

**Notification for Training Partners/Project Implementing Agencies/Special Project Implementing Agencies (TPs/PIAs/SPIAs) regarding Appeal Process against Internal Monitoring Committee decision**

Date: 16<sup>th</sup> March 2021

Dear TPs/PIAs/SPIAs,

National Skill Development Corporation (“NSDC”) has set up an “Appeal Process” to address the requests NSDC and Ministry of Skill Development and Entrepreneurship (“MSDE”) receives from **Training Partners/Project Implementing Agencies/Special Project Implementing Agencies** (TPs/PIAs/SPIAs) to appeal against the decisions taken by the Internal Monitoring Committee (“IMC”) against their respective TCs/Locations as per the PMKVY Monitoring penalty grid.

This is intended to lay out a transparent process for TPs/PIAs/SPIAs seeking to appeal against the IMC’s decision. The IMC Appeals process as laid out below has been approved by the PMKVY Steering Committee.

**Process for filing an Appeal**

**TP intending to make an appeal against the decision of IMC shall necessarily follow the below mentioned steps:**

- Appeals, if any, must be submitted to [appeals@nsdcindia.org](mailto:appeals@nsdcindia.org) by the registered email ID of the SPOC of the concerned TP within 15 days of receiving the decision of IMC. Appeals raised after the expiry of these 15 days, shall be accepted only after they have been approved by CEO of NSDC or the Joint Secretary or any other equivalent officer at MSDE.
- In the email communication, the TP must mention the following:
  - i. Date of IMC decision.
  - ii. Decision taken by the IMC (in brief).
  - iii. Grounds on which the TP is challenging the IMC decision.
  - iv. Prayer/specific request/relief sought from the NSDC Appeal Committee.
- **The email communication shall be deemed invalid unless all the points (i) to (iv) mentioned above have been expressly communicated by the TP.**
- Please note that no additional/new evidence/s will be accepted at the appeal stage beyond the evidence already provided by the TP as a response to the ‘Show Cause Notice’ (SCN), issued by the Monitoring Team.
- The TP will receive an acknowledgement email (auto-reply) confirming the receipt of the appeal and the same mail will have a link to deposit the appeal fee.
- The TP shall deposit an Appeal fee of Rupees Twenty Thousand only (INR 20,000) for each TC appeal for which the review is sought.
- After depositing the fee, the TP must send the Receipt/payment reference number along with the date of payment to [appeals@nsdcindia.org](mailto:appeals@nsdcindia.org)

**Appeal process carried out within NSDC**

**NSDC will follow the below process after receiving the Appeal application as explained below:**

- After a payment is received, the 'NSDC Appeals committee' (NAC) chairman will nominate an IMC member (relevant to the appeal) for preparing the appeal case.
- Monitoring team will provide the case details along with IMC minutes pertaining to the case to the nominated IMC member.
- IMC member will analyze and prepare the case (may communicate with aggrieved TP for any clarifications) to be presented to the 'NAC.
- NAC Chairman in consultation with nominated IMC member may invite the TP to seek further clarification.
- The case shall be presented to the committee by the above nominated IMC member. IMC member while presenting the case, shall highlight any fact that has been disregarded/omitted by IMC while taking the decision.
- After due deliberations of the case, the NAC may take the final decision of the appeal which may be any of the following:
  - i. Retain IMC decision.
  - ii. Revise the penalty imposed by IMC.
  - iii. Reject IMC decision.
- The decision of the Appeals committee will be communicated accordingly to the TP (sent from [appeals@nsdcindia.org](mailto:appeals@nsdcindia.org)). The decision will be sent to the operations and finance team members with consequent action decided by NAC.
- The decision of the NAC will be communicated to the TP once the final decision is taken.
- The final decision made by NAC will be binding on the TPs and all its TCs and no further request for Appeal will be entertained.
- Appeal fee reimbursement as per NAC decision
  - i. Retain IMC decision: In this scenario, no fee will be reimbursed back to the TP.
  - ii. Revise the penalty imposed by IMC: In this scenario, 25% of fee collected at the time of accepting the appeal will be reimbursed back to the TP.
  - iii. Reject IMC decision: In this scenario, 50% of fee collected at the time of accepting the appeal will be reimbursed back to the TP.

**Note: The IMC Appeals process will be applicable to the TCs upon which action has been taken from the date of publishing of the Notice on the PMKVY Website.**