

**BEFORE THE GUJARAT ELECTRICITY REGULATORY
COMMISSION
GANDHINAGAR**

Petition No. 2009 of 2021.

In the Matter of:

Miscellaneous Petition for approval of Short-Term Arrangement of power pursuant to selection of successful bidders through DEEP Portal of Ministry of Power, Government of India and the Commission's Guidelines dated 14.08.2013 for the period from 01.10.2021 to 31.12.2021.

Petitioner : Gujarat Urja Vikas Nigam Limited (GUVNL)

Represented By : Shri Sanjay Mathur and Shri M.P. Naik

CORAM:

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

Date: 29/09/2021.

ORDER

1. The Petitioner Gujarat Urja Vikas Nigam Limited (GUVNL) has filed this Petition for approval of Short-Term Arrangement of power pursuant to selection of successful bidders through DEEP Portal of Ministry of Power, Government of India for the period from 01.10.2021 to 31.12.2021 and Guidelines dated 14.08.2013 of the Commission seeking following reliefs:
 - (i) To approve the arrangement for Short-Term Power Procurement by the Petitioner and adopt the tariff discovered through transparent e-bidding process on DEEP Portal, Government of India;
 - (ii) To grant exemption to the Petitioner for seeking specific approval for Procurement of Power and adoption of tariff towards such Short-term arrangement to provide uninterrupted, economical power to their electricity consumers.

(iii) To allow the Petitioner to initiate the bids & tie-up power through DEEP Portal as per Ministry of Power Guidelines in order to meet the future shortfall of require power as per Annual Revenue Requirement (ARR) under intimation to the Commission.

2. The brief facts mentioned in the Petition are as under:

2.1 The Petitioner GUVNL is a company incorporated under the Companies Act, 1956 and deemed trading licensee and is the successor to the functions of the bulk purchase and bulk supply of electricity under taken by erstwhile Gujarat Electricity Board. The Petitioner purchases electricity for and on behalf of the State-owned distribution Licensees.

2.2 Ministry of Power (MoP), Government of India on 30.03.2016, has notified the “Guidelines for Short Term Procurement of Power by Distribution Licensees through Tariff based Bidding Process”.

2.3 The Petitioner on behalf of its subsidiary Distribution Companies has entered into long term arrangement with various Generators to meet the power demand of the consumers of aforesaid distribution licensees. The present power tie up by the Petitioner from conventional sources is 18799 MW, which includes Gas based capacity of 2645 MW and around 7329 MW is from Renewable sources. As per the demand availability scenario for period October 2021 to December 2021 of FY 2021-22, the anticipated peak demand of power of the Petitioner is expected to be in the range of 14700-17300 MW.

2.4 Further, Government of Gujarat has implemented Kisan Suryoday Yojana (KSY) wherein power is being provided to farmers during day time which has resulted into an increase in peak load. Accordingly, the Petitioner is procuring power from other marginal generating stations and balance supply gap is presently being met through purchase of power from Power Exchange on daily/ Real time basis. However, recently increase in prices is witnessed in power exchange(s) due to increase in demand *vis-a-vis* generation along with uncertainty in clearance of volume of energy. Moreover, with frequent break-downs in thermal power stations due to various reasons, availability against demand has further aggravated resulting in deficit. Presently, most of the coal based stations are facing coal

shortage situation and are therefore, not operating on full load. Accordingly, in order to meet this demand, running of gas based generating stations are required with whom GUVNL has long term PPAs. However, no gas has been tied up due to current high RLNG prices in International Markets with which generation cost is very high in the range of Rs. 12.5-13.5 per unit.

2.5 It is submitted that in order to circumvent the price volatility in Short Term market on daily basis and for securing power on firm basis, the Petitioner had invited Bids and floated RFP for procurement of (i) 500 MW Round the Clock (RTC) power for the period 01.10.2021 to 31.12.2021 and published the Notice Inviting Tender (NIT) in two National Newspapers viz., Indian Express and The Hindu India on 08.09.2021 and also uploaded the RFP & Notice Inviting Tender on the Petitioner's website in line with the Ministry of Power Guidelines.

