

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**Petition No. 2068 of 2022.**

**In the Matter of:**

**Petition under Section 63 read with 86(1)(b) of the Electricity Act 2003 for seeking adoption of tariff discovered under Competitive Bidding Process conducted vide RFS No. GUVNL/500 MW/Solar dated 03.01.2022 (Phase XIII) issued by GUVNL for procurement of power from 500 MW Solar PV Power Projects in the State of Gujarat.**

Petitioner : Gujarat Urja Vikas Nigam Limited

Represented By : Ms. Sailaja Vachhrajani and Mr. Parthik Joshi

**CORAM:**

**Anil Mukim, Chairman  
Mehul M. Gandhi, Member  
S. R. Pandey, Member**

**Date: 30/05/2022.**

**ORDER**

1. This Petition has been filed by the Petitioner Gujarat Urja Vikas Nigam Limited (GUVNL), under Section 63 read with 86(1)(b) of the Electricity Act 2003 *inter alia* seeking following prayers:
  - (a) *To admit the present petition.*
  - (b) *To approve the revisions made by GUVNL in the Change in Law provisions of the bid documents as mentioned at para 13 of the petition which have been made pursuant to discussion with prospective bidders during the pre-bid meeting conducted by GUVNL in the interest of better participation and better price discovery.*
  - (c) *To adopt the tariff discovered by the Petitioner as mentioned at para 16 above, in the procurement process conducted by the petitioner through RFS No.*

*GUVNL / 500 MW / Solar (Phase XIII) dated 03.01.2022 within the time duration stipulated by Hon'ble MoP under the amended guidelines referred at para 10 above.*

- (d) The Petitioner craves relief of the Hon'ble Commission to allow further submissions, prayers, additions and alterations to this Petition as may be necessary from time to time.*
- (e) Pass any other Order as the Hon'ble Commission may deem fit and appropriate under the circumstances of the case, to avoid further delay and in the interest of justice.*

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 has been notified under the Gujarat Electricity Industry (Reorganization and Regulation) Act, 2003, whereby, 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 provision 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 to 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. It is submitted that pending the issuance of Standard Bidding Documents by Central Government, the bid documents have been prepared by GUVNL from time to time which provide detailed clauses/provisions in bidding documents that are consistent with the Guidelines as amended from time to time read with the deviations approved by the Commission vide Order dated 15.03.2018 in Petition No. 1706 of 2018 and Order dated 13.01.2020 in Petition No. 1848 of 2019.
- 2.9. 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.”*

- 2.10. 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 XIII) dated 03.01.2022 under intimation to the

Commission vide letter dated 31.12.2021. The Petitioner had also published a public notice dated 05.01.2022 of 'Notice Inviting Tender' in two national newspapers regarding above 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 18.01.2022, 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 and subsequently made some of the acceptable changes in the tender documents pursuant to the discussions with bidders. 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.

- 2.11. It is submitted that at the time of floating of present tender, GUVNL had kept the provisions regarding 'Change in Law' in the tender documents in accordance with the previous bidding process conducted by GUVNL covering limited items for relief under Change in Law provisions, which is restricted to (i) Anti-Dumping Duty, Safeguard Duty and Custom Duty on Solar PV modules (ii) the imposition of tax or surcharge or levies on generation of electricity (leviable on the final output in form of energy) or sale of electricity. The changes in rates of GST on Solar modules were not covered in the aforesaid Change in Law provisions of the tender documents.
- 2.12. The Guidelines issued by Central Government for procurement of power through competitive bidding process stipulates the Change in Law provisions covering broad scope covering changes in taxation as well as other legal / policy structure in the economy as pass through in tariff with restitution principle i.e., to restore the generator in the same economic position as if the Change in Law had not taken place. However, GUVNL had previously approached the Commission for deviation from the MoP Guidelines on account of potential disputes/litigations that may frequently take place for tariff revision on account of broad scope of the Change in Law provisions. The Commission vide its Order dated 15.03.2018 in Petition 1706 of 2018 had approved the deviation proposed by GUVNL to limit the scope of



Change in Law only in respect to changes in tax rates & duties applicable on generation or sale of electricity leviable on final output in form of energy.

