	Jharsuguda- Bilaspur (206 Km) 4th line	EPC Tender was Discharged in November 2018. Afterwards, six tenders were floated.	Tender Committee (TC) observed that in case of EPC contract, it is essential to take time bound decision/processing on various contractual issues. TC apprehended that Railway would have to pay damages to the EPC contractor and extension of time for delays on account of Railway during execution like providing site, approval of drawings, traffic blocks etc.	
3.	SER	Bondamunda- Ranchi (Hatia) (159 Km) Doubling	Non-EPC contract awarded.	SER Administration stated that the EPC mode was not considered on account of technical difficulties since the terrain is the most complicated and critical involving lot of uncertainties for success through EPC.	
4.	NWR	Phulera-Degana Doubling (108.75 Km)	EPC Contract (awarded in August 2017) was terminated and Non-EPC mode was adopted.	The contract was terminated in September 2018 due to slow progress of work.	
5.	ECoR	Bhadrak- Nergundi 3rd line	The tender for execution through EPC mode was discharged in January 2019 and	EPC Tender was discharged as the rate quoted by lowest bidder was high.	

			Non-EPC mode	
			was adopted.	
6.	ECR	Karaila road - Shakti nagar	Non-EPC mode	Reasons for non adoption of EPC mode are not available.
7.	CR	Itarsi-Nagpur 3rd line (280 Km)	EPC tender was discharged.	Due to incomplete assessment of project cost, non revision of estimated cost, procedural lapses for not creating a platform for a fair competition etc.
8.	RVNL (ECoR Jurisdiction)	Vizanagaram- SBP, 3 rd LINE 255 Km/264.60 Km.	EPC Contract was Terminated. Non- EPC mode was adopted subsequently.	terminated as the Contractor failed to submit Performance Security within the prescribed time limit. In the justification for adoption of Non-EPC mode of execution of works, Railway Administration recorded that EPC mode of contract is not congenial for Doubling /3rd Line project due to dependence on Open Line on issues such as block permission, approval of drawings/plan etc. They further recorded that any departmental delay would lead to huge penalties to be paid to contractor.

Reasons for discharge/termination of tender/contracts such as payment of damages to the EPC contractor for extension of time for delays in approval of drawings and providing sites, incomplete assessment of project cost, non-revision of estimated cost *etc*. are indicative of the lack of preparedness of IR in handling EPC projects.

During 2017-19, 27 projects were sanctioned for funding from EBR wherein land acquisition/forest clearance issues were not involved. These projects could have been taken up through EPC mode. IRs, however,

resorted to EPC mode of execution in respect of only three out of 27 projects²⁹, which are being executed by CORE.

2.3.3 EBR Funding on projects pending Land Acquisition

As per RB's guidelines, works involving land acquisition, forest and environmental clearance and related issues were to be funded from Capital (GBS³⁰). These works may be funded from EBR once the land acquisition, forest and environmental clearance issues are resolved.

Audit observed that RB identified/sanctioned 111 such projects (DL-92, NL-12, GC-6, WS-1) for funding from EBR during 2015-19. The physical progress of 77 out of 111 projects was less than 50 *per cent*. MoR incurred expenditure of ₹ 11,117 crore on these 111 projects. Physical progress of 111, ongoing projects as on 31 March 2019 is shown in the **Table 2.3 below:**

Table 2.3: Physical Progress of projects pending land acquisition					
Range of Physical Progress					
Up to 25 per cent	45	15	60		
26-50 per cent	09	08	17		
51-98 per cent	02	32	34		
TOTAL	56	55	111		

It may be seen that not a single project could be completed till March 2019. Out of 55 projects ongoing prior to EBR funding (2015-16), physical progress of 39³¹ projects was less than 80 *per cent* as on 31 March 2019. Going by the physical progress of these projects it is highly unlikely that these projects would be completed before March 2020 to fetch returns for debt servicing. MoR estimated requirement of ₹ 93,982 crore more funds as on 31 March 2019 for completion of the balance works of these 111 projects.

2.3.4 Funding of National Projects from EBR

Projects important from strategic points of view in Jammu and Kashmir and North East Region or developmental projects which result in greater integration of these regions with the rest of India were categorized as "National Projects".

