

(iii) Clause 17.7.1(b) – This clause for reimbursement of Force Majeure costs attributable to Political Event by the Utility to Supplier may be deleted as Political Event is different and distinct for different bidders considering different situations. The impact of Political Event occurrence as Force Majeure as per the Model Bidding Documents may vary from project to project wherein the suppliers are different. Therefore, Utility proposes that cost implication on account of such Political Event as Force Majeure shall be borne by the supplier.

(iv) Clause 17.10 – This clause provides relief for Unforeseen Events i.e. upon the occurrence of an unforeseen event, parties may refer the matter to Conciliation Tribunal for appropriate relief/remedy including costs, expense, revenues of Power Station, etc. Allowing relief to Supplier on account of unforeseen events may lead to dispute/litigations and consequential impact including cost on the Utility. Accordingly, since the tender is being invited on a medium-term basis and risk /obligation about fuel arrangement being on Supplier / Bidder, the Utility intends to take a deviation and delete the above provision to avoid any unfettered cost implication on Utility.

j. Change in Law:

As per MBDs, in case of Supplier suffers an increase/reduction in costs or reduction/increase in net after-tax return or other financial burdens due to Change in Law, the aggregate financial effect of which exceeds the higher of Rs. 1 Crore or 0.1% of the Capacity Charge in any Accounting Year, Supplier may notify the Utility and propose amendments to PPA to place the Supplier in the same financial position as it would have enjoyed had there been no such Change in Law. Further, Parties shall endeavor to establish an NPV of the net cash flow and make necessary adjustments in costs, revenues, compensation, or other relevant parameters, as the case may be, so as the NPV of the net cash flow is the same as it would have been if no Change in Law had occurred.

As the cost reimbursement, as well as adjustments for NPV working, may lead to complexity and dispute in the calculation, the Utility intends to modify the Change in Law provision in line with the provisions adopted for Short Term tender (for less than 1 year) to simplify pass-through of cost and delete the provision regarding Protection of NPV (Article 21.3 of Model Bidding Documents) and Restriction on Cash compensation (Article 21.4 of Model Bidding Documents).

k. Dispute Resolution:

As per APP, dispute if not settled mutually shall be referred to Conciliation and then Arbitration. While any dispute under applicable laws if required to be adjudicated by Commission, be submitted before Commission.



In order to ensure adjudication of a dispute under the contractual arrangement by the Appropriate Commission, the Utility intends to delete the provision about conciliation and arbitration and clarify that any dispute if not resolved amicably may be referred to adjudication by Appropriate Commission for all-purpose.

17. In view of the above, the Petitioner has prepared the list of deviations & modifications sought by the Petitioner in the Model Bidding Document along with rational and the same is marked and annexed as **Annexure-3**. The draft bid documents (RFQ, RFP, APP) incorporating the above deviations are attached herewith as **Annexure-4**. The Petitioner would like to further submit that most of the deviations proposed by the Petitioner are in line with the deviations approved by Hon'ble GERC on merits in a similar Petition filed by Distribution Licensee.
18. The Petitioner submits that, in accordance with the GERC Guidelines, MoP Guidelines, and MoP notification dated 30.01.2019, the Petitioner has filed the present Petition for approval of power procurement quantum, draft bidding documents, and deviations to the Model Bidding documents as per MoP guidelines for initiating the tender process.
19. The Petitioner submits that, the Hon'ble GERC may accord approval for proposed power procurement quantum, deviations/modifications of the Model bidding documents along with the Draft Bidding Documents to enable the Petitioner to initiate the process for inviting tender.

