

KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM

Present : Shri T K Jose, Chairman
Shri B Pradeep, Member
Adv. A.J Wilson, Member

OP No: 01/2023

In the matter of : Petition under Regulation 78 of the KSERC (Terms and Conditions for Determination of Tariff) Regulations 2021 seeking approval for entering into short term power procurement arrangement with Tata Power Trading Company Limited (TPTCL), PTC India Ltd (PTC) and Jindal Power Ltd (JPL) through DEEP portal for meeting power shortage for the months of February and March 2023.

Petitioner : Kerala State Electricity Board Limited (KSEBL)

KSEBL represented by : Sri. Rajan, Deputy Chief Engineer
Sri. Edward, P Bonafice AEE, TRAC

Respondents

1. M/s Tata Power Trading Company Ltd
Shatabdi Bhavan, B-12-13, Sector-4,
Noida – 201301, Uttar Pradesh
2. M/s. PTC India Ltd (PTC), 2nd Floor, NBCC
Tower, 15-Bhikaji Cama Place, New Delhi –
110066.
3. M/s Jindal Power Ltd, 3rd Floor, Tower B,
Jindal Centre Plot No.2, Sector 3, Gurgaon-
122001, Haryana.

Respondents represented by : Shri. Tanya Bhutani, Group Head Marketing, TPTCL
Shri. Manoj Kumar, CGM, PTC
Shri. Arun Kumar, Head (Short Term Marketing) ,PTC
Shri. Gagan Varma, AGM, Power Trading, JPL

Date of the hearing : 17.01.2023

Order dated 17.01.2023

1. KSEB Ltd on 06.01.2023, had filed a petition before the Commission for seeking approval for entering into the following short term power procurement arrangement with Tata Power Trading Company Limited (TPTCL), PTC India Ltd (PTC) and Jindal Power Ltd (JPL) through DEEP portal for meeting power shortage for the coming summer months of February and March 2023.

(1) Letter of Award to Tata Power Trading Corporation Ltd (TPTCL)

Period	Duration (Hrs)	Quantum (MW) on firm basis	Rate at Delivery Point i.e., Kerala Periphery	Source of Power
01.02.2023 to 28.02.2023	RTC	45	Rs. 6.15/- (Rupees Six and Fifteen paise only) per kWh	NBVL, Odisha
01.03.2023 to 31.03.2023	14 to 24	50	Rs. 7.18/- (Rupees Seven and Eighteen paise only) per kWh	PPGCL, UP

(2) Letter of Award to PTC India Ltd

Period	Duration (Hrs)	Quantum (MW) on firm basis	Rate at Delivery Point i.e., Kerala Periphery	Source of Power
01.03.2023 to 31.03.2023	14 to 24	50	Rs. 7.18/- (Rupees Seven and Eighteen paise Only) per kWh	Jaypee Nigrie Super Thermal Power Plant, Madhya Pradesh in the Western Region.

(3) Letter of Award to M/s Jindal Power Ltd

Period	Duration (Hrs)	Quantum (MW) on firm basis	Rate at Delivery Point i.e., Kerala Periphery
01.02.2023 to 28.02.2023	RTC	55	Rs. 6.15/- (Rupees Six and Fifteen paise only) per kWh

2. The summary of the petition filed by KSEB Ltd is given below.

- (1) For meeting the electricity demand of the coming summer months, KSEB Ltd, had entered into the following short-term power purchase contracts and SWAP transactions with the approval of the Commission;
- (i) 100MW RTC power through the trader M/s NVVNL @Rs 8.03/unit at Kerala periphery from 01.03.2023 to 31.03.2023.
 - (ii) 100MW RTC power through the trader M/s PTC India Ltd @Rs 7.95/unit at Kerala periphery from 01.04.2023 to 30.04.2023.
 - (iii) SWAP through M/s Arunachal Pradesh Power Corporation Pvt Ltd
 - 200 MW RTC power in the month of March 2023, which is to be returned from 16.06.2023 to 30.06.2023.
 - 200MW RTC power in the month of April 2023, which is to be returned from 01.07.2023 to 31.07.2023.
 - 200MW RTC power in the month of May 2023 (from, 01.05.2023 to 20.05.2023) which is to be returned from August 2023 to September 2023.