2.6 The Petitioner vide letter dated 09.09.2021 has also informed the Commission regarding the Tender Floated by the Petitioner for tying up power on Short term basis to meet the generation loss due to above cited reasons through DEEP Portal of Ministry of Power, Government of India in accordance with the Guidelines dated 30.03.2016.

2.7 The opening of IPO and reverse auction was carried out on 17.09.2021. The details of prices discovered in the Reverse Auction and Quantum offered by various bidders and list of successful bidders selected under the Bucket Filling Procedure on DEEP Portal is stated as under:

i. For the period 01.10.2021 to 31.10.2021:

Sr	Trader/Generator	Quantity (MW)	Rate (Rs/Kwh)	Event Type
1.	TPTCL (Anupoor Thermal Power)	50	4.22	RA
2.	TPTCL (ONGC Tripura Power)	50	4.22	RA
3.	Manikaran (Sembcorp Energy)	100	4.22	RA
4.	TPTCL (Nava Bharat Venture Limited)	50	4.22	RA
5.	NVVN (JP Nigrie - Super Thermal)	100	4.22	RA
6.	AEL (Raipur Energy Limited)	150	4.24	RA
	Total	500		

ii. For the Period 01.11.2021 to 30.11.2021:

Sr	Trader/Generator	Quantity (MW)	Rate (Rs/Kwh)	Event Type
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1.	TPTCL (Nava Bharat Pvt. Limited)	50	3.92	RA
2.	TPTCL (Anupoor Thermal Power)	50	3.92	RA
3.	TPTCL (ONGC Tripura Power)	50	3.92	RA
4.	NVVN (JP Nigrie - Super Thermal)	150	3.92	
5.	NVVN (DB Power Limited)	100	3.92	
6.	AEL (Raipur Energy Limited)	100	3.92	
	Total	500		

iii. For the Period 01.12.2021 to 31.12.2021:

Sr	Trader/Generator	Quantity (MW)	Rate (Rs/Kwh)	Event Type
1.	NVVN (DB Power Limited)	100	3.84	RA
2.	TPTCL (Jindal India Thermal Power Limited)	100	3.84	RA
3.	NVVN (JP Nigrie - Super Thermal)	100	3.84	RA
4.	TPTCL (ONGC Tripura Power)	50	3.84	
5.	AEL (Raipur Energy Limited)	100	3.84	
6.	TPTCL (Anupoor Thermal Power)1	50	3.84	
	Total	500		

2.8 It is submitted that based on e-reverse bidding and bucket filing on Deep Portal, Government of India, the Petitioner GUVNL has issued Letter of Award (LoA) to the selected bidders for the month of October, 2021. M/s AEL was requested to match L1 tariff discovered during reverse auction on 17.09.2021. In response M/s AEL vide e-mail on 22.09.2021 has agreed to match L-1 tariff.

2.9 It is also submitted that due to ensuing festive season, winter and uncertainty in demand, the shortlisted bidders under bucket filling were requested to extend their validity of bids and EMDs for the months of November and December 2021 till 25.10.2021. Moreover, the decision in this regard will be taken by the Petitioner at appropriate time considering demand-availability position and market trend of prices of electricity.