During 2018-19, MoR projected additional requirement of ₹ 10,000 crore in the Revised Estimate. MoF, however, retained the GBS at Budget Estimate level of ₹53,060 crore. A proposal for funding of National Projects through market

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²⁹ *CORE-11, RVNL-5 and ZR-11*

³⁰ GBS stands for 'Gross Budgetary Support'

Out of 32 projects with physical progress ranging between 51 and 98 per cent, physical progress of 16 projects was between 51 and 80 per cent

borrowing and debt servicing through GBS was agreed to, in principle, by MoF and a Committee of officials from MoF and MoR was to work out the modalities for the same. In order to make good the shortfall, MoF allowed (**February 2019**) financing of national projects through EBR as a one-time measure in 2018-19. MoR raised and utilized ₹ 5,079 crore from market borrowings through IRFC for eight national projects. The modalities for debt servicing was, however, not finalized till March 2019. National Projects were out of the purview of funding from EBR as these projects were not financially remunerative. This had resulted in added burden on MoR on account of investment in these projects.

2.3.5 Irregular utilization of funds

EBR funds are to be utilized for priority works namely DL and RE to enhance line capacity on congested corridors. Projects which have been completed and only residual payments were remaining to be made were to be excluded.

In March 2015, RB clarified that no expenditure can be booked unless the funds are specifically available against the work/project. RB further stated that ordinary establishment expenditure should not be booked against EBR without any specific instructions in this regard. As per RB's instructions (June 2016), cost of land acquisition and charged expenditure are to be excluded for funding from EBR. Incurring expenditure on items not permitted as per RB's guidelines on EBR funding was irregular.

Scrutiny of records of ZRs revealed instances of irregular utilization of EBR funds as mentioned in the **Table 2.4**:

Table 2.4: Irregular utilization of EBR funds				
Zonal Railways	1			
CR,SR,SER and NWR	, I			
NER	Payment to Forest Department	0.45		
ER	Decretal Payment	0.12		
CR,SR,ECR, SCR,NCR and NER	Expenditure towards Residential Quarters/ Officers Rest House, Establishment Charges, Office Expenses etc.	349.80		
ER	Residual works in respect of three projects, which were already commissioned between 2006 and 2012	114.50		
NWR Improvement to Alwar station and its various infrastructure, salary of DSC/Jaipur, extension of Officers Rest House etc. were booked to Alwar – Bandikui doubling work		8.62		
	TOTAL	496.16		

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Further scrutiny revealed that MoR failed in exercising due diligence in identifying projects and booking expenditure from EBR as discussed below:

In February 2016, RB instructed that ZRs may utilise surplus EBR funds available in one project on another EBR funded project with the concurrence of FA&CAO to ensure optimum funds utilisation. Audit observed that non-permissible adjustments were made from EBR to Non-EBR allocations and vice-versa. Details are given in the **Table 2.5** below:

(₹in crore)

Table No. 2.5: Non-permissible adjustment of EBR		
Nature of Adjustment	Amount	Zone-wise breakup
EBR to Non EBR	51.68	(ER-12,NER-39.68)
Non EBR to EBR	129.04	(ER-120.61, NWR-8.43)

- In the 109th Report of the Public Accounts Committee (PAC) on "Accounting of Projects in Indian Railways", PAC expressed (December 2018) concern over non-drawal of project completion report. The Committee recommended that penal measures should be taken against the officers concerned. Audit observed that:
 - i. 37 projects (DL-33 and RE-04), which were physically complete prior to 2015-16, were sanctioned by RB for EBR funding. Completion Report of these projects were not drawn till March 2019. An expenditure of ₹784 crore was booked during 2015-19 on these projects from EBR funds. This expenditure was on account of residual works, contractual payments, establishment expenses etc. Indian Railways, however, estimated further requirement of ₹ 948 crore more funds for completing the residual works of these 37 projects.
 - ii. 15 projects, pertaining to eight Zonal Railways³² were sanctioned during 2015-19 for funding from EBR. These projects were dropped / proposed to be shelved midway. Out of total expenditure of ₹ 175 crore incurred on these projects, ₹ 86 crore was incurred from EBR. The reasons for dropping/proposing for shelving these projects were lack of tangible benefits, negative Rate of Return, change in policy/plan, ban on mining etc.

2.3.6 Ineffective Monitoring of EBR Funded Project

In terms of RB's instructions (June 2016), the physical and financial progress of EBR funded projects was to be monitored by the AMs Committee headed by AM

³² ER-5, NR-1, NCR-3, SCR-1, SER-1, SECR-1, SWR-2, WR-1

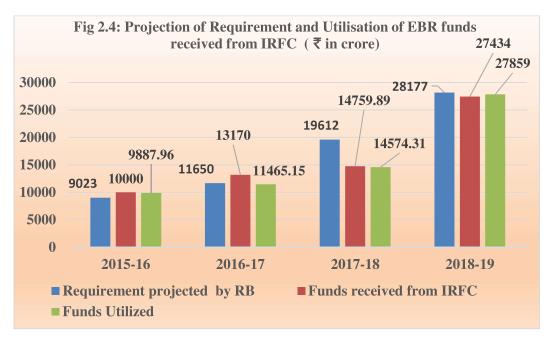
(Works). It was also instructed that the Committee would sign MoUs with the General Managers of Zonal Railways/CORE and heads of PSUs (Executing Agencies). The Committee was to draw up a project wise action plan with the Executing Agencies and also lay down the monitoring and reporting system for such projects.