- (iv) SWAP through M/s Kreate Energy (I) Pvt Ltd
- 50MW power in the month of February 2023 during 14:00 hrs to 22:00 hrs, which is to be returned from 16.06.2023 to 30.06.2023.
 - 50MW RTC power in the month of March 2023, which is to be returned from 01.07.2023 to 15.07.2023.
 - 50MW power in the month of March 2023, during 14:00 hrs to 23:00 hrs, which is to be returned from 01.07.2023 to 15.07.2023.
 - 75MW power in the month of February 2023, which is to be returned from 16.06.2023 to 15.07.2023.

(2) KSEB Ltd further submitted that, the licensee is expected to have power shortages of about 150MW in the months of February 2023 and March 2023 due to the following.

- Annual overhauling of Maithon Power Ltd in February 2023.
- Maintenance works of various hydro stations in the month of March 2023.

In order to meet the power shortages in the months of February and March 2023, KSEB Ltd decided to invite short term tender through DEEP portal as detailed below.

(i) Bid quantum and period of supply

Requisition	Period		Required Quantity (MW)	Duration (Hrs)	Minimum Bid Quantity(MW)
	From	To			
1	01.02.2023	28.02.2023	150	RTC	25
2	01.03.2023	31.03.2023	50	00 to 14	25
3	01.03.2023	31.03.2023	100	14 to 24	25

(ii) timelines specified for tender finalisation

Sl.	Event	Date
1	Publication of RfP/Activation of Event	28.11.2022
2	Last date for submission of queries if any	01.12.2022
3	Reply of queries	06.12.2022
4	Submission of RfP (on line digitally signed non-financial technical Bid and IPOs)	08.12.2022; 02:00pm
5	Opening of non financial technical Bids	08.12.2022; 03:00pm
6	Clarification, if any, sought from Bidder(s)	12.12.2022
7	Evaluation of nonfinancial technical Bids	13.12.2022
8	Opening of IPOs (upto 1300 hrs)	14.12.2022; 11:00am to 01:00pm
9	Start of e-RA	14.12.2022; 01:00pm to 03:00pm

- (iii) The technical bid was opened on 08.12.2022 at 3:00pm. Nine bidders had submitted the bids.

The initial price offers submitted by the bidders were opened on 14.12.2022 at 11.00 AM, followed by e-RA auction at 1:00PM, and e-RA concluded at 04:15 PM. On completion of the e-bidding the following rates were discovered through bucket filling in DEEP portal, the details are given below;

Month/ Period	Time period (Hrs.)	Required Quantum	Bidder	Quantum (MW)	Price (Rs/ kWh)	Source	Event
01.02.2023 to 28.02.2023	RTC	150	TPTCL	45	6.15	NBVL, Odisha	RA
			JPL	105	6.15	JPL, Chhattisgarh	RA
01.03.2023 to 31.03.2023	00:00 hrs to 14:00 hrs	50	PTC	50	6.64	JNSTPP, MP	RA
01.03.2023 to 31.03.2023	14:00 hrs to 24:00 hrs	100	TPTCL	50	7.18	PPGCL, UP	RA
			PTC	50	7.18	JNSTPP, MP	RA

- TPTCL-Tata Power Trading Company Ltd.
- JPL-Jindal Power Ltd
- PTC-PTC India Ltd
- JNSTPP- Jaypee Nigrie Super Thermal Power Plant
- NBVL-Nava Bharat Ventures Limited
- PPGCL-Prayagraj Power Generation Company Ltd

- (iv) KSEB Ltd further submitted that, the Standing Committee for procurement of power in the meeting held on 16.12.2022 had recommended as follows;

- (i) There was fair participation in the tender and 9 bids were received against the three requisitions for power purchase from February 2023 to March 2023.
- (ii) The total required quantum was satisfied through bucket filling for February 2023 and March 2023.
- (iii) The price discovered through bucket filling during the e-RA in DEEP portal is reasonable compared to the prevailing market price in the S3 region.
- (iv) As Renewable energy power is available during day time and it has also been decided to utilize the available hydro power during February 2023, the committee recommended to procure 100MW in February 2023 as against the bid quantum of 150 MW.

The full offered quantum of 45MW RTC power from the L1 bidder M/s Tata Power Trading Corporation Ltd (TPTCL) and 55MW RTC power out of the offered quantum of 105MW from the second lowest bidder M/s Jindal Power Ltd at the rate of Rs.6.15/kWh in the month of February 2023.