2.10 It is also submitted that for the month of November 2021 & December 2021, M/s NVVN Limited and M/s TPTCL Limited have agreed to extend their validity of bids and EMDs. However, the response from Adani Enterprises Limited is still awaited. Accordingly, the Petitioner has vide letter dated 21.09.2021, issued Letter of Award (LoA) to M/s Tata Power Trading Company Limited (TPTCL), M/s. NTPC Vidyut Vyapar Nigam Limited, M/s Adani Enterprises Limited and M/s Manikaran Power

Limited for supply of power during the period from 01.10.2021 to 31.10.2021, as under: -

M/s Tata Power Trading Company Limited (TPTCL)				
Period	Time Block	Name of Generators	Quantum (MW)	Rate at GETCO (Rs/kWh)
01.10.2021 to 31.10.2021	RTC (0 - 24 Hours)	Anuppur Thermal Power Project	50	4.22
		ONGC Tripura Power Company Limited	50	4.22
		Nava Bharat Ventures Limited	50	4.22

M/s NTPC Vidyut Vyapar Nigam Limited (NVVNL)				
Period	Time Block	Name of Generators	Quantum (MW)	Rate at GETCO (Rs/kWh)
01.10.2021 to 31.10.2021	RTC (0 - 24 Hours)	Jaypee Nigrie Super Thermal Power	100	4.22

M/s Manikaran Power Limited				
Period	Time Block	Name of Generators	Quantum (MW)	Rate at GETCO (Rs/kWh)
01.10.2021 to 31.10.2021	RTC (0-24)	Sembcorp Energy India Limited	100	4.22

M/s Adani Enterprises Limited				
Period	Time Block	Name of Generators	Quantum (MW)	Rate at GETCO (Rs/kWh)
01.10.2021 to 31.10.2021	RTC (0-24)	Raipur Energen Limited	100	4.22

2.11 It is submitted that the prices discovered in above reverse auction are competitive as per rates discovered in other state tenders and therefore, the Petitioner intends to meet the shortfall in requirement of power from the above tie-up.

2.12 In accordance with the Clause 4 of the Guidelines for Short Term Procurement of Power by Distribution Licensee through Tariff Based bidding process issued by Ministry of Power, the Petitioner has filed the present Petition for approval of short term power purchase arrangement by the Commission for which certificate of

Committee for conformity of bid process for procurement of short term power through DEEP Portal, Government of India in accordance with Ministry of Power guidelines and in terms of RFP floated by the Petitioner is filed.

- 2.13 It is further submitted that due to paucity of time, the Commission is requested to approve above arrangement for the month of October 2021 so that power flow can proceed and also approve rates for the months of November 2021 and December 2021. It is submitted that the Petitioner will convey and inform the Commission regarding tie-up of power for the months of November 2021 and December 2021 in due course of time.
3. The matter was kept for hearing on 28.09.2021.
4. During the hearing, Shri Sanjay Mathur, on behalf of the Petitioner GUVNL, reiterated the facts stated in para 2 above.
- 4.1 In response to the query of the Commission, Shri Sanjay Mathur submitted that AEL has matched L1 tariff discovered for month of October 2021. It is also submitted that the discovered tariff under e-reverse auction on DEEP Portal is Rs. 4.22 per unit for the month of October-2021, Rs. 3.92 per unit for the month of November-2021 and Rs. 3.84 per unit for month of December-2021, which are competitive compared to other States. It is further submitted that due to paucity of time the Commission is requested to approve above arrangement for the month of October 2021 so that power flow can proceed and also approve rates for the months of November 2021 and December 2021. It is also submitted that the Petitioner will convey and inform the Commission regarding tie-up of power for the months of November 2021 and December 2021 in due course of time. Accordingly, the Petitioner is seeking approval and adoption of tariff for 500 MW for the month of October 2021 and the Commission may also approve rates for the months of November, 2021 and December, 2021 so that after due consideration of market development, ensuing festive season and uncertainty in demand, the Petitioner will tie up of power for months of November, 2021 and December, 2021 and also convey the same to the Commission in due course of time.
5. We have considered the submissions made by the Petitioner. The Petitioner has filed the present Petition seeking approval for Short Term Round the Clock (RTC)

Power Purchase Arrangement for the period from 01.10.2021 to 31.12.2021. We also note that the Petitioner, being a trading licensee and procuring power in bulk on behalf of the State-owned Distribution Licensee who have the Universal Service Obligation to ensure electricity supply to the consumers within its subsidiary distribution licensees' area as provided under Section 43 of the Electricity Act, 2003.