Prayers:

In the facts and circumstances mentioned above, it is most respectfully prayed that the Hon'ble GERC may be pleased to:

- a. To admit this Petition
- b. To approve the deviations proposed by the Petitioner from the Model Bidding documents issued by MoP as per the guidelines dated 30.01.2019 as per the details stated in the present Petition.
- c. To approve the power procurement quantum as mentioned in this Petition.
- d. To approve the Draft Bidding Documents (RFQ, RFP, and APP) as annexed with this Petition.
- e. To condone any inadvertent omissions/errors/shortcomings and permit the Petitioner to make addition/change/modification / alter / this filing and make further submissions as may be required at a future date.
- f. The Petitioner craves relief for filing any further submissions.
- g. Pass any other Order as this Hon'ble GERC may deem fit and appropriate under the fact and circumstances of the case stated above and in the interest of justice.



Date: 15th February, 2022

Place: Mundra

Declaration: The subject matter of above petition has not been raised by the Petitioner before any other competent forum, and that no other competent forum is currently seized of the matter or has passed any order in relation thereto.

For, **MPSEZ Utilities Limited**



Sanjay Kumar

(Authorized Signatory)

Date: 15th February, 2022

Place: Mundra



**BEFORE THE HON'BLE GUJARAT ELECTRICITY REGULATORY
COMMISSION AT GANDHINAGAR**

Filing No. _____

Case No. _____

IN THE MATTER OF

Petition under Section 86(1)(b) read with Section 63 of the Electricity Act, 2003 along with "Guidelines for Procurement of Power by the Distribution Licensees" issued by Hon'ble GERC for seeking approval of the Quantum, and deviations from the Model Bidding documents as per the Ministry of Power guidelines dated 30.01.2019 for Procurement of Electricity for Medium Term from Power Stations set up on Finance, Own & Operate (FOO) basis.

AND

IN THE MATTER OF

MPSEZ Utilities Limited,
Adani Corporate House, Shantigram,
Near Vaishno Devi Circle,
S.G Highway, Khodiyar,
Ahmedabad - 382 421



...PETITIONER

AFFIDAVIT IN SUPPORT

I, Sanjay Kumar, son of Shri Mool Chand Mittal aged about 58 Years, on behalf of MPSEZ Utilities Limited, Adani Corporate House, Shantigram, Near Vaishno Devi Circle, S.G Highway, Khodiyar, Ahmedabad - 382 421, do hereby solemnly affirm and state as under:

1. I say that I am duly authorized by Petitioner Company and am conversant with the facts of the present case and hence, competent to swear the present affidavit.
2. I say that I have read contents of the accompanying submissions and I have understood the contents of the same.
3. I say that the contents of the accompanying submissions are based on the records of the petitioner maintained in the normal course of business and believed by me to be true.


DEPONENT

VERIFICATION

I, the deponent above named, do hereby verify the contents of the above affidavit to be true to the best of my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Mundra on this 15 day of February, 2022