- (v) The committee further recommended that in the month of March 2023, 50 MW power at the rate of Rs.6.64/kWh from 00:00 hrs to 14:00 hrs and 100 MW power from 14 to 24 hrs at the rate of Rs.7.18/kWh, may be procured from this short-term tender.
- (v) KSEB Ltd further submitted that, the Board Management has decided to limit the procurement in the month of March 2023 during 14:00 hrs to 24:00 hrs to 100MW, so as to avoid any hydel energy surplus beyond the anticipated level. Further, the BACLCO power, which was under shutdown was resumed and delivering 95 MW RTC power since 17.12.2022. Also, the KKNPP is considering deferment of their refuelling outage of Unit#2, originally scheduled during March 2023 to April 2023 for 75 days. By considering these factors and as a part of optimization, the procurement during March 2023 is limited to 100 MW from 14 to 24 hrs at the rate of Rs.7.18/kWh.
- (vi) The bid validity period of the tender is 30 days from the date of e-Reverse Auction, i.e., upto 13.01.2023.
3. KSEB Ltd has issued LoA to the following bidders in anticipation of the approval of the Commission.

(1) Letter of Award to Tata Power Trading Corporation Ltd (TPTCL)

Period	Duration (Hrs)	Quantum (MW) on firm basis	Rate at Delivery Point i.e., Kerala Periphery	Source of Power
01.02.2023 to 28.02.2023	RTC	45	Rs. 6.15/- (Rupees Six and Fifteen paise only) per kWh	NBVL, Odisha
01.03.2023 to 31.03.2023	14 to 24	50	Rs. 7.18/- (Rupees Seven and Eighteen paise only) per kWh	PPGCL, UP

(2) Letter of Award to PTC India Ltd

Period	Duration (Hrs)	Quantum (MW) on firm basis	Rate at Delivery Point i.e., Kerala Periphery	Source of Power
01.03.2023 to 31.03.2023	14 to 24	50	Rs. 7.18/- (Rupees Seven and Eighteen paise Only) per kWh	Jaypee Nigrie Super Thermal Power Plant, Madhya Pradesh in the Western Region.

(3) Letter of Award to M/s Jindal Power Ltd

Period	Duration (Hrs)	Quantum (MW) on firm basis	Rate at Delivery Point i.e., Kerala Periphery
01.02.2023 to 28.02.2023	RTC	55	Rs. 6.15/-(Rupees Six and Fifteen paise only) per kWh

4. The Commission admitted the petition as OP No. 01/2023. The hearing of the petition was held on 17.01.2023 through video conferencing. Sri. M.P Rajan, DY CE, presented the petition on behalf of the petitioner KSEB Ltd. The summary of the deliberations during the hearing is given below;

- (1) KSEB Ltd submitted that out of the total installed hydel capacity of about 2066MW, 1351 MW is only available in the month of February 2023 1536MW is only available in the month of march 2023 after considering the annual maintenance and forced outages of the various units in the hydel plants.

Further, 1300MW only available at KSEB Ltd periphery from CGS out of the total contacted capacity of 1741.29MW. The availability from IPPs through LTA expected is 1009MW out of the Contracted capacity of 1215MW at Kerala periphery.

The availability expected from MTOA is 260MW, Various Solar IPPs is 204MW, Wind IPPs is 15MW.

KSEB expected to have a shortage 12- 232MW in the month of February and a peak shortage of about 118MW in the month of March 2023.

In order to meet the anticipated power shortage in the month of February 2023 and March 2023 KSEB Ltd invited the short term tender.

Technical bids were opened on 08.12.2022. Initial Price Offers submitted by the bidders were opened on 14.12.2022 followed by e- RA.

KSEB Ltd further submitted that there was fair participation in the tender and 9 bids were received. After evaluating the tender KSEB Ltd decided to procure 100MW RTC power in the month of February as against the bid quantum of 150MW,i.e 45MW RTC Power from the lowest bidder TPTCL and 55MW RTC power from the 2nd lowest bidder Jindal at the rate of ₹6.15/unit. During the month of March 2023 KSEB Ltd proposed to procure 50MW power from 00hrs to 14hrs from PTC@₹7.18/unit and 50MW from M/s TPTCL from 14hrs to 24hrs.

KSEB Ltd further submitted that in anticipation of approval from the Commission they already issued LOA to the successful bidders on 13.01.2023, the last date of validity of the bid submission.

- (2) The representative of Jindal Ltd not offered any comments.

