

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**Petition No.1970/2021.**

**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. TPL/Solar/03/2020 dated 23.12.2020.**

Petitioner : Torrent Power Limited,  
Represented By : Shri Chetan Bundela, Shri Jignesh Langalia and Ms.  
Luna Pal

**CORAM:**

**Mehul M. Gandhi, Member  
S. R. Pandey, Member**

**Date: 10/06/2021.**

**DAILY ORDER**

1. The present matter was heard on 08.06.2021.
2. Shri Chetan Bundela, on behalf of the Petitioner Torrent Power Limited has briefly submitted the details of Competitive Bidding Process undertaken under Section 63 of the Electricity Act, 2003 for procurement of 300 MW Solar Power for its Ahmedabad/Gandhinagar, Surat, Dahej SEZ and Dholera SIR license areas to meet the Solar RPO specified by the Commission. He submitted that the approval of deviations from guidelines were earlier sought by the Petitioner for which the Commission has passed Orders dated 20.11.2018 and 26.02.2021 in Petition No.'s 1744 of 2018 and 1905 of 2020 respectively and accordingly the approved deviations are incorporated in the Power Purchase Agreement and bid documents. He submitted that the competitive bidding process was completed on 18.02.2021. The bid evaluation committee has evaluated the bidding process and as per their recommendations, the Letter of Awards issued including for 'Green Shoe Option' were issued to the successful bidders and the same are filed with the Petition.

- 2.2. On a query of the Commission with regard to the applicability of provisions of the Electricity (Late Payment Surcharge) Rules, 2021 dated 22.02.2021 notified by Ministry of Power, Government of India, he submitted that the same are applicable and Supplemental PPA need to be executed between the parties. He submitted that under 'Green Shoe option' an additional quantum of 150 MW is procured by the Petitioner to meet out the RPO percentage specified by the Commission with discovered tariff of Rs. 2.22 per unit, which is beneficial for the licensee and its consumers. He agreed that additional submissions on affidavit with regard to above aspects will be filed by the Petitioner within two weeks' time.
- 2.3. Based on the above the submissions, he requested the Commission to pass appropriate Order in the present matter.
3. We note that the present petition has been filed by the Petitioner 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. TPL/Solar/03/2020 dated 23.12.2020.
- 3.1. It is necessary to refer Section 63 and Section 86(1)(b) of the Electricity Act, 2003, which are 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.

- 3.2. 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 present Petition.
- 3.3. As such the Petitioner has completed the submissions in the present matter and accordingly, we direct the Petitioner to file additional submissions as agreed within two weeks’ time from the date of this Order. The matter is now reserved for order.
4. We order accordingly.

**Sd/-**  
**[S. R. Pandey]**  
**Member**

**Sd/-**  
**[Mehul M. Gandhi]**  
**Member**

Place: Gandhinagar.

Date: 10/06/2021.