5.1 The Petitioner in order to provide optimize power procurement cost and provide economical power has prayed to approve the arrangement for procurement of 500 MW RTC power during 01.10.2021 to 31.12.2021 and adopt the tariff discovered through transparent e-bidding process on DEEP Portal in accordance with the provisions of the Guidelines for Short Term Procurement of Power by the Distribution Licensee issued by the Ministry of Power and Guidelines issued by the Commission vide Notification No. 02 of 2013 dated 14.08.2013.

5.2 Section 86(1) (b) empowers the Commission to regulate the electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured. It is, therefore, necessary to refer the relevant provisions of Section 86 (1) (b) of the Electricity Act, 2003 and the guidelines issued by the Commission:

“

86. Functions of State Commission, --

(1): - The State Commission shall discharge the following function:

.....

(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, it is the function of the Commission to regulate the electricity purchase and procurement process of the Distribution Licensee including price, quantum and agreement.

5.3 The Petitioner invited bids through transparent e-bidding process on DEEP Portal in accordance with the 'Guidelines for Short Term Procurement of Power by the Distribution Licensees through Tariff Based bidding process' dated 30.03.2016 issued by the Ministry of Power and also intimated to the Commission regarding the said tender vide its letter dated 09.09.2021.

5.4 This Commission has also issued the Guidelines for Procurement of Power through Competitive Bidding dated 14.08.2013. Clause 13, 14, 15 and 16 of the aforesaid Guidelines issued by the Commission are reproduced below:

“

13. Where the Distribution Licensee is to procure power on a short-term basis or there is a shortfall due to any reason whatsoever, or failure in the supply of electricity from any approved source of supply during the year, for any reason whatsoever, the licensee may enter in to a short-term arrangement or agreement for procurement of power through power exchanges or through a transparent process of open tendering and competitive bidding.

14. In case of procurement of power through competitive bidding, the Distribution Licensee shall initiate the process for short-term power procurement in accordance with the Ministry of Power's Guidelines for Short Term Procurement of Power by Distribution Licensees through Tariff based bidding process' notified by the Ministry of Power on 15/05/2012 and in force from time to time. As provided in the MoP Guidelines:

a) The bid documentation shall be prepared in accordance with the MoP guidelines and the approval of the GERC shall be obtained unless the bid documents are as per the standard bid documents issued by the Central Government.

b) Generally, no deviation shall be allowed from these Guidelines. However, if it is essential to have the deviation from these Guidelines, the same could be done with the prior approval of the GERC.

c) The Procurer(s) shall procure short-term power as per the plan approved by the GERC or appropriate body as may have been constituted for the purpose

by the GERC. In such case the Distribution Licensees will intimate about the initiation of the procurement process to the GERC.

d) In case procurement of short-term power exceeds the approved annual short-term procurement plan, the Procurer(s) shall obtain prior approval from the GERC or any appropriate body as may have been constituted for the purpose by the GERC.

15. For procurement on short-term basis, a single-stage bid process by inviting Request for Proposal (RFP) shall be adopted. Procurer or authorized representative shall prepare bid document in line with these Guidelines. The Procurer shall publish an RFP notice in at least two national newspapers and upload the same on company website to accord it wide publicity. The bidding shall necessarily be by way of competitive bidding.

16. The PPA shall be signed with the selected bidder(s) consequent to the selection process.

a. After the conclusion of bid process, the Standing Committee constituted for evaluation of RFP bids shall provide appropriate certificate on conformity of the bid process evaluation to the provisions of the RFP document. The Procurer shall provide a certificate on the conformity of the bid process to these Guidelines to the GERC.

b. If the quantum of power procured and tariff determined are within the overall approval granted by the GERC in Annual Revenue Requirement (ARR) of the respective year, then the same will be considered to have been adopted by the GERC.