- 2.13. However, in a subsequent tender, when GUVNL had prepared the bid documents with above deviation, the tariffs discovered were in the range of Rs 2.98 – 3.06 / unit in the E-Reverse auction conducted in March-2018 (Phase II) and GUVNL had to scrap the above tender due to higher tariffs. The developers conveyed to GUVNL that the discovery of high tariff was as a result of potential imposition of safeguard duty / anti-dumping duty on Solar modules being contemplated at that time which was not eligible for pass through in tariff under the deviation for the Change in Law clause taken by GUVNL. In view of the said discussions, GUVNL included the introduction / modification / changes in the rates of safeguard duty / anti-dumping duty under the ambit of Change in Law provisions of PPA in the re-tendering process (Phase II-R), wherein the tariff of Rs 2.44 / unit was discovered which was record low tariff at that time and the tariffs were adopted by the Commission vide its Order dated 19.06.2019 in Petition No. 1768 of 2018.
- 2.14. Thereafter, in the subsequent tenders conducted from time to time, pursuant to further discussions with the developers in the pre-bid process conducted from time to time, the custom duty on solar modules was also included in the ambit of Change in Law and the record low tariffs of Rs. 1.99 -2.20 / unit have been discovered in the recent tenders with revised provisions. Such tariffs have been adopted by the Commission vide its Orders dated 08.01.2021 in Petition No. 1923 of 2021 and 13.05.2021 in Petition No. 1963 of 2021.
- 2.15. Government of India, Ministry of Finance has increased rate of GST on Solar Modules from 5% to 12% vide Notification dated 30.09.2021. During the pre-bid meeting held by GUVNL for the present Tender, the developers represented before GUVNL that it is difficult to anticipate change in rates of taxes, duties at the time of submission of bids and therefore change in rates of taxes / duties should be covered as pass through under Change in Law provisions of PPA.
- 2.16. In view of above, GUVNL made amendments in the “Change in Law” provisions of bid documents pursuant to discussions with prospective bidders during the pre-bid meeting as under:

*“...9.2.1 "Change in Law" shall refer to the occurrence of any of the following events notified after the Bid Deadline.*

*a) the enactment, bringing into effect, adoption, promulgation, amendment, modification or repeal, of any statute, decree, ordinance or other law, regulations, notice, circular, code, rule or direction by Governmental Instrumentality or a change in its interpretation by a Competent Court of law, tribunal, government or statutory authority or any of the above regulations, taxes, duties charges, levies etc. that results in any change with respect to any tax or surcharge or cess levied or similar charges by the Competent Government on the generation of electricity (leviable on the final output in the form of energy) or sale of electricity.*

*b) Introduction / modifications / changes in rates of Safeguard Duty and/or Antidumping Duty and/or Custom Duty and/or Goods and Services Tax including Surcharge thereon which have direct effect on the cost of solar PV modules...”*

- 2.17. The last date of bid submission in the tendering process initially was 03.02.2022 and the same was extended up to 03.03.2022. The Technical Bid Opening was held on 08.03.2022 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 20 bidders offering aggregate capacity of 3150 MW which were technically qualified.
- 2.18. The 20 bidders who had submitted bids were technically qualified as per the report of the Bid Evaluation Committee and in accordance with the said report, the Financial Bids of all 20 bidders were opened on 16.03.2022 on e-bidding portal in presence of the Bid Evaluation Committee.
- 2.19. As per terms and conditions of tender, 12 bidders with aggregate capacity of 2270 MW could qualify for e-reverse auction and e-reverse auction was conducted. Accordingly, the Petitioner conducted e-reverse auction for allocating 500 MW capacity from amongst 2270 MW capacity out of 3150 MW for which the bids were received.
- 2.20. The e-auction report generated at the Bharat-electronic tender's portal is also filed with the Petition. Following prices were discovered at the closure of e-reverse auction held on Bharat-electronic tender's portal:

<b>Sr. No.</b>	<b>Name of the Company</b>	<b>Rs./Unit</b>	<b>Quoted Capacity (MW)</b>	<b>Allocated Capacity (MW)</b>
1	M/s SJVN Limited	2.29	100	100
2	SolarXL Alpha Energy Pvt. Limited	2.29	200	200
3	Amsa Solar Energy Pvt. Limited	2.29	80	80
4	Hinduja Renewable Energy Pvt. Limited	2.29	240	120

- 2.21. The Petitioner is yet to be issue Letter of Award (LoA) to the bidders mentioned in above table at the corresponding rates quoted by them and allocated capacity. In case of M/s Hinduja Renewable Energy Pvt. Limited, there is a partial capacity allocation of 120 MW as against their quoted capacity of 240 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.
- 2.22. 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-XIII) dated 03.01.2022 for procurement of power from Grid connected Solar PV projects in Gujarat.
3. The matter was kept for hearing on 26.04.2022. During the hearing, Ms. Sailaja Vachhrajani, appearing on behalf of the Petitioner GUVNL, while reiterating the facts of the Petition as stated at para 2 above, submitted that at the time of floating of aforesaid tender, GUVNL had kept the provisions regarding 'Change in Law' in the bidding documents in accordance with the provisions of previous bidding documents in Competitive Bidding process that were conducted by GUVNL covering limited items for relief under Change in Law provisions, restricted to (i) Anti-Dumping Duty, Safeguard Duty and Custom Duty on Solar PV modules (ii) the imposition of tax or surcharge or levies on generation of electricity (leviable on the final output in form of energy) or sale of electricity but the changes in rates of GST on Solar modules were not covered in the aforesaid 'Change in Law' provisions of the tender documents issued. The said bidding documents i.e. RfS and draft PPA of the aforesaid tender were thereafter, published on the Petitioner's website for information as well as on bidding portal for downloading the official copy of the



Tender Documents for participation in bidding procedure including e-reverse auction. It is submitted that during the pre-bid meeting with the prospective bidders held on 18.01.2022, bid parameters, provisions of bid documents & timelines were discussed. Moreover, Ministry of Finance, Government of India vide its notification dated 30.09.2021 increased rate of GST on Solar Modules from 5% to 12%. During aforesaid pre-bid meeting; certain bidders suggested for incorporating 'Change in Law' clause to include Goods & Service tax including surcharge thereon which has direct effect on cost of Solar Modules in the bidding documents so as to enable the prospective bidders to submit their bid quotation with consideration of such clause because otherwise it is difficult for the bidders to anticipate future change in rates of taxes, duties, levies etc. and by allowing change in rate of GST / Surcharge as pass through under 'Change in Law' provisions, presumptive loading by the bidders can be avoided. Accordingly, the Petitioner had modified the 'Change in Law' provision in draft PPA by including GST including Surcharge thereon which has direct effect on the cost of solar PV modules.

3.1. It is argued that the 'Change in Law' provisions as per Guidelines issued by the Ministry of Power are very wide to include changes in taxation, duties, cess etc. as well as other legal/statutory changes as pass through in tariff with restitution principle. However, the relevant provision in earlier bidding documents of the Petitioner were restrictive in nature. Hence, with the aforesaid modified clause of 'Change in Law' by the Petitioner incorporated in the bidding documents is towards aligning with the provisions of the Guidelines issued by MoP and according to the Petitioner's view it is not a deviation requiring prior approval of the Commission. It is further submitted that during the pre-bid meeting, the Petitioner had addressed the queries raised by the prospective bidders and subsequently made some of the acceptable changes in the tender documents pursuant to discussions with bidders, uniformly applicable to all the participating bidders and the minutes of Pre-bid meeting were also issued and hosted on websites of GUVNL and on e-bidding portal for information / consideration of the prospective bidders.

