

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1923 of 2021

In the matter of:

Petition under Section 63 read with Section 86 (1) (b) of the Electricity Act, 2003 for adoption of tariff discovered under Competitive Bidding Process for procurement of power from Grid connected Solar PV projects in Gujarat through RfS No. GUVNL / 500 MW / Solar (Phase XI) dated 28.09.2020.

Petitioner : Gujarat Urja Vikas Nigam Limited
Sardar Patel Vidyut Bhavan, Race Course Circle,
Vadodara 390 007.

Represented by : Ms. Sailaja Vachhrajani with Shri Parthik Joshi and Shri
Kandarp Mistry

CORAM:

**Shri Anand Kumar, Chairman
Shri Mehul M. Gandhi, Member
Shri S. R. Pandey, Member**

Date: 08.01.2021

ORDER

1. The present Petition has been filed by M/s Gujarat Urja Vikas Nigam Limited (GUVNL), with the prayer of seeking adoption of the tariff discovered by the Petitioner in the procurement process conducted by the Petitioner through RfS No. GUVNL/500 MW/ Solar (Phase-XI) dated 28.09.2020 for procurement of power from Grid connected Solar PV projects in Gujarat within the time duration stipulated by Hon'ble Ministry of Power (MoP) under the guidelines upto 25.09.2020.
2. Facts mentioned in the Petition are detailed below:
 - 2.1. Government of Gujarat notified Gujarat Electricity Industry (Reorganization and Regulation) Act, 2003 in May, 2003 for reorganization of the entire power sector

in the State of Gujarat. Pursuant to this the Gujarat Electricity Industry Reorganization and Comprehensive Transfer Scheme, 2003 notified under the Gujarat Electricity Industry (Reorganization and Regulation) Act, 2003, erstwhile Gujarat Electricity Board was reorganized and its functions have been vested in different entities.

- 2.2. The activities of Generation, Transmission, Distribution, Bulk power purchase and supply undertaken by erstwhile Gujarat Electricity Board have been entrusted to separate seven functional entities. The generation activity is assigned to Gujarat State Electricity Corporation Limited (GSECL), transmission activity is assigned to Gujarat Energy Transmission Corporation Limited (GETCO), and the distribution activity is assigned to four distribution companies viz. Uttar Gujarat Vij Company Limited (UGVCL), Madhya Gujarat Vij Company Limited (MGVCL), Dakshin Gujarat Vij Company Limited (DGVCL) and Paschim Gujarat Vij Company Limited (PGVCL). Further, the function of bulk purchase and bulk sale of power is assigned to the Petitioner, Gujarat Urja Vikas Nigam Limited, as per the re-organization scheme.
- 2.3. Distribution companies are mandated to procure power from Renewable Energy Sources as per the provisions of Section 86(1)(e) of the Electricity Act, 2003 and in terms of the GERC (Procurement of Energy from Renewable Energy Sources) Regulations, 2010 as amended from time to time.
- 2.4. The Petitioner on behalf of its four Distribution companies has been entering into Power Purchase Agreements amongst others with various Renewable Energy Generators for procurement of power from time to time.
- 2.5. Section 63 of the Electricity Act, 2003 provides that the Appropriate Commission shall adopt the tariff if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government.
- 2.6. Ministry of Power (MoP), on 03.08.2017, has notified the “Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects”. However, Standard Bidding Documents are

yet to be published by MoP, Government of India. Section 3.1.1 of the said Guidelines provide following conditions be met by procurer:

- a) *Prepare the bid documents in accordance with these Guidelines and Standard Bidding Documents (SBDs) [consisting of Model Request for Selection (RfS) Document, Model Power Purchase Agreement and Model Power Sale Agreement], notified by the Central Government, except as provided in sub clause (c) below.*
- b) *Inform the Appropriate Commission about the initiation of the bidding process.*
- c) *Seek approval of the Appropriate Commission for deviations, if any, in the draft RfS draft PPA, draft PSA (if applicable) from these Guidelines and/ or SBDs, in accordance with the process described in Clause 18 of these Guidelines.*
 - i. *"However, till the time the SBDs are notified by the Central Government, for purpose of clarity, if the Procurer while preparing the draft RfS, draft PPA, draft PSA and other Project agreements provides detailed provisions that are consistent with the Guidelines, such detailing will not be considered as deviations from these Guidelines even though such details are not provided in the Guidelines.*
 - ii. *Further, in case of an ongoing bidding process, if the bids have already been submitted by bidders prior to the notification of these Guidelines and/or SBDs, then if there are any deviations between these Guidelines and/or the SBDs and the proposed RfS, PPA, PSA (if applicable), the RfS, PPA and the PSA shall prevail."*

2.7. The above referred Guidelines dated 03.08.2017 issued by MoP have been amended from time to time on 14.06.2018, 03.01.2019, 09.07.2019, 22.10.2019 and lastly on 25.09.2020.

2.8. As per the amendment vide Resolution dated 22.10.2019 (notified on 23.10.2019) in the Guidelines, various provisions relating to adoption of tariff by Appropriate Commission have been modified and relevant provisions of the same are as under.

"Clause 10.4 – "Subject to provisions of the Act, the distribution licensee or the Intermediary Procurer, as the case may be, shall approach the Appropriate Commission for adoption of tariffs by the Appropriate Commission in terms of Section 63 of the Act. In case, the Appropriate Commission does not decide upon the same within sixty days of such submission, the tariffs shall be deemed to be have been adopted by the Appropriate Commission".