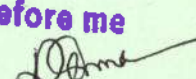


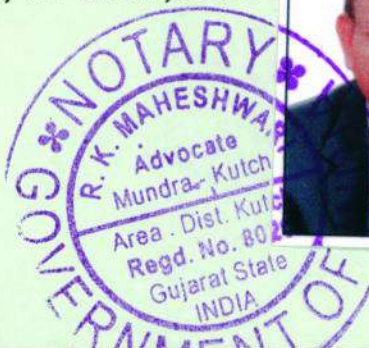

DEPONENT

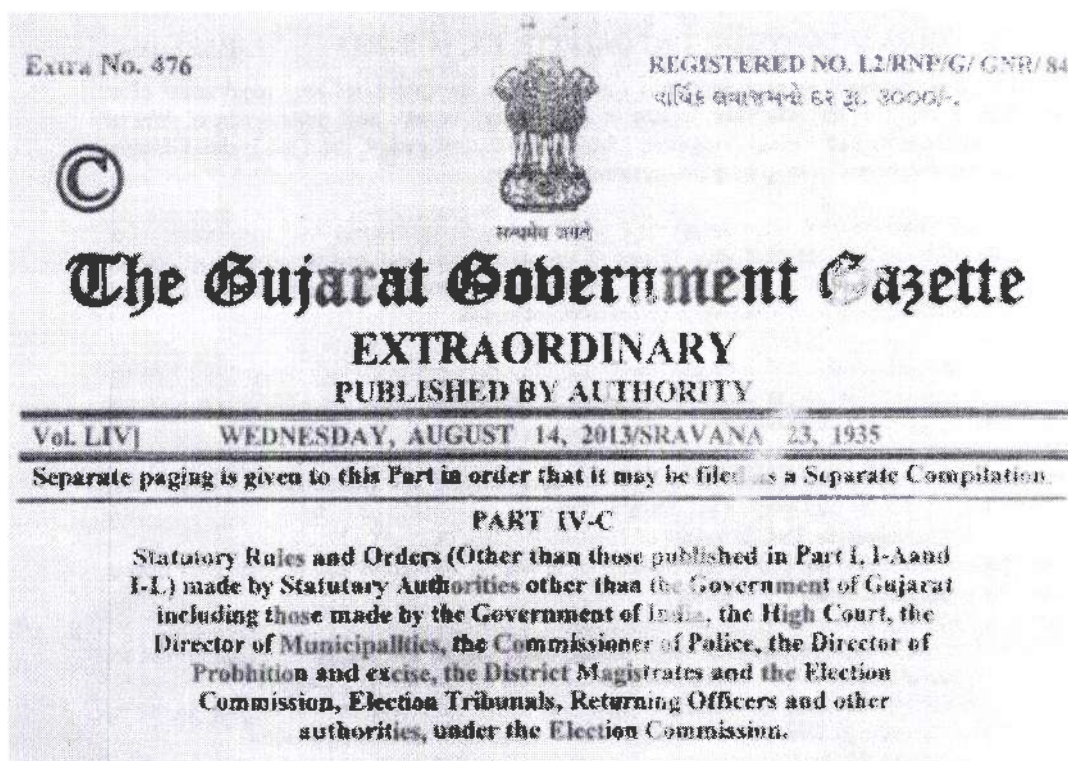
Page 10 of 10

SP No. 44132/22
DATE: 15-02-2022

Signed Before me


RAVILAL K. MAHESHWARI
Advocate "Notary"
At - Mundra Dist. - Kutch
Gujarat (India)





GUJARAT ELECTRICITY REGULATORY COMMISSION

Guidelines for Procurement of Power by Distribution Licensees

Notification No. 2 of 2013

Preamble

Section 86 (1) (b) of the Electricity Act, 2003, envisages that the State Commission shall 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. In fulfilment of duty cast upon the Commission as above, the Gujarat Electricity Regulatory Commission frames these guidelines for procurement of power by the Distribution Licensees in the State of Gujarat.

1. Sections 42 and 43 of the Electricity Act, 2003, provide that it is the duty of Distribution Licensee to ensure electricity supply to the consumers within the licensed area of supply on request. The power purchase cost is the major cost element in the aggregate revenue requirement of Distribution Licensees.

2. In order to ensure standardization and reduce subjectivity in power procurement and to protect consumers' interest through a process of transparent and economic procurement of power, the Gujarat Electricity Regulatory Commission (GERC) hereby directs all Distribution Licensees in the State to follow the procedure laid down in these Guidelines for procurement of power.
3. Every year by 31st January, the Distribution licensees shall submit power procurement plan for 5 years which will include:
 - a. Peak load and energy forecasts of their respective license areas for each of the successive 10 years. The peak load and energy forecasts shall be made for the overall Area of Supply.
 - b. Anticipated power supply position for each of the successive five years along with the projections for additional requirement of procurement of power, if any.
 - c. Hourly load duration projection for each of the successive 5 years.
4. Distribution Licensees shall have long-term / medium-term tie up to meet load requirement of at least 75% duration of the fifth year. In case of any shortfall to meet load requirement of 75% of duration of the fifth year through long-term / medium-term arrangement, the Distribution Licensee shall initiate the process of long-term procurement of power.
5. Distribution Licensees shall have long-term / medium-term tie up to meet load requirement of at least 85% of duration of the third year. In case of any shortfall to meet load requirement of 85% of duration of the third year through long-term / medium-term arrangement, the Distribution Licensee shall initiate the process of medium-term procurement of power.

