

Date of Order	Order with Signature	Office notes as action taken on order
02-11-2021	<u>Case No. 13/2021</u> This instant petition was listed for hearing today on the point of admission. On behalf of the petitioner BREDA, Mr. Anish Anand, Project Manager, Mr.Pankaj Pandey, PM-C & R, Mr. Ajeet Kumar Kaushal, AD(T) were present. Further, on behalf of Respondent NBPDCCL Ms. Manju Kumari, AEE(Comm) were present and on behalf of M/s SJVN, Mr. H.B Sahay, Principal Consultant were present during the course of the hearing. The petitioner has filed this petition for tariff adoption for procurement of 250 MW (AC) Solar Power from grid connected ground mounted solar power plants to be set up in the State of Bihar on long term basis through competitive bidding. The Commission has admitted the petition however, prima facie there were few deviations observed in the petition which has been informed to the petitioner. Petitioner has been directed to submit their reply upon the following points: -While conducting the bidding process for this instant solar power, the Nodal Agency BREDA has deviated certain provisions of Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects issued by Ministry of Power, Govt. of India on 3rd August, 2017 as amended from time to time. Clause 3.1.1 (c) of the said guidelines mandates prior approval of 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.	

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	However, in the instant case no approval for such deviations has been obtained. A list of such deviations is as under: a) Corrigendum Notice-03 (Revised site identification and land acquisition) is not in line with clause 3.2.3 of Guidelines. b) Clause 5.2.3 (Repowering) of Guidelines is not included in Power Purchase Agreement. c) Clause 5.5 (Generation Compensation for off take Constraints) of Guidelines is not fully incorporated in Power Purchase Agreement (PPA). d) Petitioner further gives reference of old regulations of BERC as well as CERC in the different paras of PPAs. The above list of deviations is an illustrative one and not exhaustive. Therefore, the petitioner shall re-examine the RFQ & PPA and list out all the left out deviations, if any, from the aforesaid guidelines of Govt. of India and submit point-wise justification of such deviations to Commission. - BREDA Corrigendum Notice-04: BREDA provides reference of MNRE OM dated 09.03.2021 regarding imposition of Basic custom Duty (BCD) w.e.f from 01.04.2022 on solar modules and cells and bidders/ SPDs in the instant case have factored it on quoted tariff. Petitioner is directed to provide detail calculation of its impact in the quoted tariff and quantify in terms of paisa/ kwh. - Schedule 8 of the Power Purchase Agreement (PPA) Document indicates that the successful SPDs shall pay BREDA INR Rs. 1,00,000/ MW (One lac/ MW) towards one time registration of solar power projects. Petitioner is	

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	directed to provide detailed calculation of this amount of Rs. 1,00,000/ MW which is to be given to Bihar Renewable Energy Development Fund and whether it is as per the clause 19 of the Bihar RE Policy 2017. Further, petitioner is also directed to provide current status of Bihar Renewable Energy Development Fund and its utilization. - Petitioner in the instant petition has submitted that the discovered tariff for M/s SJVN Ltd. (L1) is Rs. 3.11/kwh for 200 MW and for M/s Avaada Energy Pvt. Ltd. (L2) is Rs. 3.20/ kwh for 100 MW. Further, total quantum specified in the RFP (tender document) is 250 MW. Petitioner shall justify how 300 MW allotted in place of 250 MW as specified in the bidding documents. Further, M/s SJVN Ltd. which is L1, has submitted letter dated 26.10.2021, requesting to install balance 50 MW on the same tariff i.e Rs. 3.11/kwh to provide cheaper electricity to the consumers of Bihar. Petitioner is directed to clarify the same. - Discoms in its reply dated 27.10.2021 in case no. 26/2020 has revised its consent from 250 MW to 200 MW for BREDA in view of price quoted by bidder L2 (M/s Avaada Energy Pvt. Ltd.), assaid tariff is higher than the ceiling tariff band (Rs. 3.05 to Rs. 3.15/ kwh) as provided by Commission in case no. 21/2019 Justify. - Petitioner is directed to justify the instant procurement proposal of 250 MW solar power is required for the DISCOMS and Whether the instant Individual discovered tariff rates that are proposed to be procured for DISCOMS are reasonable and cost effective? - As per the guidelines, Petitioner has not submitted the	

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	"Certificate on the Conformity of the Bid Process". Petitioner is directed to submit the certificate along with their replies on the above mentioned queries on or before 16.11.2021 positively. Further, with respect to the letter dated 26.10.2021 by M/s SJVN Ltd. (L1) regarding proposal of installation of balance 50 MW on the same tariff i.e Rs. 3.11/kwh, Petitioner is directed to communicate the said proposal with the Bidder L2 i.e M/s Avaada Energy Pvt. Ltd. for their consent/comment for installation of balance solar power of 50 MW on the rate of L1 and update the Commission within one week. Let the case be listed on 19.11.2021 for further hearing. Sd/- (S.C.Chaurasia) Member Sd/- (Shishir Sinha) Chairman	