

## Introduction

## Functioning of State Public Sector Undertakings

### General

1. State Public Sector Undertakings (PSUs) consist of State Government Companies and Statutory Corporations. State PSUs are established to carry out activities of commercial nature keeping in view the welfare of people and occupy an important place in the State economy. As on 31 March 2018, there were 32 PSUs in Haryana, including two Statutory Corporations<sup>1</sup> and 30 Government Companies (including four<sup>2</sup> inactive<sup>3</sup> government companies) under the audit jurisdiction of the Comptroller & Auditor General of India. One<sup>4</sup> PSU was listed on the stock exchange. During the year one<sup>5</sup> PSU was dissolved.

2. The financial performance of the PSUs on the basis of latest finalised accounts as on 30 September 2018 is covered in this report. The nature of PSUs and the position of accounts are indicated in table below:

**Table 1: Nature of PSUs covered in the Report**

Nature of PSUs	Total Number	Number of PSUs of which accounts received during the reporting period				Number of PSUs of which accounts are in arrear (total accounts in arrear) as on 30 September 2018
		Accounts up to 2017-18	Accounts up to 2016-17	Accounts up to 2015-16	Total	
Working Government Companies	26	7	9	7	23	19(36)
Statutory Corporations	2	0	2	0	2	2(2)
<b>Total working PSUs</b>	<b>28</b>	<b>7</b>	<b>11</b>	<b>7</b>	<b>25</b>	<b>21(38)</b>
Inactive Government Companies	4	0	2	0	2	2(2)
<b>Total</b>	<b>32</b>	<b>7</b>	<b>13</b>	<b>7</b>	<b>27</b>	<b>23(40)</b>

The working PSUs registered an annual turnover of ₹ 38,935.22 crore as per their latest finalised accounts as on 30 September 2018. This turnover was equal to 6.40 per cent of State Gross Domestic Product for the year 2017-18 (₹ 6,08,470.73 crore). The working PSUs earned profit of ₹ 921.58 crore as per their latest finalised accounts. As on March 2018, the State PSUs had employed around 26,410 employees.

<sup>1</sup> Haryana State Warehousing Corporation and Haryana Financial Corporation.

<sup>2</sup> Haryana Concast Limited, Haryana State Housing Finance Corporation Limited, Haryana State Minor Irrigation and Tubewells Corporation Limited and Haryana Minerals Limited.

<sup>3</sup> Inactive PSUs are those which have ceased to carry out their operations.

<sup>4</sup> Haryana Financial Corporation.

<sup>5</sup> Yamuna Coal Company Private Limited.

There are four inactive PSUs having an investment of ₹ 22.65 crore towards capital (₹ 17.98 crore) and long term loans (₹ 4.67 crore). The liquidation process of two PSUs<sup>6</sup> had commenced 14 and 19 years ago. This is a critical area as the investments in inactive PSUs do not contribute to the economic growth of the State.

### **Accountability framework**

3. The procedures for audit of Government companies are laid down in Sections 139 and 143 of the Companies Act, 2013 (Act 2013). According to Section 2 (45) of the Act 2013, a Government Company means any company in which not less than fifty one *per cent* of the paid-up share capital is held by the Central Government or by any State Government or Governments or partly by the Central Government and partly by one or more State Governments, and includes a company which is a subsidiary company of such a Government Company. Comptroller & Auditor General of India (CAG) appoints the statutory auditors of a Government Company and Government controlled other Company under Section 139 (5) and (7) of the Companies Act, 2013. Section 139 (5) of the Companies Act, 2013 provides that the statutory auditors in case of a Government Company or Government controlled other Company are to be appointed by the CAG within a period of one hundred and eighty days from the commencement of the financial year. Section 139 (7) of the Companies Act, 2013 provides that in case of a Government Company or Government Controlled other Company, the first auditor is to be appointed by the CAG within sixty days from the date of registration of the company and in case CAG does not appoint such auditor within the said period, the Board of Directors of the Company or the members of the Company have to appoint such auditor.