3.2. With regard to whether the Petitioner has obtained prior approval of the Commission in past for deviations from the Guidelines, Ms. Sailaja Vachhrajani submitted that the Petitioner has not much deviated from the Guidelines wherein

the stipulated 'Change in Law' provisions having broad scope covering changes in taxes, duties as well as other legal / policy aspects as pass through in tariff with restitution principle and in order to avoid potential disputes / litigations that may frequently take place for tariff revision on account of broad scope of said provisions regarding 'Change in Law', the Petitioner had in past approached this Commission for approval of deviation proposing to limit the scope of Change in Law only in respect to changes in tax rates & duties applicable on generation or sale of electricity leviable on final output in form of energy. However, in a subsequent tender the tariff discovered with said deviation during e-reverse auction in March-2018 being higher in the range of Rs. 2.96 – 3.06 per unit was scrapped by the Petitioner. Thereafter, in subsequent tendering process conducted from time to time, pursuant to discussions with the developers during pre-bid process, modified certain clauses which are consistent and nearer to the provisions of the Guidelines issued by the MoP, Govt. of India were incorporated and such deviations are incorporated in interest of the Petitioner alongwith the bidders and end consumers to have more clarity, avoid disputes / litigation etc. in future. Hence, the Petitioner has not obtained prior approval of the Commission other than in Petition No. 1706 of 2018 and Petition No. 1848 of 2019. It is also reiterated that as such according to the Petitioner, changes made in different bidding documents including in present tender may not qualify as deviation because the modified clauses are in furtherance & conformity towards the provisions in the guidelines. Moreover, in response to clubbing of the present Petition with Petitions filed by renewable generator wherein the issues have been raised that there are deviations from the guidelines for which no prior approval has been sought by GUVNL from the Commission in terms of Clause 3.1.1 (c) read with Clause 18 of said bidding guidelines and provisions of 'Change in Law' in the PPA, it is submitted that GUVNL is opposing the said matters and hence, the Commission is requested that same need not be clubbed with this matter. With regard to requirement of prior approval of the Commission for any deviation(s) from the guidelines and thereafter, incorporating the same in any tendering process, it is agreed that hence forth, the Petitioner undertakes to take prior approval from the Commission before incorporating any deviations from the guidelines in the bidding documents.

- 3.3. It is further submitted that with the modified 'Change in Law' clause including GST / Surcharge on solar modules, attractive tariff of Rs. 2.29 per unit is discovered and such lower discovered tariff of Rs. 2.29 per unit is in overall interest of the consumers, which could be achieved by providing clarity regarding change in rates of GST and surcharge thereon.
4. 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. The Petitioner has sought the approval of the Commission for adoption of discovered tariff of Rs. 2.29 per unit quoted by successful bidders of bid No. RfS No. GUVNL/500 MW/Solar (Phase XIII) dated 03.01.2022, as stated in para 2.22 above. It is also prayed that the Commission to approve the revisions made by the Petitioner GUVNL in the Change in Law provisions of the bid documents as mentioned at para 13 of the Petition which have been made pursuant to discussions with prospective bidders during the pre-bid meeting.
- 4.1. 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 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 03.01.2022.

- 4.2. The Petitioner has sought the Commission's approval under Section 63 read with Section 86(1)(b) of the Electricity Act, 2003, which Sections 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 transparent competitive bidding process 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.

- 4.3. 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 in para 3 of the Daily Order dated 12.05.2022 passed for hearing held on 26.04.2022 has decided to admit the present Petition.
- 4.4. 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 XIII) dated 03.01.2022 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 31.12.2021 stating that the Petitioner is planning to issue a tender for procurement of 500 MW Non-park Solar projects through competitive bidding process (Phase XIII) under MoP guidelines dated 03.08.2017. The said letter also states that the draft bid documents i.e., RFS & PPA are attached. Moreover, an intimation under Clause 3.1.1 of the Competitive Bidding guidelines issued by the Ministry of Power is given to the Commission. 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 18.01.2022, wherein key bid parameters, provisions of bid documents & timelines were discussed 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 03.02.2022 which was subsequently extended up to 03.03.2022.
- 4.5. We note that the Petitioner received online bids from 20 bidders offering aggregate capacity of 3150 MW and the technical bid opening was held on 08.03.2022 in the presence of Bid Evaluation Committee consisting of following officials:

<b>Sr. No.</b>	<b>Name</b>	<b>Designation</b>
1	Shri K P Jangid	General Manager, Commerce



2	Smt. Sailaja Vachhrajani	General Manager, IPP
3	Shri Parthiv Bhatt	Company Secretary, GUVNL
4	Shri Nilay Joshi	Controller of Accounts (In lieu of Chief Finance Manager, F&A)

4.6. It is observed that aforesaid bids received from 20 bidders were technically qualified and technical evaluation report signed by the Bid Evaluation Committee is filed by the Petitioner. In accordance with said report, the Financial Bids of all 20 bidders were opened on 16.03.2022 on e-bidding portal in presence of Bid Evaluation Committee. As per the terms and conditions of the tender, 12 bidders with aggregate capacity of 2270 MW could qualify against the tendered capacity of 500 MW for the e-reverse auction and the Petitioner accordingly conducted the e-reverse auction.

4.7. The following prices were discovered at the closure of e-reverse auction that was held on the e-bidding portal and e- report generated at the Bharat-electronic tender's portal is also filed with the Petition:

Sr. No.	Name of the Company	Rs./Unit	Quoted Capacity (MW)	Allocated Capacity (MW)
1	M/s SJVN Limited	2.29	100	100
2	SolarXL Alpha Energy Pvt. Limited	2.29	200	200
3	Amsa Solar Energy Pvt. Limited	2.29	80	80
4	Hinduja Renewable Energy Pvt. Limited	2.29	240	120

4.8. It is also submitted by the Petitioner that the bids received were opened in presence of Bid Evaluation Committee and also evaluated by said Committee. 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 XIII) DATED 03.01.2022  
TENDER FOR PROCUREMENT OF 500 MW SOLAR POWER FROM NON-PARK BASED PROJECTS  
(PHASE - XIII)***

***14<sup>TH</sup> MARCH, 2022***

### ***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 XIII) dated 03.01.2022. The RfS was floated on 03.01.2022. The last date for submission of online bids in the above tender was 03.03.2022 and the last date for submissions of physical documents was 07.03.2022.

GUVNL had constituted a committee for evaluation of the bids (Evaluation Committee), consisting of the following members:

<b>Sr. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Shri K P Jangid	General Manager, Commerce
2.	Smt. Sailaja Vachhrajani	General Manager, IPP
3.	Shri Parthiv Bhatt	Company Secretary, GUVNL
4.	Shri Nilay Joshi (in lieu of CFM (F&A))	Controller of Accounts

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

<b>RfS Reference No.</b>	RfS No. GUVNL / 500 MW / Solar (Phase XIII) dated 03.01.2022.
<b>Capacity</b>	Total 500 MW Solar Projects to be developed
<b>Minimum Bid Capacity</b>	25 MW
<b>Term of PPA</b>	25 years from S.C.O.D.
<b>Technology</b>	Commercially established Solar Photovoltaic technology

## 3. Response to RFS

A total of 20 (Twenty) responses for aggregate capacity of 3150 MW were received by GUVNL. The technical bids were opened on 08.03.2022 on e-bidding portal as per the tender timeline. The list of the bidders and the capacity offered is as below.

<b>SN</b>	<b>Bidders</b>	<b>MW</b>
1	Avaada Energy Private Limited	300
2	Juniper Green Energy Private Limited	40
3	SJVN Limited	100
4	ReNew Solar Power Private Limited	150
5	Tata Power Renewable Energy Limited	120
6	Ib vogt Singapore Pte Limited	200
7	Torrent Power Limited	100
8	Vector Green Energies Private Limited	90