Clause 12 (c) – "It is presumed that in terms of Clause 10.4 of these Guidelines, the tariff will be adopted by the Appropriate Commission within 60 days of such submission. However, notwithstanding anything contained in these Guidelines, any

delay in adoption of tariff by the Appropriate Commission, beyond 60 (sixty) days, shall entail a corresponding extension in financial closure.”

Clause 14 (iii) “It is presumed that in terms of Clause 10.4 of these Guidelines, the tariff will be adopted by the Appropriate Commission within 60 days of such submission. However, notwithstanding anything contained in these Guidelines, any delay in adoption of tariff by the Appropriate Commission, beyond 60 (sixty) days, shall entail a corresponding extension in scheduled commissioning date.”

- 2.9. The Petitioner on behalf of its four subsidiary Distribution companies initiated the tendering process for procurement of 500 MW grid connected power from Solar PV projects through competitive bidding (followed by e-reverse auction) vide RfS No. GUVNL/500 MW/Solar (Phase XI) dated 28.09.2020 under intimation to the Commission vide letter dated 25.09.2020. The Petitioner had also published a public notice dated 29.09.2020 of ‘Notice Inviting Tender’ in two national newspapers regarding this tender and the Tender/Bid Documents viz. RfS and PPA including addendums were hosted on the website of GUVNL for information as well as on e-bidding portal for downloading the official copy of the Tender Documents for participation in bidding procedure including e-reverse auction. Further, the Petitioner also held a Pre-Bid Meeting through video conference on 13.10.2020, wherein key bid parameters, provisions of bid documents & timelines were discussed. Further, during the meeting, the Petitioner addressed the queries raised by the Prospective Bidders prior to pre-bid meeting as well as during the pre-bid meeting. The minutes of pre-bid meeting were also issued and hosted on websites of GUVNL and on e-bidding portal. The copy of Notice Inviting Tender with relevant extract of newspapers, Bid Documents including addendums are filed with the Petition.
- 2.10. The last date of bid submission in the tendering process initially was 28.10.2020 and the same was extended upto 25.11.2020 and finally upto 10.12.2020. The Technical Bid Opening was held on 11.12.2020 in presence of the Bid Evaluation Committee. The report of the Bid Evaluation Committee is also filed with the Petition. The Petitioner had received online bids from 17 bidders offering aggregate capacity of 3455 MW which were technically qualified.
- 2.11. The 17 bidders who had submitted bids were technically qualified as per the Bid Evaluation Committee and in accordance with the said report, the Financial Bids

of 17 bidders were opened on 19.12.2020 on e-bidding portal in presence of the Bid Evaluation Committee.

2.12. As per terms and conditions of tender, 12 bidders with aggregate capacity of 2440 MW could qualify for e-reverse auction and GUVNL had conducted e-reverse auction. Accordingly, the Petitioner conducted e-reverse auction for allocating 500 MW capacity from amongst 2440 MW capacity out of 3455 MW for which the bids were received.

2.13. The e-auction report generated at the TCIL's portal is also filed with the Petition. Following prices were discovered at the closure of e-reverse auction held on TCIL's portal:

Sr. No.	Name of the Company	Rs./Unit	Quoted Capacity (MW)	Allocated Capacity (MW)
1	M/s. NTPC Limited	1.99	200	200
2	M/s. Torrent Power Limited	1.99	100	100
3	M/s. Aljomaih Energy and Water Co.	1.99	80	80
4	M/s. Aditya Birla Renewables Limited	1.99	140	120
	Total		520	500

2.14. The Petitioner has issued Letter of Award (LoA) on 01.01.2021 to the bidders mentioned in above table at the corresponding rates quoted by them and allocated capacity. In case of M/s Aditya Birla Renewables Limited, there is a partial capacity allocation of 120 MW as against their quoted capacity of 140 MW. As per terms and conditions of tender, the PPAs are to be signed with above successful bidders within 30 days from issuance of LOA.

2.15. In view of the above and in accordance with the Ministry of Power Guidelines and in accordance with Section 63 read with Section 86 (1) (b) of the Electricity Act 2003, the Petitioner has filed the present Petition for adoption of tariff discovered by the Petitioner in Competitive Bidding Process conducted through RfS No. GUVNL/ 500 MW/Solar (Phase-XI) dated 28.09.2020 for procurement of power from Grid connected Solar PV projects in Gujarat.