AM's Committee met from time to time. On the basis of decisions taken by the Committee, Zonal railways were requested to provide certain details regarding month-wise targets, project-wise action plan, identification of slippages, if any, in execution of projects, targets for signing MoU.

Scrutiny of records, however, revealed that neither any MoU signed with the Executing Agencies nor any project wise action plan for completion of projects were drawn. Several Instructions followed by reminders did not evoke adequate response from the ZRs.

As per RB's instruction (October 2015), IRFC will raise funds periodically based on RB's requirement. RB reiterated its instruction to ZRs from time to time to send realistic quarterly projections in order to maintain efficient utilization of EBR funds and minimize interest burden of IR.

Projection of funds by MoR, funds provided by IRFC and funds utilised³³ during 2015-19 is given in the **Figure 2.4**:



Audit observed that the ZRs were not sending the quarterly requirement within the stipulated time making it difficult for RB to project realistic requirement of funds to IRFC. Out of ₹ 65,364 crore provided by IRFC, MoR could not utilize ₹ 948 crore³⁴ as on 31 March 2019 due to slow progress of works and unrealistic

As reported by Accounts Directorate of RB, the expenditure from EBR was shown as ₹ 63,786 crore as against ₹ 64,416 crore as shown by the Zonal Railways

³⁴ ₹ 65,364 crore provided by IRFC less utilization of ₹ 64,416 crore by MoR

projection of requirement of funds by the Zonal Railways. Under-utilisation of funds had resulted in avoidable accretion of interest liability for MoR.

Audit observed that only 127 (32 per cent) out of 395 EBR funded projects were completed till March 2019 due to lack of proper monitoring and control mechanisms. Review of performance of IR in executing 395 projects revealed the following:

2.3.6.1 Completed Projects

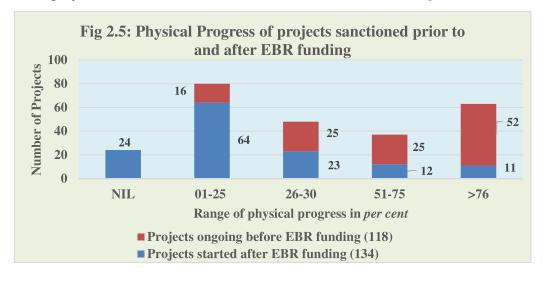
Audit reviewed the details of 127 projects completed during 2015-19. It was observed that majority of the works were either already completed by 2015-16 or involved very less amount of works:

- I. 37 projects were physically completed prior to introduction of EBR funding in 2015-16.
- II. Further, in respect of remaining 90 projects, physical progress of 41 projects (45.56 per cent) were more than 50 per cent prior to 2015-16.
 42 were minor doubling projects where length of doubling ranged between 2.2 Km to 50 Km only.

2.3.6.2 Ongoing Projects

In September 2015, RB emphasized that the financing from EBR should be considered only for such projects, which could be completed within the next five years. This implied that the projects identified and funded from EBR should be completed by 2019-20. During 2015-19, MoR incurred ₹ 48,536 crore on 268 projects in progress till March 2019.

Range of physical progress of 252 ongoing projects³⁵ is shown in the **Figure 2.5.** Analysis of physical progress of these projects revealed that the physical progress of 88 projects, which were started after 2015-16, was below 25 *per cent*.



Out of 268 ongoing projects, physical progress in respect of 16 projects not available

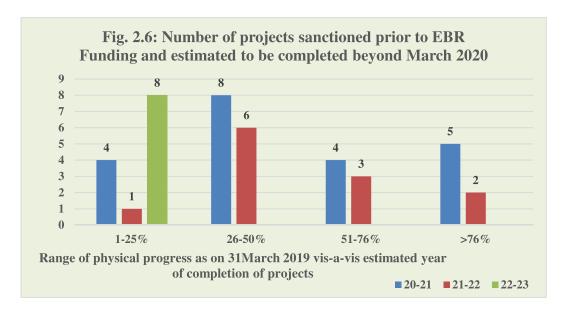
It also revealed that 118 projects were started prior to EBR funding (2015-16) and

were in progress as on 31 March 2019. In respect of these projects, there already is a delay ranging between 05 years and 25 years since the year of their sanction as shown in the **Table 2.6.**