In all other cases, the Procurer(s) shall submit a petition to the GERC for adoption of tariff within two days from the date of signing of PPA. The GERC should communicate the decision within seven days from the date of submission of petition.”

As per Clause 13 of the aforesaid guidelines, when the Distribution Licensee needs to procure the power to meet the demand of the consumers on the short-term basis, the Distribution Licensee may do so through energy exchange or through transparent process of open tendering and competitive bidding.

Clause 14 of the aforesaid Guidelines provides that in case of procurement of power through the competitive bidding, the Distribution Licensee shall initiate the process for Short-Term Power Procurement in accordance with the Guidelines for Short-Term Procurement of Power by the Distribution Licensee through tariff based bidding process notified by the Ministry of Power, Government of India on 15th May, 2012. The bid documents submitted by the Petitioner are as per the MoP guidelines consist of the deviations earlier approved by the Commission. Thus, the bid documents are in accordance with the MoP guidelines.

Sub-clause (b) of Clause 14 of the aforesaid Guidelines provides that whenever there is any deviation from these Guidelines, the same could be done with prior approval of the Commission. Further, sub-clause (c) of the Clause 14 of the aforesaid Guidelines provides that the procurer shall procure the short-term power as per the plan approved by the Commission.

Clause 15 of the said Guidelines provides that for Procurement of Power on short-term basis a single stage bid process by inviting Request for Proposal (RFP) shall be adopted. Further, it is also provided that the procurer/distribution licensee shall publish an RFP notice in at least 2 national newspapers and upload the same on the company's website to accord wide publicity. The bidding shall necessarily be by way of competitive bidding.

Sub-Clause (a) of Clause 16 of the aforesaid Guidelines provides that the Standing Committee needs to be constituted for evaluation of RFP bids who shall provide appropriate certificate on conformity of the bid process evaluation to the provisions of RFP document and conformity of the bid process to these guidelines to the Commission.

Sub-Clause (b) of Clause 16 of the aforesaid Guidelines provides that if the quantum of power procured and tariff determined are within the overall approval granted by the Commission in the Aggregate Revenue Requirement (ARR) of the respective year, then the same will be considered to have been adopted by the Commission.

- 5.5 We note that the Petitioner had published the tender notice on 08.09.2021 in 'Indian Express' and 'The Hindu' newspaper for procurement of 500 MW RTC power from 01.10.2021 to 31.12.2021. Thus, the Petitioner in compliance with

Clause 15 of the Guidelines for Procurement of Power issued by the Commission has published the tender notice in 2 (two) newspapers and filed with Petition.

5.6 From the aforesaid Public Notice, it transpires that the bidders have to submit their offers on MSTC's website (DEEP e-Bidding Portal). The Petitioner also uploaded the RFP and draft PPA on its website and also on MSTC website. The last date of bid submission as per tender documents was 15.09.2021 and as stated in certificate of Committee is 22.09.2021.

5.7 The Petitioner has also filed 'Bid Sheet' of tendering process providing various information of 'Bidder Ref. No.', 'Booking Quantity', 'Booking Amount', 'Booking Time', and 'Source of power / details of generating station from where power is intended to be supplied' for following:

Sl. No.	Item Name	Quantity (UOM)	Description
1	GUVNL/Short/21-22/ET/39 (GETCO periphery)	500.0 (MW)	From 01.10.2021:00:00 to 31.10.2021:24:00
2	GUVNL/Short/21-22/ET/39 (GETCO periphery)	500.0 (MW)	From 01.11.2021:00:00 to 30.11.2021:24:00
3	GUVNL/Short/21-22/ET/39 (GETCO periphery)	500.0 (MW)	From 01.12.2021:00:00 to 31.12.2021:24:00

The Petitioner has further provided in the aforesaid 'Bid Sheet' details regarding 'Bucket Filling' for above periods.