6. The Distribution Licensee shall normally endeavour to procure power through competitive bidding. In case of any proposal for procurement of power through MoU route, the Distribution Licensee shall obtain prior approval of the GERC.
7. In case of procurement of power through competitive bidding, the Distribution Licensees shall initiate the process for long-term / medium-term power procurement in accordance with the Ministry of Power's 'Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees' notified by the Ministry of Power on 19/01/2005 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. In the latter case, intimation shall be sent by the Distribution Licensee to the GERC about initiation of the bidding process.
 - b. Approval of the GERC shall be sought in the event of any deviations from the bidding conditions contained in the MoP guidelines, and in following the process described in the MoP guidelines.
 - c. Approval of the GERC shall be sought prior to initiating the bidding process with regard to the following aspects:
 - i. For the quantum of capacity / energy to be procured, in case the same exceeds the projected additional demand forecast for the next three years following the year of expected commencement of supply proposed to be procured. Such demand forecast shall be based on the latest available (at the time of issue of RFQ) Electric Power Survey published by the Central Electricity Authority (Both for Case 1 and Case 2).
 - ii. For the transfer price of fuel, in case of fuel specific procurement enquiry, if such price has not been determined by government, government approved mechanism or a fuel regulator (under Case 2).

8. In case of long-term / medium-term procurement of power from generating sources, where tariff is to be determined / adopted by the Central Electricity Regulatory Commission, the Distribution Licensee shall take prior approval of the GERC before entering into any such arrangement.
9. In case of long-term / medium-term procurement of power from generating sources, where tariff is to be determined by the GERC, the Distribution Licensee shall enter into such arrangement or agreement only after getting prior approval of the power purchase agreement.
10. For getting approval of draft PPA, the Distribution Licensee shall submit an application along with the details of quantum of power, justification for selecting a particular source/technology and the draft PPA document.
 - a. The Distribution Licensee shall, within 7 days after registration of the application, publish a notice of his application in at least two daily newspapers, one in English language and one in vernacular language, having wide circulation in the relevant area.
 - b. The suggestions and objections, if any, on the proposal for procurement of power and draft PPA, may be filed before Secretary, GERC, by any person within 30 days of publication of this notice with a copy to the applicant.
 - c. The GERC shall, within ninety (90) days from the date of registration of a complete application and after considering all suggestions and objections received from the public, issue Order approving/rejecting the proposal and draft PPA with such modifications or such conditions as may be specified in that Order.
11. For procurement of power from renewable sources of energy, the Distribution Licensee shall enter into long-term agreement in accordance with the Model PPA to be prescribed by the GERC separately. Approval of the GERC shall be sought in the event of any deviations from the Model PPA.

12. The Distribution Licensee shall submit a copy of the 'power purchase agreement' within 30 days of entering into an agreement for long-term / medium-term procurement of power.
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 into 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 Licensees 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.

17. The GERC may permit any Distribution Licensee to make purchase of power without requiring that such purchase be subject to Competitive/Open Process in the event of an unforeseen and an exceptional situation. However, the Distribution Licensee shall not, thereby, be exempted from demonstrating the need and the reason for departure

from a competitive process together with the economic justification for the purchase, the means, whereby, in the absence of competition, the Distribution Licensee proposes to secure the best possible terms and such other information as the GERC may require.