Further, as per sub-section 7 of Section 143 of the Act 2013, the Comptroller and Auditor General of India (CAG) may, in case of any company covered under sub-section (5) or sub-section (7) of Section 139, if considered necessary, by an order, cause test audit to be conducted of the accounts of such Company and the provisions of Section 19A of the Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971 shall apply to the report of such test Audit. Thus, a Government Company or any other Company owned or controlled, directly or indirectly, by the Central Government or by any State Government or Governments or partly by Central Government and partly by one or more State Governments is subject to audit by the CAG. An audit of the financial statements of a Company in respect of the financial years that commenced on or before 31 March 2014 shall continue to be governed by the provisions of the Companies Act, 1956.

### **Statutory audit**

4. The financial statements of the Government Companies (as defined in Section 2 (45) of the Act 2013) are audited by Statutory Auditors, who are appointed by the CAG as per the provisions of Section 139(5) or (7) of the Act 2013. The Statutory Auditors submit a copy of the Audit Report to the CAG including, among other things, financial statements of the Company under

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<sup>6</sup> Haryana Concast Limited and Haryana State Housing Finance Corporation Limited.

Section 143(5) of the Act 2013. These financial statements are also subject to supplementary audit by the CAG within sixty days from the date of receipt of the audit report under the provisions of Section 143 (6) of the Act 2013. Audit of Statutory Corporations is governed by their respective legislations. In respect of Haryana State Warehousing Corporation and Haryana Financial Corporation, the audit is conducted by Chartered Accountants and supplementary audit is conducted by the CAG.

### **Submission of accounts by PSUs**

#### ***Need for timely finalisation and submission of accounts***

5. According to Section 394 and 395 of the Companies Act 2013, Annual Report on the working and affairs of a Government Company, is to be prepared within three months of its Annual General Meeting (AGM) and as soon as may be after such preparation laid before the Houses or both the Houses of State Legislature together with a copy of the Audit Report and any comments upon or supplement to the Audit Report, made by the CAG. Almost similar provisions exist in the respective Acts regulating statutory corporations. This mechanism provides the necessary legislative control over the utilisation of public funds invested in the companies from the Consolidated Fund of the State. Section 96 of the Companies Act, 2013 requires every company to hold AGM of the shareholders once in every calendar year. It is also stated that not more than 15 months shall elapse between the date of one AGM and that of the next.

Further, Section 129 of the Companies Act, 2013 stipulates that the audited Financial Statement for the financial year has to be placed in the said AGM for their consideration. Section 129 (7) of the Companies Act, 2013 provides for levy of penalty like fine and imprisonment on the persons including directors of the company responsible for non-compliance with the provisions of Section 129 of the Companies Act, 2013.

#### ***Role of Government and Legislature***

6. The State Government exercises control over the affairs of these PSUs through its administrative departments. The Chief Executive and Directors to the Board are appointed by the State Government.

The State Legislature also monitors the accounting and utilisation of Government investment in the PSUs. For this, the Annual Reports together with the Statutory Auditors' Reports and comments of the CAG, in respect of State Government Companies and Separate Audit Reports in case of Statutory Corporations are to be placed before the State Legislature under Section 394 of the Act 2013 or as stipulated in the respective Acts. The Audit Reports of the CAG are submitted to the Government under Section 19A of the CAG's (Duties, Powers and Conditions of Service) Act, 1971.

**Investment by Government of Haryana in State PSUs**

7. The Government of Haryana (GoH) has high financial stakes in the PSUs. This is mainly of three types:

- **Share capital and loans** – In addition to the share capital contribution, GoH also provides financial assistance by way of loans to the PSUs from time to time.
- **Special financial support** – GoH provides budgetary support by way of grants and subsidies to the PSUs as and when required.
- **Guarantees** – GoH also guarantees the repayment of loans with interest availed by the PSUs from Financial Institutions.