The representative of M/s PTC India Ltd submitted that the rate derived in the KSEB Ltd bid is comparatively less than the similar bids floated by other southern states including Tamilnadu for meeting the summer demand.

M/s TATA Power Trading Company Ltd submitted that the generator who agreed to supply power during the month of February had not accepted the LOA given by KSEB Ltd on 13.01.2023 citing the reason that the LOA was issued after the bid validity period, counting the bid validity period including the eRA date. However the generator who agreed to supply power through TPTCL in the month of March 2023 accepted the LOA.

Analysis and Decision of the Commission

5. The Commission has examined in detail the petition filed by KSEB Ltd seeking approval for entering into short term power procurement arrangement with M/s Tata Power Trading Company Limited (TPTCL), PTC India Ltd (PTC) and Jindal Power Ltd (JPL) through DEEP portal for meeting power shortage for the months of February and March 2023, as per the provisions of the Electricity Act, 2003 and KSERC (Terms and Conditions for Determination of Tariff) Regulations, 2021.
6. As per the Section 86(1)(b) of the Electricity At, 2003 (Central Act 36 of 2003), regulating power purchase and procurement process of distribution licensees including the price at which electricity shall be procured through agreements and supply within the State, is one of the statutory functions of the State Electricity Regulatory Commissions. The relevant Section of the Electricity Act, 2003 is extracted below.

“86 Functions of the State Commission.- (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;”.

7. The Commission, in exercise of the powers conferred on it under Section 61 read with Section 181 of the Electricity Act, 2003 notified the KSERC (Terms and Conditions for Determination of Tariff) Regulations, 2021 (herein after referred as Tariff Regulations 2021). The Regulation 78 of the Tariff Regulations 2021, deals with ‘Short-term power procurement’. The relevant Regulation is extracted below.

“78. Short-term power procurement.–

(1) The distribution business/ licensee may, if it considers necessary undertake additional short-term power procurement to overcome any short term deficiency in power requirement during the financial year, as per the short term power procurement plan approved by the Commission, in accordance with this Regulation.

(2) Where there has been an anticipated shortfall or failure in the supply of electricity from any approved source of supply during the financial year, the distribution business/ licensee may enter into an agreement for additional short-term procurement of power: Provided that, if the total power purchase cost for any quarter including such shortterm power procurement exceeds by five percent the power purchase cost approved by the Commission for the respective quarter, the distribution business/ licensee shall have to obtain approval of the Commission by filing a petition.

(3) The distribution business/ licensee may enter into a short-term power procurement agreement or arrangement under the following circumstances subject to the ceiling tariff approved by the Commission for this purpose: -

- (i) where the distribution business/ licensee is able to source new short-term source of supply from which power can be procured at a tariff that reduces its approved total power procurement cost;
- (ii) when faced with emergency conditions that threaten the stability of the distribution system or when formally directed to do so by the State Load Despatch Centre to prevent grid failure;
- (iii) where the tariff for power procured under such agreement or arrangement is in accordance with the guidelines for short-term procurement of power by distribution licensees through tariff-based bidding process issued by the Central Government;
- (iv) when there is a contingency situation and power purchase price is within the ceiling price as prescribed by the Commission in the distribution licensee's ARR&ERC;
- (v) procurement of short-term power through power-exchange; and
- (vi) Procurement by way of exchange of energy under 'banking' transactions:

Provided that prior approval of the Commission and the ceiling rate; shall not be applicable to the short term purchases under clause (ii).

Provided further that prior approval of the Commission is not required for short term purchases under clause (v) above, so long as the average rate is within the ceiling rate.

(4) The Commission may stipulate the ceiling quantum and ceiling rate for purchase of power from short-term sources.

(5) As far as practicable, approval for all power purchases must be sought in advance. Where it is not practicable due to any contingency situation, the distribution licensee shall within fifteen days from the date of entering into an agreement or arrangement for short-term power procurement shall file a petition for approval of the Commission by filing full details of such agreement or arrangement, including quantum, tariff calculations, duration, supplier details, method for supplier selection, circumstances necessitating such a purchase and such other details as the Commission may require to assess that the conditions specified in this Regulation have been complied with:

Provided that where the Commission has reasonable grounds to believe that the agreement or arrangement entered into by the distribution business/ licensee does not meet the criteria specified in this Regulation, the Commission may disallow all such transactions from the annual revenue requirements, the net increase in the cost of power on account of such procurement

apart from any other action that the Commission may initiate as per law against the distribution licensee.”