Gandhinagar
Date: 7th August 2013

Sd/-
(Mukesh Kumar)
SECRETARY

No. 23/17/2013-R&R-Vol-VI (Part 2)
Government of India
Ministry of Power

Shram Shakti Bhawan, Rafi Marg,
New Delhi, the 29th January, 2019

To

1. The Chairperson, Central Electricity Authority, Sewa Bhavan, R. K. Puram, New Delhi.
2. The Secretary, Central Electricity Regulatory Commission (CERC)/FOR, Chanderlok Building, Janpath, New Delhi.
3. Principal Secretaries/Secretaries (Power/Energy) of all State Governments/UTs.
4. Secretaries of all State Electricity Regulatory Commissions(SERCs)/JERCs
5. Chairman/CMDs of all PSUs under administrative control of Ministry of Power.
6. CMDs/MDs of Discoms/Gencos of all State Governments.
7. DG, Association of Power Producers(APP), New Delhi

Subject: Revised Guidelines and Model Bidding Documents (MBDs) for procurement of electricity for Medium Term from Power Stations set up on Finance, Own and Operate (FOO) basis – Reg

Sir/Madam,

I am directed to say that the Model Bidding Documents for procurement of electricity by Distribution Licensees for Medium Term from power stations set up on Finance, Own and Operate (FOO) basis, through competitive bidding process were issued under the provisions of Section 63 of the Electricity Act, 2003 on 29th January, 2014. Guidelines in this regard were also issued on 10th February, 2014. These Model Bidding Documents and Guidelines were amended on 20th August, 2015. These Guidelines and Model Bidding Documents were further revised in January 2017 to introduce e-bidding and e-reverse auction.

2. Coal linkage Allocation Policy for Power Sector known as 'Scheme for Harnessing and Allocating Koyala (Coal) Transparently in India' (SHAKTI Policy) was issued by the Ministry of Coal on 22nd May 2017. Under the SHAKTI scheme, use of linkage coal has also been allowed in Medium term power procurement.

3. Subsequently, an Advisory was issued by Ministry of Power on 16th November 2017 on introduction of provisions of SHAKTI (Scheme for Harnessing and Allocating



Koyala (Coal) Transparently in India) in procurement of power for Medium Term by distribution licensees. It was advised that during the pendency of the approval and notification of the revised MBDs for procurement of power on Medium term basis, the distribution licensees who are willing to invite bids for procurement of power on Medium Term basis in line with SHAKTI Policy, may carry out appropriate modifications in the existing MBDs for Medium Term procurement of power issued on 16th January 2017, and obtain the approval of the Appropriate Commission.

4. Now, in accordance with the provisions of Para B (I), B (III) & B (IV) of SHAKTI Policy, Ministry of Power has revised bidding documents for Medium Term Procurement of Power i.e. **Standard Bidding Document** (comprising of both the Model Request for Qualification and Model Request for Proposal) and the **Model Agreement for Procurement of Power** (collectively referred as 'Model Bidding Documents') and enclosed herewith. The Guidelines in this regard, are being issued separately.

5. The link for the e-Bidding Portal shall be made available at the website of PFC Consulting Limited (www.pfcclindia.com) and shall also be available on the website of Ministry of Power (www.powermin.nic.in).

6. The soft copy of the Model Bidding Documents is available at the website of Ministry of Power i.e. www.powermin.nic.in under "Current Notices".

Yours faithfully,



(Debranjana Chattopadhyay)
Under Secretary to Govt. of India
Tele No. 2373 0265

Copy to:

1. All JSs of Ministry of Power/JS&FA & Economic Adviser, Ministry of Power
2. All Directors/DSs of Ministry of Power

Copy for information to: PS to MoSP(I/C) for Power, & NRE, PPS to Secy.(P), PPS to AS(SNS), PS to CE(RR & OM), PS to Dir(R&R)

Copy to: In-charge, NIC Cell for uploading on MOP's website under "Current Notices".