3. The matter was kept for hearing on 08.01.2021 through Video Conferencing, physical presence being not insisted on account of prevailing COVID 19 pandemic and containing its spread.
4. Ms. Sailaja Vachhrajani, on behalf of the Petitioner, reiterated the submissions as stated in para 2 above.
 - 4.1. On a query of Commission, that why the date of tendering process was extended two times from 28.10.2020 to 25.11.2020 and 10.12.2020, she submitted that due to Covid 19 pandemic in the country, requests were received from the bidders for extension of bid submission and that was allowed by the Petitioner to facilitate the bidders and create competition amongst the bidders. As a result of extension in bid submission dates the Petitioner received 17 bids who are qualified in technical evaluation and 12 bidders were qualified for e-reverse auction. As a result of competition amongst 12 bidders, the lowest tariff for the supply of energy at the rate of Rs. 1.99 per unit was discovered in the aforesaid bid, which is lowest at present in the country.
 - 4.2. On a query from the Commission that, what is the SCOD of the projects selected in this bid, she submitted that as per the bid documents the successful bidders are required to set up the projects and commission within 18 months from the date of signing of the PPA. Accordingly, the SCOD of the projects may be upto July 2022 with consideration of signing of the PPA upto 30.01.2021.
 - 4.3. On a query from the Commission that with consideration of the energy available from the present bidding of solar projects what is the anticipated RPO compliance by the Petitioner and what is its future plan for procurement of renewable energy for fulfilment of RPO. In response to above query, she submitted that the Petitioner may comply with the RPO percentage specified by the Commission with consideration of the availability of renewable energy from the renewable projects with whom the Petitioner signed the PPAs including the successful bidders of the present bids and the projects which will be commissioned at Khavda, Dist. Kutchh Solar park inaugurated by the Hon'ble Prime Minister and the solar projects set up under Distributed RE generation project set up near by the sub-stations. She

further submitted that the Petitioner is evaluating to come out with other similar bids, if necessary.

5. We have considered the submissions made by the Petitioner. The Petitioner has filed the present Petition under Section 63 read with Section 86(1)(b) of the Electricity Act, 2003 and Clause 8.6 of the Guidelines for procurement of Solar Power through competitive bidding notified by Ministry of Power, Government of India dated 03.08.2017. The Petitioner has sought the approval of the Commission for adoption of discovered tariff of Rs. 1.99 per unit quoted by successful bidders of bid No. RfS No. GUVNL/500 MW/Solar (Phase IX) dated 28.09.2020, as stated in para 2.13 above.

- 5.1. The Petitioner is purchasing power in bulk for and on behalf of four Distribution Licensees, namely, DGVCL, MGVCL, PGVCL and UGVCL. The Petitioner also procures the renewable power by entering into agreements with the developers for its four Distribution Licensees towards fulfilment of their RPO as specified by the Commission in the GERC (Procurement of Energy from Renewable Energy Sources) (Second Amendment) Regulations, 2018. In the said Regulations, the Commission has stipulated the RPO requirement of Distribution Licensees till FY 2021-22 as under:

Year	Minimum Quantum of purchase (in %) from renewable energy sources (in terms of energy in kWh)			
	Wind (%)	Solar (%)	Others (Biomass, Bagasse, Hydro and MSW) (%)	Total (%)
(1)	(2)	(3)	(4)	(5)
2018-19	7.95	4.25	0.50	12.70
2019-20	8.05	5.50	0.75	14.30
2020-21	8.15	6.75	0.75	15.65
2021-22	8.25	8.00	0.75	17.00

From the above table it is apparent that the Petitioner is required to procure substantial quantum of solar power, since the Commission has increased the Solar RPO in view of the requirement stipulated by the Government of India. Accordingly, in order to meet the Solar RPO target, the Petitioner had initiated the competitive bidding for procurement of power from the Solar PV Projects to be set up at 500 MW in Gujarat through RFS dated 28.09.2020.

- 5.2. The Petitioner has sought the Commission's approval under Section 63 read with Section 86(1)(b) of the Electricity Act. It is, therefore, necessary to refer these Sections as reproduced below:

"Section 63:

Notwithstanding anything contained in section 62, the Appropriate Commission shall adopt the tariff if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government;"

As per above Section, whenever competitive bidding is conducted under Section 63 of the Electricity Act, 2003 in accordance with the guidelines issued by the Central Government, the tariff discovered under such bidding has to be adopted by the Commission.

"Section 86(1) The State Commission shall discharge the following functions, namely: -----

(b) regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State."

As per the aforesaid provision, the Commission has to regulate the power procurement of the Distribution Licensees, including the procurement process, the price at which electricity shall be purchased from the generating company or the Licensees or through other sources through agreement for purchase of power for distribution and supply within the State.

- 5.3. Thus, it is apparent from the aforesaid provisions that the Petition filed by the Petitioner is within the purview of the Commission's jurisdiction and in terms of the powers vested by the Electricity Act, 2003 and Regulations framed thereunder, the Commission decides to admit the said Petition.

- 5.4. It is observed that the Petitioner started the competitive bidding process (followed by e-reverse auction) as per Section 63 of the Electricity Act vide RfS No. GUVNL/500 MW/Solar (Phase XI) dated 28.09.2020 for procurement of 500 MW from the Grid connected Solar PV based Power projects to be set up in Gujarat under intimation to the Commission vide letter dated 25.09.2020. The Petitioner gave wide publicity to the said tender by publishing a notice in two National newspapers having wide circulation to seek wide participation from the participating bidders. The Petitioner also hosted the Bid Documents & Addendums on its website as well as on the e-bidding portal. Further, the Petitioner also held a Pre-Bid Meeting on 13.10.2020, wherein presentation covering key bid parameters, provisions of bid documents & timelines was made and the queries raised by the Prospective Bidders were addressed by the Petitioner for which minutes were also issued and hosted on the websites of GUVNL and on e-bidding portal. The last date of bid submission in the tendering process was 28.10.2020 and the same was extended upto 25.11.2020 and finally up to 10.12.2020.
- 5.5. We note that the Petitioner received 17 bids and the technical bid opening was held on 13.10.2020 in the presence of Bid Evaluation Committee consisting of following officials:

Sr. No.	Name	Designation
1	Shri K P Jangid	General Manager, Commerce
2	Smt. Sailaja Vachhrajani	General Manager, IPP
3	Shri Parthiv Bhatt	Company Secretary, GUVNL
4	Shri J. N. Pancholi	Chief Finance Manager, F&A

- 5.6. It is observed that 17 bids were received offering 3455 MW capacity against the tendered capacity of 500 MW. These bids were evaluated by the Bid Evaluation Committee and the technical evaluation report prepared and signed by the Members of the Committee and submitted with the Petition is reproduced below:

***“TECHNICAL BID EVALUATION REPORT
RFS NO. GUVNL / 500 MW / SOLAR (PHASE XI) DATED 28.09.2020
TENDER FOR 500 MW SOLAR POWER FROM NON-PARK BASED PROJECTS
18TH DECEMBER, 2020***

1. Background

Gujarat Urja Vikas Nigam Limited (GUVNL) intends to procure 500 MW Solar Power from Non-park based projects through competitive bidding process (conducted through

electronically facilitated online web based portal followed by reverse auction) as notified via RfS No. GUVNL / 500 MW / Solar (Phase XI) dated 28.09.2020. The RfS was floated on 28.09.2020. The last date for submission of bids in the above tender was 10.12.2020. GUVNL had constituted a committee for evaluation of the bids (Evaluation Committee), consisting of the following members:

Sr. No.	Name	Designation
1.	Shri K P Jangid	General Manager, Commerce
2.	Smt. Sailaja Vachhrajani	General Manager, IPP
3.	Shri Parthiv Bhatt	Company Secretary, GUVNL
4.	Shri J N Pancholi	Chief Finance Manager (F&A)

This report outlines the responses of all the bidders in respect of Non-Financial (technical) bid evaluation and recommendations of committee.

2. Details of Tender

RfS Reference No.	RfS No. GUVNL / 500 MW / Solar (Phase XI) dated 28.09.2020.
Capacity	Total 500 MW Solar Projects to be developed
Minimum Bid Capacity	25 MW
Term of PPA	25 years from S.C.O.D.
Technology	Commercially established Solar Photovoltaic technology

3. Response to RFS

The technical bid opening event was convened on 11.12.2020. A total of 17 (Seventeen) responses for aggregate capacity of 3455 MW received by GUVNL were opened. The list of the bidders and the capacity offered is as below.

SN	Bidder	MW
1	Vector Green Energy Pvt Ltd	130
2	Avaada Energy Pvt Ltd	200
3	Juniper Green Energy Pvt Ltd	280
4	ReNew Solar Power Pvt Ltd	90
5	NTPC Ltd	200
6	Sprng Natural Power Source Pvt Ltd	200
7	AMP Energy Green India Pvt Ltd	40
8	Aditya Birla Renewables Ltd	140
9	Torrent Power Ltd	100
10	SJVN Ltd	500
11	Taletutayi Solar Projects Nine Pvt Ltd	100
12	Aljomaih Energy and Water Co.	80
13	Ayana Renewable Power Four Pvt Ltd	400
14	Mahan Energy Ltd	75
15	TP SAURYA Ltd	440
16	Calpaine Subsico Solar Energy Pvt Ltd	80
17	Adani Renewable Energy Holding Fifteen Ltd	400
	Total	3455

4. Principles of Evaluation

The approach to evaluation has been that all the bidders who qualify under the terms specified in the bidding documents, the financial bid of such qualified bidders shall be opened. Also, in case of a perceived non-responsiveness, clarifications are to be sought from the concerned bidders.

Following conditions relating to qualification requirements have been specified in the RFS documents –

Net worth:

- i) The Net-Worth of the Bidder or its Affiliate or Parent / Ultimate Parent as on date of financial year ending 31.03.2020 or 31.03.2019 or 31.12.2019 or as on latest available date as the case may be, shall not be less than INR 0.80 Crores per MW (of the capacity quoted).*
- ii) The net worth to be considered for the above purpose will be the cumulative net-worth of the bidding company or consortium together with the networth of those Affiliates of the bidder(s) that undertake to contribute the required equity funding and performance bank guarantees in case the bidder(s) fail to do so in accordance with the RfS.*
- iii) For avoidance of doubt, “net worth” as per section 2 (57) of the Companies Act 2013 means the aggregate value of the paid-up share capital and all reserves created out of the profits and securities premium account, after deducting the aggregate value of the accumulated losses, deferred expenditure and miscellaneous expenditure not written off, as per the audited balance sheet, but does not include reserves created out of revaluation of assets, write-back of depreciation and amalgamation.*
- iv) For meeting the above financial eligibility criteria, if data is provided by the Bidder in USD / SAR, equivalent rupees of Net Worth and other financial parameters will be calculated by Bidder using Reserve Bank of India’s reference rates prevailing on the date of closing of accounts for the respective financial year.*
- v) Pursuant to evaluation of Net Worth Criteria as part of technical bid, if it is found by GUVNL that the Bidder is eligible for lesser quantum than the quantum for which bid has been submitted, then the Bidder shall be qualified for such lesser quantum, provided that such quantum is not less than minimum bid capacity.*
- vi) GUVNL shall accept the Provisional Accounts which are duly certified by a practicing Chartered Accountant of India provided that an undertaking is submitted by the bidder confirming that Final Audited Annual Accounts for the last financial year are not available as on date of bid submission. Such financial accounts shall have to be certified by at least two Directors or Company Secretary instead of one Director.*

vii) The companies which have recently raised funds and are not able to meet net-worth as per the Clause 3.4.4 (i) i.e. as 31.03.2020 or 31.03.2019 or 31.12.2019 then the certificate issued by a Chartered Accountant certifying net worth as on latest available date based on certified copy of Balance Sheet, Profit & Loss account Schedules and cash flow statement supported with bank statement shall be required to be submitted. The financial accounts shall have to be certified by at least two Directors or Company Secretary instead of one Director.