In the aforesaid 'Bid Sheet' the details of 'Reverse Auction Participated Bidders Details' is also submitted.

5.8 We further note that the Petitioner has constituted a Committee as per Clause 6 of the Guidelines for Procurement of Power by the Distribution Licensee issued by Ministry of Power and has filed the 'Committee Certificate on Conformity of Bid Process' with the Petition. The aforesaid Committee comprises of following persons:

- (a). Shri K.P. Jangid, GM (COMM.);
- (b). Ms. S. Vachrajani, GM (IPP);
- (c). Shri Sanjay Mathur, CFM, GUVNL.

The certificate issued and signed by the Standing Committee is reproduced below:

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“.....

Committee Certificate on Conformity of Bid Process for Procurement of Short-term Power through DEEP Portal, Government of India in accordance with Ministry of Power Guidelines dated 30.03.2016 & RFP floated by GUVNL

Reference:

- (i) GUVNL Tender Specification No. GUVNL/Power Purchase/2021-22/September - 2021;*
- (ii) Event No. GUVNL/Short/20-21/RA/33*

This is to certify that:

- a. GUVNL has floated Notice Inviting Tender in 2 National Newspapers i.e., Indian Express & The Hindu on 9th September 2021*
- b. The last date for submission of the bid was 15th September 2021*
- c. Initial Price Offer & Reverse Auction was carried out on 17th September 2021*
- d. Bid Process followed by GUVNL under the tender is in accordance with the Ministry of Power Guidelines dated 30.03.2016 and RFP floated by GUVNL.*

Sd/-
(Sanjay Mathur)
CFM, GUVNL

Sd/-
(S. Vachhrajani)
GM (IPP), GUVNL

Sd/-
(K.P. Jangid)
GM (COMM.), GUVNL

.....”

5.9 The aforesaid certificate issued by the Committee states that the tender notice was published in two newspapers, viz. (i) Indian Express and (ii) The Hindu India, last date of bid submission was 15.09.2021 and Initial Price Offer & Reverse Auction was carried out on 17.09.2021. It also states that Bid Process followed by GUVNL under the tender is in accordance with the Ministry of Power Guidelines dated 30.03.2016 and RFP floated by GUVNL.

5.10 The Petitioner has also filed Letter of Awards (LOAs) issued vide its letters dated 22.09.2021 to M/s Tata Power Trading Company Limited (TPTCL), M/s NTPC Vidyut Vyapar Nigam Limited, M/s Adani Enterprises Limited and M/s Manikaran

Power Limited for supply of power during the period from 01.10.2021 to 31.10.2021. The Petitioner has also not filed Power Purchase Agreements signed with M/s Tata Power Trading Company Limited (TPTCL), M/s NTPC Vidyut Vyapar Nigam Limited, M/s Adani Enterprises Limited and M/s Manikaran Power Limited respectively.

5.11 The certificate confirms that the bid process evaluation has been done in accordance with the provisions of the RFP document and the bidding process carried out in conformity with the Guidelines for Short-Term Power Procurement issued by the Ministry of Power vide notification No. 23/25/2011- R&R dated 30.03.2016.

5.12 Based on the above, we decide that the process for procurement of power is carried out by the Petitioner in conformity with the 'Guidelines for Short-Term Procurement of Power by Distribution Licensee through Tariff based bidding', issued by the Ministry of Power vide Notification dated 30.03.2016 and the Guidelines for Procurement of Power by Distribution Licensee issued by the Commission vide Notification No. 2 of 2013 dated 14th August, 2013.