3. मॉडल बोली दस्तावेजों को शामिल करते हुए इन दिशा-निर्देशों के आधार पर ई-रिवर्स ऑक्शन का प्रयोग करते हुए डीईईपी ई-बिडिंग प्रक्रिया के माध्यम से निर्धारित प्रशुल्क अधिनियम की धारा 63 के प्रावधानों के अनुसरण में उपयुक्त आयोग द्वारा अपनाया जाएगा।
4. वितरण लाइसेंसियों द्वारा मॉडल बोली दस्तावेजों से कोई विचलन उपयुक्त आयोग के पूर्व अनुमोदन से ही किया जाएगा। बशर्ते यह कि मॉडल बोली दस्तावेजों में अभिव्यक्त रूप से अनुमति दिए गए किसी परियोजना विशेष संशोधनों का अर्थ मॉडल बोली दस्तावेजों से विचलन के रूप में नहीं लगाया जाएगा।
5. कोयला मंत्रालय द्वारा जारी की गई नई कोयला ब्लॉक नीलामी नीति को ध्यान में रखते हुए, विद्युत मंत्रालय के दिनांक 16 अप्रैल, 2015 के संकल्प सं. 23/9/2015-आरएंडआर के माध्यम से डिजाइन, निर्माण, वित्त, स्वामित्व और प्रचालन (डीबीएफओओ) आधार पर स्थापित ताप विद्युत केंद्रों से विद्युत की अधिप्राप्ति के दिशा-निर्देशों में किए गए संशोधन यथाआवश्यक परिवर्तनों सहित, वित्त, स्वामित्व और प्रचालन (एफओओ) आधार पर स्थापित विद्युत स्टेशनों से मध्यकालिक अवधि के लिए विद्युत की अधिप्राप्ति पर भी लागू होंगे।

वितरण लाइसेंसियों द्वारा, 17 जनवरी, 2017 को जारी मानक बोली दस्तावेजों सहित विद्युत की अधिप्राप्ति के लिए बोली प्रक्रिया द्वारा प्रशुल्क के निर्धारण हेतु 16 जनवरी, 2017 को जारी किए गए दिशा-निर्देशों को निरसित किया जाता है। बशर्ते यह कि इस तारीख से पूर्व हस्ताक्षर किया गया कोई भी करार या की गई कोई भी कार्रवाई उक्त दिशा-निर्देशों के ऐसे निरसन द्वारा प्रभावित नहीं होगी और इसके अंतर्गत निरसित दिशा-निर्देशों द्वारा शासित होती रहेंगी।

घनश्याम प्रसाद, मुख्य अभियंता

MINISTRY OF POWER RESOLUTION

New Delhi, the 30th January, 2019

Revised Guidelines for Procurement of Electricity for Medium Term from Power Stations set up on Finance, Own and Operate (FOO) basis

No. 23/17/2013-R&R-Vol-VI (Part 2).—Whereas the Central Government is engaged in creating an enabling policy and regulatory environment for the orderly growth of generation of electricity in accordance with the provisions of the Electricity Act, 2003 (the "Act");

Whereas it is incumbent upon the Central Government, State Governments, Electricity Regulatory Commissions and the distribution licensees to promote competition in the procurement of electricity through competitive and transparent processes;

Whereas the Central Government has, after extensive consultations with various stakeholders and experts, evolved a model contractual framework for procurement of electricity by the Distribution Licensees from power producers who agree to construct and/or operate power generating stations set up on 'Finance, Own and Operate ("FOO") basis for medium term power or from Traders/ Distribution Licensees having back to back arrangements with power producers.

Whereas, The Central Government had, therefore vide its letter No. [No.23/17/2013-R&R] (Vol-II) dated 29th January 2014, issued the Model Documents comprising the Model Request for Qualification (the "MRFQ") and the Model Request for Proposal (the "MRFP"), and Model Agreement for Procurement of Power (the "MAPP") (collectively, the "Model Bidding Documents") to be adopted by the distribution licensees for procurement of power from the power producers.