Audit, further, observed that out of 118 projects ongoing prior to

Table 2.6: Ongoing projects sanctioned prior to EBR funding in 2015-16		
Year of sanction Total Number of		
Projects		
1994-2000	73	
2000-2005 26		
2005-2010 10		
2010-2015 09		
TOTAL 118		

EBR funding, 41 projects were targeted for completion beyond March 2020 by MoR as shown in the **Fig. 2.6**. This was against MoR's own guidelines that only such projects which can be completed by March 2020 should be considered for funding from EBR.



Thus, the slow progress of works not only resulted in time overrun but also cost overrun of ₹ 37,553 crore.

2.3.6.3 Status of Commissioning of Projects

The status of commissioning of projects funded from EBR during 2015-19 is shown in the **Table 2.7** below:

Table 2.7: Status of Commissioning of Projects

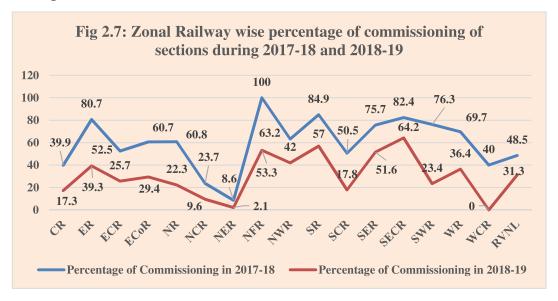
Year in which the	Total Track Length Length of track commission		commissioned
projects/sections	of projects/sections	in Km	in <i>per cent</i>
were sanctioned	sanctioned (in Km)		
2015-16	15771.28	1971.19	12.50
2016-17	3614.60	3	0.08
2017-18	3434.83	2170.99	63.20
2018-19	4134.83	1403.35	33.94

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From the table above, it may be seen that the performance of Indian Railways was far below the desired level. In 2016-17, the progress of commissioning was insignificant.

In February 2017, Chairman, Railway Board expressed concern over the slow progress of works and utilisation of EBR fund. All ZRs were, therefore, directed to critically review the pace of works and utilisation of EBR funds. In April 2017, RB communicated the targets (in terms of sections) for the year 2017-18.

Scrutiny of records revealed that none of the ZRs achieved the Railway Board's target during 2017-18 and 2018-19. Audit reviewed the zone-wise commissioning of projects/sections as against the target set during 2017-19, which is depicted in the **Figure 2.7**:



As can be seen from the figure above, compared with 2017-18, performance in terms of kilometer of track commissioned in 2018-19 has gone down in all the ZRs. Non-achievement of target for commissioning of track was indicative of inefficiency of IR in timely execution of project. The slow pace of commissioning not only have the adverse impact on revenue generation but also burdened IR with interest due to time and cost overrun.

2.4 Conclusion

Ministry of Railways (MOR) resorted to Extra Budgetary Resources for financing its projects from 2015-16. A sum of ₹ 1.5 lakh crore was to be raised from LIC through IRFC and utilized during the five year period 2015-20. Besides availability of funds, effective monitoring of physical and financial progress of projects was envisaged at the apex level (Railway Board).

Audit observed that the financing arrangement with LIC materialized partially due to regulatory constraints. Ministry of Railways (MoR) / IRFC recouped the shortfall by raising funds through market borrowings.

Review of identification and sanction of projects for funding from EBR and their execution revealed that financially unviable projects were sanctioned. Projects were sanctioned without taking into account the feasibility of completion within the target.

Monitoring mechanism as envisaged was not followed. Slow progress/non-completion of projects resulted in blockade of funds and therefore, the objective of generation of revenue or debt servicing could not be achieved.

The issues highlighted in this chapter were brought to the notice of the MoR on 2 April 2020 for obtaining their views. The response of the Ministry is awaited (June 2020).

2.5 Recommendations

- 1. Ministry of Railways needs to strengthen monitoring mechanism both at the Railway Board and Zonal Headquarters level for efficient execution of projects.
- 2. Ministry of Railways needs to ensure assessment of requirement of funds based on realistic and timely projections from Zonal Railways.
- 3. Ministry of Railways needs to ensure optimal and judicious utilisation of EBR funds.

New Delhi

Dated: 16 July 2020

(ROY MATHRANI)

My Methan:

Deputy Comptroller and Auditor General

Countersigned

New Delhi

Dated: 17 July 2020

(RAJIV MEHRISHI)

Comptroller and Auditor General of India