5.13 We, therefore, decide to adopt the tariff for procurement of 500 MW RTC power by the Petitioner from M/s Tata Power Trading Company Limited, M/s NTPC Vidyut Vyapar Nigam Limited, M/s Adani Enterprises Limited and M/s Manikaran Power Limited for supply of power during the period from 01.10.2021 to 31.10.2021 as under:

Sr. No.	Period	Time	Name of Bidder(s)	Name of Sources	Quantum (MW)	Rate at GETCO Periphery (Rs/kWh)
01.	01.10.2021 to 31.10.2021	Round the Clock (RTC) 00:00 to 24:00 hrs.	M/s Tata Power Trading Company Limited	Anuppur Thermal Power Project	50	4.22
				ONGC Tripura Power Company Limited	50	4.22
				Nava Bharat Ventures Limited	50	4.22
			Ms/ NTPC Vidyut Vyapar Nigam Limited	Jaypee Nigrie Super Thermal Power	100	4.22
			Ms/ Manikaran Power Limited	Sembcorp Energy India Limited	100	4.22

			Adani Enterprises Limited	Raipur Energy Limited	150	4.22
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The Commission thus, decides to approve the procurement of power by the Petitioner for the period 01.10.2021 to 31.10.2021 as per the recommendation of the Committee constituted for bid evaluation by the Petitioner.

5.14 We also note that the Petitioner has prayed the Commission to approve arrangement for the Short-Term Power Procurement of the Petitioner by adopting the tariff discovered through transparent e-bidding process on DEEP Portal, Government of India. We note the submissions of the Petitioner that due to ensuing festive season, winters and uncertainty in demand, the shortlisted bidders under Bucket filling were requested to extend the validity of bids and EMDs for the months of November and December 2021 till 25.10.2021 and accordingly for the month of November 2021 & December 2021, M/s NVVN Limited and M/s TPTCL Limited have agreed to extend the validity of their respective bids and EMDs but the response from M/s Adani Enterprises Limited regarding extending the validity of their bids and EMDs for the months of November and December 2021 is still awaited.

5.15 We have noted the submission by the Petitioner that due to paucity of time the Commission may approve the above arrangement for the month of October 2021 so that power flow can proceed and also approve rates for the months of November 2021 and December 2021. It is further submitted that GUVNL will convey and inform the Commission regarding tie-up of power for the months of November 2021 and December 2021 in due course of time. We are of the view that since the present Petition is for approving arrangement for the Short-Term Power Procurement and adoption of tariff discovered through transparent e-bidding process on DEEP Portal, Government of India for the period 01.10.2021 to 31.12.2021, it will be appropriate to approve and adopt the tariff discovered in Bidding process for the aforesaid period as under:

Sr. No.	Period	Time	Name of Bidder(s)	Name of Sources	Quantum (MW)	Rate at GETCO Periphery (Rs/kWh)
01.				Nava Bharat Ventures Limited	50	3.92

	01.11.2021 to 30.11.2021	Round the Clock (RTC) 00:00 to 24:00 hrs.	M/s Tata Power Trading Company Limited	Anuppur Thermal Power Project	50	3.92
				ONGC Tripura Power Company Limited	50	3.92
			Ms/ NTPC Vidyut Vyapar Nigam Limited	Jaypee Nigrie Super Thermal Power	150	3.92
				DB Power Limited	100	3.92
			Adani Enterprises Limited	Raipur Energy Limited	100	3.92
02.	01.12.2021 to 31.12.2021	Round the Clock (RTC) 00:00 to 24:00 hrs.	M/s Tata Power Trading Company Limited	Jindal India Thermal Power Limited	100	3.84
				ONGC Tripura Power Company Limited	50	3.84
				Anuppur Thermal Power Project	50	3.84
			Ms/ NTPC Vidyut Vyapar Nigam Limited	Jaypee Nigrie Super Thermal Power	100	3.84
				DB Power Limited	100	3.84
				Adani Enterprises Limited	Raipur Energy Limited	100

5.16 The above approval for the months of November-2021 and December-2021 is subject to necessary extension of bid validity and EMD by respective successful bidders for the months of November, 2021 and December, 2021 and signing Power Purchase Agreement(s) with the Petitioner. Further, the Petitioner is at liberty to procure power up to 500 MW from aforesaid bidders at discovered tariff of relevant month i.e. Rs. 3.92 per unit for the month of November-2021 and Rs. 3.84 per unit for the month of December, 2021 under intimation to the Commission.