5. Technical Bid Opening

The bid opening event was convened on 11.12.2020 at 11:00 hours before the Bid Evaluation Committee at GUVNL, Vadodara, where following members / their nominee(s) were present:

Sr. No.	Name	Designation
1.	Shri K P Jangid	General Manager, Commerce
2.	Smt. Sailaja Vachhrajani	General Manager, IPP
3.	Shri Parthiv Bhatt	Company Secretary, GUVNL
4.	Shri J N Pancholi	Chief Finance Manager (F&A)

The Bid Evaluation Committee deliberated the issues in detail about responsiveness of the submitted bids.

6. Responsiveness Issues

On scrutiny of the bid documents submitted by participating bidders, responsiveness issue were observed in respect of bids submitted by M/s Aljomaih Energy and Water Co., M/s Talettutayi Solar Projects Nine Pvt Ltd, M/s SJVN Ltd, M/s TP SAURYA Ltd, M/s NTPC Ltd and M/s Avaada Energy Pvt Ltd on which queries were raised by GUVNL on E-bidding portal. The responsiveness issues raised by GUVNL and the responses / compliance submitted by bidders is discussed in the subsequent section.

7. Specific Issues

(1) Aljomaih Energy and Water Co.

As per terms & conditions of RFS, the validity period of BG submitted towards EMD and the validity of bid as per Covering letter are required to be kept till 180 days from bid deadline of 10.12.2020 i.e. at least up to 08.06.2021. Upon scrutiny of documents submitted by M/s

Aljomaih Energy and Water Co., it was observed that the validity period of BG submitted towards EMD was up to 30.05.2021 and the validity of bid as per Covering letter dated 18.11.2020 was up to 24.05.2021.

In this regard, GUVNL had raised a query on E-bidding portal and requested the bidder to extend the validity period of BG submitted towards EMD and the validity of bid at least up to 08.06.2021. In response, M/s Aljomaih Energy and Water Co. has extended the validity period of BG till 30.06.2021 vide amendment dated 11.12.2020 in original BG and the validity of bid has also been extended till 10.06.2021 as per revised Covering letter dated 15.12.2020.

(2) Talettutayi Solar Projects Nine Pvt Ltd

As per terms & conditions of RFS, an undertaking / board resolution is required to be submitted by bidder from their Parent company stating that in case bidding company fails to contribute required equity funding and PBG, such requirement shall be met by the parent company. Upon scrutiny of the documents submitted by M/s Talettutayi Solar Projects Nine Pvt Ltd, it was observed that the aforesaid undertaking / board resolution was not been submitted.

In this regard, GUVNL had raised a query on E-bidding portal and requested the bidder to submit the required undertaking and the bidder has submitted the same.

(3) SJVN Ltd

As per terms & conditions of RFS, the validity period of BG submitted towards EMD and the validity of bid as per Covering letter are required to be kept till 180 days from bid deadline of 10.12.2020 i.e. at least up to 08.06.2021. Upon scrutiny of documents submitted by M/s SJVN Ltd, it was observed that the validity period of BG submitted towards EMD was up to 26.05.2021 and the validity of bid as per Covering letter dated 18.11.2020 was up to 24.05.2021.

In this regard, GUVNL had raised a query on E-bidding portal and requested the bidder to extend the validity period of BG submitted towards EMD and the validity of bid at least up to 08.06.2021. In response, M/s SJVN Ltd has extended the validity period of BG till 10.06.2021 vide amendment dated 16.12.2020 in original BG and the validity of bid has also been extended till 10.06.2021 as per revised Covering letter dated 16.12.2020.

(4) TP SAURYA Ltd

As per terms & conditions of RFS, the validity of bid as per Covering letter is required to be kept till 180 days from bid deadline of 10.12.2020 i.e. at least up to 08.06.2021. Upon scrutiny of documents submitted by M/s TP SAURYA Ltd, it was observed that the validity of bid as per Covering letter dated 20.11.2020 was up to 25.05.2021.

In this regard, GUVNL had raised a query on E-bidding portal and requested the bidder to extend the validity of bid at least up to 08.06.2021. In response, M/s TP SAURYA Ltd has extended the validity of bid till 08.06.2021 as per revised Covering letter dated 16.12.2020.

(5) NTPC Ltd

As per Format 6.3 A of RFS, the claim for encashment of Bank Guarantee submitted towards EMD can be raised at a branch located in Vadodara. Further, the format provides that the courts at Gujarat shall have exclusive jurisdiction in relation to BG. Upon scrutiny of documents submitted by M/s NTPC Ltd, it was observed that at Para 5 of BG submitted towards EMD, it was provided that the Courts at Delhi shall have exclusive jurisdiction. Further, at Para 7 of BG, it was provided that the claim for encashment of BG shall be raised at branch located at New Delhi.