Based on the above, the Central Government had notified the Guidelines vide resolution No. 23/17/2013-R&R (Vol-II) dated 10th February 2014, which were further amended vide resolution dated 20th August, 2015. Further, the Central Government vide its letter No. 23/17/2013-R&R (Vol-IV) dated 16th January 2017, had issued a single document as the "Standard Bidding Document" comprising both the Model Request for Qualification (the "MRFQ") and the Model Request for Proposal (the "MRFP"), and the Model Agreement for Procurement of Power (the "MAPP") (collectively, the Standard Bidding Document and the MAPP are referred to as the "Model Bidding Documents") to be adopted by distribution licensees for procurement of electricity from the power producers/Traders/Discoms. Based on the same, the Central

**Proposed Deviations in Model Bidding Documents (MBDs) for procurement of electricity for Medium Term by MPSEZ
Utilities Limited (MUL)**

Clause-wise detailed deviation in the MBD for procurement of power is tabulated below:

Table-1 (Deviation in RFP)

Clause No.	Clause as per MBD for RFP	Proposed Clause	Rationale for Modifications / Deviation
Appendix-I	<p>Letter comprising the Bid:</p> <p>Sr. 30 - I/ We hereby submit the following Bid20 and offer, as on the Bid Due Date, in accordance with the provisions of the APP and Clause 4.8 of this RFP:</p> <p>A Tariff of Rs.....and paise.....\$ (Rupees.....and paise.....) per kWh comprising a Base Variable Charge of Rs.....and paise.....\$ (Rupeesand paise) per kWh including (i) Rs.....and paise...\$ (Rupees.....and paise.....) per kWh as the cost of generation (ii) Rs.....and paise...\$ (Rupees.....and paise.....) per kWh as the cost of transmission charge and (iii) Rs.....and paise...\$ (Rupees.....and paise.....) per kWh as the cost of transmission loss and a Base Fixed Charge of Rs.....and paise.....\$ (Rupeesand paise) per kWh which is equal to the cost of generation.</p>	<p>Letter comprising the Bid:</p> <p>Sr. 30 - I/ We hereby submit the following Bid20 and offer, as on the Bid Due Date, in accordance with the provisions of the APP and Clause 4.8 <u>5.8</u> of this RFP:</p> <p>A Tariff of Rs.....and paise.....\$ (Rupees.....and paise.....) per kWh comprising a Base Variable Charge of Rs.....and paise.....\$ (Rupeesand paise) per kWh including (i) Rs.....and paise...\$ (Rupees.....and paise.....) per kWh as the cost of generation (ii) Rs.....and paise...\$ (Rupees.....and paise.....) per kWh as the cost of transmission charge and (iii) Rs.....and paise...\$ (Rupees.....and paise.....) per kWh as the cost of transmission loss and a Base Fixed Charge of Rs.....and paise.....\$ (Rupeesand paise) per kWh which is equal to the cost of generation.</p> <p><u>The cost of transmission charge (in Rs./unit) for Gujarat InSTS and ISTS shall be specified by the Utility before Bid Due Date based on the prevailing Gujarat Electricity Regulatory Commission / NLDC</u></p>	<p>The proposed mechanism is explained as under:</p> <p>Utility to pre-specify transmission charges in Rs./unit (Gujarat InSTS & ISTS network) to be quoted by Bidder while submitting the bid online on DEEP Portal while variation thereafter shall be treated as pass through under Change in Law. Accordingly, Transmission Charges cannot be changed during reverse auction.</p> <p>Utility to pre-specify transmission losses (in %) (Gujarat InSTS & ISTS network) to be quoted by Bidder while submitting the bid online on DEEP Portal while variation thereafter shall be treated as a pass through under Change in Law. Transmission losses (in Rs./unit) is to be quoted by Bidder based on Gujarat InSTS & ISTS losses (in %) pre-specified by Utility prior to bid due date. Bidder can</p>