8. The sector-wise summary of GoH investment in the PSUs as on 31 March 2018 is given below:

**Table 2: Sector-wise investment in PSUs**

Name of sector	Government Companies		Statutory Corporations		Total	Investment <sup>7</sup> (₹ in crore)		Total
	Working	Inactive	Working	Inactive		Equity	Long term loans	
Power	5	0	0	0	5	16,001.00	6,331.83	22,332.83
Finance	3	1	1	0	5	286.53	0.00	286.53
Service	10	0	0	0	10	53.13	0.00	53.13
Infrastructure	4	1	0	0	5	202.87	0.00	202.87
Others	4	2	1	0	7	20.67	2.37	23.04
<b>Total</b>	<b>26</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>32</b>	<b>16,564.20</b>	<b>6,334.20</b>	<b>22,898.40</b>

Source: Compilation based on information received from PSUs.

The thrust of PSU investment by the Government was mainly on power sector during the last five years. The power sector received government investments of ₹ 22,332.83 crore (97.53 per cent) out of total investment of ₹ 22,898.40 crore.

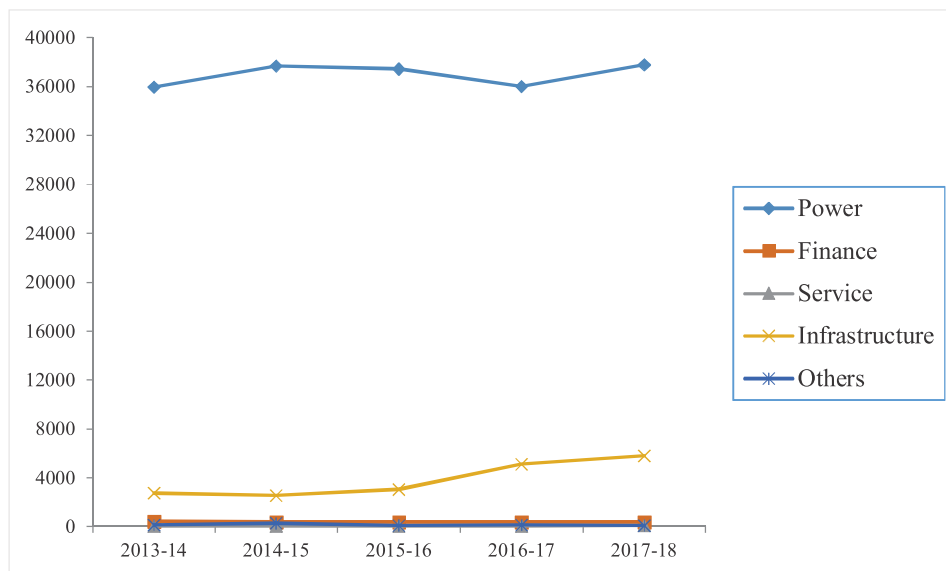
However, the total investment in various sectors during the period from

<sup>7</sup> Investments include equity and long term loans

2013-14 to 2017-18 is shown in chart below:

**Chart 1: Sector-wise investment in PSUs**

(Figures in ₹ Crore)



Keeping in view the high level of investment in Power Sector, we are presenting the results of audit of five Power Sector PSUs in Part I<sup>8</sup> of this report and of the 27 PSUs (other than power sector) in the Part II<sup>9</sup> of this Report.

<sup>8</sup> The Part I includes Chapter-I (Functioning of Power Sector Undertakings), Chapter-II (Performance Audit relating to Power Sector Undertaking) and Chapter-III (Transaction audit observations relating to Power Sector Undertakings).

<sup>9</sup> The Part II includes Chapter-IV (Functioning of PSUs other than Power Sector) and Chapter-V (Transaction audit observations relating to PSUs other than Power Sector).