In this regard, GUVNL had raised a query on E-bidding portal and requested the bidder to submit the amended Bank Guarantee stating that the claim under the BG can be raised at branch located in Vadodara and the courts at Gujarat shall have exclusive jurisdiction. In response, M/s NTPC Ltd has submitted a new Bank Guarantee towards EMD dated 15.12.2020 which is as per Format 6.3 A of RfS.

(6) Avaada Energy Pvt Ltd

As per Format 6.3 A of the RFS, the claim for encashment of Bank Guarantee submitted towards EMD can be raised at a branch located in Vadodara. Upon scrutiny of documents submitted by M/s Avaada Energy Pvt Ltd, it was observed that at Para 6 of BG submitted towards EMD, it was provided that the claim for encashment of BG shall be raised at branch located at New Delhi. Further, the Bank Guarantee number mentioned in the Covering letter dated 05.12.2020 was also incorrect.

In this regard, GUVNL had raised a query on E-bidding portal and requested the bidder to submit the amended Bank Guarantee stating that the claim under the BG can be raised at branch located in Vadodara and to submit the revised Covering letter mentioning correct

BG Number. In response, M/s Avaada Energy Pvt Ltd has submitted a letter dated 16.12.2020 undertaking that a new BG towards EMD will be submitted by them within 7 working days as per the Format 6.3 (A) of the RfS and further requested GUVNL to technically qualify against the existing BG towards EMD subsisting with GUVNL. Also, M/s Avaada Energy Pvt Ltd has submitted revised Covering letter mentioning correct BG Number.

It is pertinent to mention that M/s Avaada has submitted a letter dated 14.12.2020 issued by State Bank of India stating that SBI is not issuing a BG operable at a branch other than issuing branch and stating that the claims can be submitted to SBI through post / courier / email. In view of the same, the bid submitted by M/s Avaada may not be considered as non-responsive on the specific aspect of raising of claims under the Bank Guarantee.

8. Evaluation of Responses

The Status in brief is indicated in the following table:-

SN	Bidder	MW	Status
1	Vector Green Energy Pvt Ltd	130	Qualified
2	Avaada Energy Pvt Ltd	200	Qualified
3	Juniper Green Energy Pvt Ltd	280	Qualified
4	ReNew Solar Power Pvt Ltd	90	Qualified
5	NTPC Ltd	200	Qualified
6	Sprng Natural Power Source Pvt Ltd	200	Qualified
7	AMP Energy Green India Pvt Ltd	40	Qualified
8	Aditya Birla Renewables Ltd	140	Qualified
9	Torrent Power Ltd	100	Qualified
10	SJVN Ltd	500	Qualified
11	Talettutayi Solar Projects Nine Pvt Ltd	100	Qualified
12	Aljomaih Energy and Water Co.	80	Qualified
13	Ayana Renewable Power Four Pvt Ltd	400	Qualified
14	Mahan Energy Ltd	75	Qualified
15	TP SAURYA Ltd	440	Qualified
16	Calpaine Subsico Solar Energy Pvt Ltd	80	Qualified
17	Adani Renewable Energy Holding Fifteen Ltd	400	Qualified
	Total	3455	

9. Way Forward

Based on the above results, the Financial bids of above 17 (seventeen) bidders may be opened.

Sr. No.	Name	Designation	Signature
1.	Shri K P Jangid	General Manager, Commerce	Sd/-
2.	Smt. Sailaja Vachhrajani	General Manager, IPP	Sd/-
3.	Shri Parthiv Bhatt	Company Secretary, GUVNL	Sd/-
4.	Shri J N Pancholi	Chief Finance Manager (F&A)	Sd/-

.....”

From the Technical Evaluation Report it is apparent that all the 17 bidders offering capacity of 3455 MW were found to be responsive and hence were deemed qualified for opening of their financial bids. Accordingly, the financial bids were opened on 19.12.2020 on e-bidding portal in presence of the Bid Evaluation Committee.

- 5.7. In view of the above situation, as per Clause 4.3.2 of the RfS documents, the Petitioner has to conduct e-reverse auction for the subscribed capacity of 500 MW In this regard it is necessary to refer Clause 4.3.2 of the RfS document as reproduced below:

“4.3 Reverse Auction (Step-3)

.....

4.3.2. Total eligible bidders for reverse auction shall be decided as mentioned below:

Assuming

T = Total number of techno-commercially qualified bidders, and

S_T = Capacity of the total number of techno-commercially qualified bidders

S_K = Cumulative capacity till the ‘k’th serial number bidder (not the ‘k’th rank bidder) after ranking is done in ascending order from L1 onwards

S_M = Total capacity of techno-commercially qualified bidders after ranking is done in ascending order from L1 onwards) such that ($S_{M-1} < S_E$ MW and $S_M \geq S_E$

S_E = Eligible Capacity for Award

$S_E = (\text{Eligible capacity for award})$	(i) In case $S_T < 500\text{MW}$; $S_E = 0.8 \times S_T$ (ii) In case $S_T \geq 500\text{ MW}$; $S_E = 0.8 \times S_T$, subject to maximum eligible capacity being 500 MW.	
$n=\{$	T , if $T=m$ or $m+1$ $m+(T-m)/2$, if $S_m \geq S_E$ and $m+(T-m+1)/2$, if $S_m \geq S_E$ and	Where $m = \text{Total number of techno-commercially qualified bidders (after ranking is done in ascending order from L1 onwards) such that } (S_{M-1} < S_E \text{ MW and } S_M \geq S_E) \text{ and } 1 \leq m \leq T$

Total eligible bidders for e-Reverse Auction = Bidders from Sl. No. 1 to Sl. No. n .