5.17 We note that the Petitioner has specified at Clause 23 of RfP regarding Late Payment Surcharge in terms of Electricity (Late Payment Surcharge) Rules, 2021 notified by the Ministry of Power, Government of India which reads as under:

“.....

23. LATE PAYMENT SURCHARGE

23.1 The parties hereto agree that payments due from one Party to other Party under the provisions of this Agreement shall be made within the period set forth therein, and if no such period is specified, within 30 (Thirty) days of receiving a demand alongwith necessary particulars. Unless otherwise specified in this

Agreement, in the event of delay beyond such period, the defaulting Party shall pay interest for the period of delay calculated at base rate equal to 5% (Five percent) above Bank Rate for the first month of delay, and recovery thereof shall be without prejudice to the rights of the Parties under this Agreement including Termination thereof.

For avoidance of doubt, "Bank Rate" mean marginal cost of funds based lending rate for 1 year of the State Bank of India, as applicable on the 1st April of the financial year in which the period lies, and in the absence of marginal cost of funds based lending rate, any other arrangement that substitutes it, which the Central Government may, by notification, in the Official Gazettes, specify:

23.2 The rate of interest for the period of delay for the successive months of default shall increase by 0.05 percent for every month of delay provided that such rate shall not be more than 3 percent higher than base rate at any time:

Provided that if the period of default lies in two or more financial years, the base rate of Late Payment Surcharge shall be calculated separately for the periods falling in the different years;

*23.3 All payments shall be first adjusted towards interest for Delayed Payment and thereafter, towards monthly charges, starting from the longest overdue bill.
....."*

We direct the Petitioner to appropriately incorporate the provisions regarding Late Payment Surcharge in the PPA (s) to be executed by the Petitioner with successful bidders while ensuring conformity of the same in accordance with Electricity (Late Payment Surcharge) Rules, 2021 notified under the Electricity Act, 2003 by Ministry of Power, Government of India. As the period of power procurement is to be commenced from 01.10.2021, the Petitioner is directed to incorporate the above clauses in the aforesaid PPA and submit the duly signed PPAs with above stated bidders within weeks' time to the Commission.

6. In view of above, we decide to adopt the tariff as per recommendation of 'Committee for Bid Evaluation' and to approve the Short-Term Power Purchase carried out by the Petitioner for the period (i) 01.10.2021 to 31.10.2021 from M/s Tata Power Trading Company Limited, M/s NTPC Vidyut Vyapar Nigam Limited, M/s Adani Enterprises Limited and M/s Manikaran Power Limited, (ii) 01.11.2021 to 30.11.2021 from M/s Tata Power Trading Company Limited, M/s NTPC Vidyut

Vyapar Nigam Limited, and M/s Adani Enterprises Limited and (iii) 01.12.2021 to 31.12.2021 from M/s Tata Power Trading Company Limited, M/s NTPC Vidyut Vyapar Nigam Limited, and M/s Adani Enterprises Limited. The above is subject to decision of the Commission in para 5.16 above. The Petitioner is directed that for the purpose of transparency, it shall make the bids public by indicating the tariff quoted by all the Bidders. While doing so, only the name of the Successful Bidder(s) shall be made public and tariffs quoted by other Bidders shall be made anonymous in terms of Clause 11.3 of the Guidelines for Short-Term (i.e., for a period of more than one day to one year) Procurement of Power by Distribution Licensees through Tariff based bidding process notified by Ministry of Power vide Notification No.23/25/2011-R&R dated 30.03.2016.

7. With this, the present petition stands disposed of.
8. We Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 29/09/2021.