For e.g. (Shortlisting of bidders for reverse auction):

Total bid capacity of techno-commercially shortlisted bidders = $S_T = 770\text{ MW}$

Eligible capacity for award = $S_E = 500\text{ MW}$

$S_M = 550\text{ MW}$

Therefore, $n = [7 + (11-7)/2] = 9$ as per the above formula.

Sl. No.	Techno commercially qualified Bidder	Rank	Capacity (MW)	T	M	S_E	N	Shortlisted Bidders
1	B8	L1	55	11	7	500 MW	9*	B8
2	B5	L2	45					B5
3	B1	L3	125					B1
4	B4	L4	75					B4
5	B2	L5	80					B2
6	B3	L6	95					B3
7	B7	L7	75					B7
8	B6	L8	60					B6
9	B10	L9	50					B10
10	B9	L10	55					
11	B11	L11	55					

* Thus, $n = 7 + (11 - 7)/2 = 9$ as per the above formula."

5.8. As per above referred clause, the financial bids of all successful 17 bidders were opened on 19.12.2020 on e-bidding portal in presence of Bid Evaluation Committee and as per terms and conditions of the bids, 12 bidders with aggregate capacity of 2440 MW qualify for e-reverse auction and the Petitioner had conducted e-reverse auction.

5.9. In the E-Reverse auction of 19.12.2020 on TCIL portal a report generated is reproduced below:

S#	Bidder's Pseudo Identity	Quoted Value	Loaded Value	Currency	Date/Time of Bidding	Bidder's Quantity	Special Remarks	Difference in % (Bid-Value Vs Start-Price)
1	<i>NTPC Limited</i>	1.99	1.99	Indian Rupee	19-March-2020 15:48:01 RTZ	200.00	Field Not Filled	9.13%
2	<i>Torrent Power Limited</i>	1.99	1.99	Indian Rupee	19-March-2020 15:50:40 RTZ	100.00	Field Not Filled	9.13%
3	<i>Aljomaih Energy and Water Co.</i>	1.99	1.99	Indian Rupee	19-March-2020 15:51:06 RTZ	80.00	Field Not Filled	9.13%
4	<i>Aditya Birla Renewables</i>	1.99	1.99	Indian Rupee	19-March-2020 15:56:31 RTZ	140.00	Field Not Filled	9.13%
5	<i>Ayana Renewable Power Four Private Limited</i>	2.00	2.00	Indian Rupee	19-March-2020 15:40:39 RTZ	400.00	Field Not Filled	8.68%
6	<i>Talettutayi Solar Projects Nine Pvt. Ltd.</i>	2.08	2.08	Indian Rupee	19-March-2020 15:25:32 RTZ	100.00	Field Not Filled	5.02%
7	<i>SJVN Limited</i>	2.10	2.10	Indian Rupee	19-March-2020 15:25:05 RTZ	500.00	Field Not Filled	4.11%
8	<i>Sprng Natural Power Source Private Limited</i>	2.12	2.12	Indian Rupee	19-March-2020 15:23:32 RTZ	200.00	Field Not Filled	3.20%
9	<i>Adani Renewable Energy Holding Fifteen Limited</i>	2.32	2.32	Indian Rupee	19-March-2020 13:42:03 RTZ	400.00	Field Not Filled	-5.94%
10	<i>Avaada Energy Private Limited</i>	2.33	2.33	Indian Rupee	19-March-2020 13:42:03 RTZ	200.00	Field Not Filled	-6.39%
11	<i>AMP Energy Green Private Limited</i>	2.35	2.35	Indian Rupee	19-March-2020 13:42:03 RTZ	40.00	Field Not Filled	-7.31%
12	<i>Calpine Subsico Solar Energy Private Limited</i>	2.41	2.41	Indian Rupee	19-March-2020 13:42:03 RTZ	80.00	Field Not Filled	-10.05%

5.10. It can be observed from above that at the end of E-Reverse auction, four bidders, i.e. M/s NTPC Limited, M/s. Torrent Power Limited, M/s. Aljomaih Energy and Water Co. and M/s. Aditya Birla Renewables Ltd. were found successful bidders with quoted tariff of Rs. 1.99 per unit. However, as the allocation was to be 500 MW, there is partial capacity allocation of 120 MW against quoted quantum of 140

MW in case of M/s Aditya Birla Renewable Limited in terms of Clause 4.4.2 of the RfS document.

- 5.11. We further note that Clause 4.4 of the RFS document pertains to 'Selection of Successful Bidders'. It is therefore, necessary to refer Clause 4.4 of the RFS documents which reads as under:

"

4.4 Selection of Successful Bidders

4.4.1 The bids shall be selected in the ascending order with lowest quoted tariff (being L1) till the capacity is exhausted. Some of the possible scenarios including, but not limited to, are shown below:

<i>Scenario - 1</i>	<i>Scenario - 2</i>	<i>Scenario - 3</i>	<i>Scenario - 4</i>
<i>Rs. 2.30/kWh</i>	<i>Rs. 2.30/kWh</i>	<i>Rs. 2.30/kWh</i>	<i>Rs. 2.25/kWh</i>
<i>Rs. 2.50/kWh</i>	<i>Rs. 2.60/kWh</i>	<i>Rs. 2.70/kWh</i>	<i>Rs. 2.30/kWh</i>
<i>Rs. 2.65/kWh</i>	<i>Rs. 2.70/kWh</i>	<i>Rs. 2.80/kWh</i>	<i>Rs. 2.60/kWh</i>
<i>Rs. 2.70/kWh</i>	<i>Rs. 2.80/kWh</i>	<i>Rs. 2.80/kWh</i>	<i>Rs. 2.70/kWh</i>
<i>Rs. 2.80/kWh</i>	<i>Rs. 2.80/kWh</i>	<i>Rs. 2.90/kWh</i>	<i>Rs. 2.80/kWh</i>
<i>Rs. 3.00 /kWh</i>	<i>Rs. 3.00/kWh</i>	<i>Rs. 3.00/kWh</i>	<i>Rs. 2.80/kWh</i>
<i>Rs. 3.00/kWh</i>	<i>Rs. 3.20/kWh</i>	<i>Rs. 3.05/kWh</i>	<i>Rs. 3.30/kWh</i>

4.4.2 The lowest quoting bidder will be allotted its qualified project capacity and then, next higher bidder will be allotted its qualified project capacity and so on, till the total capacity is exhausted.

4.4.3 In case of the last selected bidder, if the balance project capacity is less than the total project capacity mentioned by the bidder, then the balance capacity shall be awarded to the bidder till the total capacity is exhausted subject to a minimum allocation of 25 MW. Provided that, in case the partial capacity (balance capacity till the total capacity on offer is exhausted) offered to the last Bidder after completion of the e-reverse auction is lower than 50% of the total quoted capacity by such Bidder, the Bidder shall have an option to refuse such offered partial capacity within seven days of issuance of Letter of Award and the BG against EMD submitted by such Bidder shall be returned alongwith with those of the unsuccessful Bidders..... "

- 5.12. As already recorded earlier, the Petitioner ensured wider participation and competition by publishing the Notice Inviting Tender in English Newspapers having large readership, organised pre-bid conference and also incorporated necessary changes suggested by the prospective bidders by issuing addendums to the bid documents. As the Bid Evaluation Committee evaluated the technical bids and declared 17 bidders as qualified for opening the financial bids, their financial

bids were opened in their presence and e-reverse auction was conducted as per the eligibility criteria mentioned in the RfS document in respect of 12 eligible bidders for capacity of 500 MW.

- 5.13. In view of the foregoing, the Commission is satisfied with the entire tendering process including the e-reverse bidding conducted by the Petitioner in a transparent manner and discovered successful bidders with quoted capacity and allocated capacity to them as stated below:

Sr. No.	Name of the Company	Quoted Capacity (MW)	Allocated Capacity (MW)	Tariff (Rs./Unit)
1	M/s. NTPC Limited	200	200	1.99
2	M/s. Torrent Power Limited	100	100	1.99
3	M/s. Aljomaih Energy and Water Co.	80	80	1.99
4	M/s. Aditya Birla Renewables Limited	140	120	1.99

- 5.14. The Commission, therefore, decides to adopt the discovered tariff of Rs. 1.99 per unit quoted by above referred four bidders for aggregate capacity of 500 MW of Solar PV projects to be set up in Gujarat, as prayed by the Petitioner.
- 5.15. As the Petitioner issued the LoAs to all the four bidders on 01.01.2021 and is yet to sign the PPAs with them because as per terms and conditions of tender, the PPAs are to be signed with successful bidders within 30 days from issuance of LOA. We note that the Petitioner is required to submit the copy of the signed PPAs and therefore, we direct the Petitioner to submit copies of duly executed PPAs to the Commission. We also direct the Petitioner to host the PPAs and other requisite details on its website for 30 days in terms of Clause 10.3 of the bidding guidelines as amended for knowledge and information of the stakeholders.

6. **SUMMARY OF DECISIONS:**

- 6.1 We decide to adopt the tariff discovered under the transparent competitive bidding process conducted by the Petitioner through RfS No. GUVNL/500 MW/ Solar (Phase XI) dated 28.09.2020 as under:

Sr. No.	Name of the Company	Quoted Capacity (MW)	Allocated Capacity (MW)	Tariff (Rs./Unit)
1	M/s. NTPC Limited	200	200	1.99
2	M/s. Torrent Power Limited	100	100	1.99
3	M/s. Aljomaih Energy and Water Co.	80	80	1.99
4	M/s. Aditya Birla Renewables Limited	140	120	1.99

6.2 We direct the Petitioner to submit the copies of duly executed PPAs to the Commission. We also direct the Petitioner to host the PPAs and other requisite details on its website for 30 days in terms of Clause 10.3 of the bidding guidelines as amended for knowledge and information of the stakeholders.

7. We order accordingly.

8. With this order the present petition stands disposed of.

Sd/-
[S.R. PANDEY]
Member

Sd/-
[MEHUL M. GANDHI]
Member

Sd/-
[ANAND KUMAR]
Chairman

Place: Gandhinagar.

Date: 08.01.2021