8. The Ministry of Power, Government of India, under the provisions of Section 63 of the Electricity Act, 2003, notified 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’* vide the notification dated 30.03.2016.
9. The Commission has appraised the petition filed by KSEB Ltd in detail as per the provisions of the Electricity Act, 2003, Tariff Regulations, 2021 and also as per the provisions of the guidelines notified by the Ministry of Power, GoI, and noted the following.
 - (i) As extracted under paragraph 8 above, the Regulation 78 of the Tariff Regulations, 2021, KSEB Ltd can undertake additional short-term power procurement during the financial year, over and above the power procurement plan approved by the Commission to meet its increase in electricity demand.
 - (ii) The Commission vide the Orders dated 23.09.2022 in petition OP No. 46/2022 has approved the following short-term purchases for meeting the electricity demand during the summer months from March 2023 and April-2023.
 - (a) 100MW RTC power through the trader M/s NVVNL @Rs 8.03/unit at Kerala periphery from 01.03.2023 to 31.03.2023.
 - (b) 100MW RTC power through the trader M/s PTC India Ltd @Rs 7.95/unit at Kerala periphery from 01.04.2023 to 30.04.2023.
 - (iii) Further the Commission vide the Order dated 19.10.2022 in Petition Op No. 58/2022 had approved the following SWAP transactions to meet the summer demand of the State.
 - (a) SWAP transaction through M/s Arunachal Pradesh Power Corporation Pvt Ltd
 - 200 MW RTC power in the month of March 2023, which is to be returned from 16.06.2023 to 30.06.2023.
 - 200MW RTC power in the month of April 2023, which is to be returned from 01.07.2023 to 31.07.2023.
 - 200MW RTC power in the month of May 2023 (fro, 01.05.023 to 20.05.2023) which is to be returned from August 2023 to September 2023.
 - (b) SWAP transaction through M/s Kreate Energy (I) Pvt Ltd
 - 50MW power in the month of February 2023 during 14:00 hrs to 22:00 hrs, which is to be returned from 16.06.2023 to 30.06.2023.

- 50MW RTC power in the month of March 2023, which is to be returned from 01.07.2023 to 15.07.2023.
 - 50MW power in the month of March 2023, during 14:00 hrs to 23:00 hrs, which is to be returned from 01.07.2023 to 15.07.2023.
 - 75MW power in the month of February 2023, which is to be returned from 16.06.2023 to 15.07.2023.
- (iv) KSEB Ltd further submitted that, the licensee expected to have an additional power shortage of 150MW in the coming months of February 2023 and March 2023 on account of the following;
- (a) Annual overhauling of Maithon Power Ltd in February 2023.
 - (b) Maintenance works of various hydro stations in the month of March 2023.
- (v) In order to meet the additional power shortage of 150MW in the coming summer months of February 2023 and March 2023, KSEB Ltd invited short-term tender through DEEP portal on 28.11.2022. The rate derived through e-RA auction held on 14.12.2022 is as given below.

Month/ Period	Time period (Hrs.)	Required Quantum	Bidder	Quantum (MW)	Price (Rs/ kWh)	Source	Event
01.02.2023 to 28.02.2023	RTC	150	TPTCL	45	6.15	NBVL, Odisha	RA
			JPL	105	6.15	JPL, Chhattisgarh	RA
01.03.2023 to 31.03.2023	00:00 hrs to 14:00 hrs	50	PTC	50	6.64	JNSTPP, MP	RA
01.03.2023 to 31.03.2023	14:00 hrs to 24:00 hrs	100	TPTCL	50	7.18	PPGCL, UP	RA
			PTC	50	7.18	JNSTPP, MP	RA

- TPTCL-Tata Power Trading Company Ltd.
- JPL-Jindal Power Ltd
- PTC-PTC India Ltd
- JNSTPP- Jaypee Nigrie Super Thermal Power Plant
- NBVL-Nava Bharat Ventures Limited
- PPGCL-Prayagraj Power Generation Company Ltd

- (vi) The standing committee for procurement of power constituted by the KSEB Ltd recommended the following.
- (a) To procure 100MW out of the bid quantum of 150MW in the month of February 2023 @ Rs 6.15/unit. The full offered quantum of

45MW RTC power from the L1 bidder M/s Tata Power Trading Corporation Ltd (TPTCL) and 55MW RTC power out of the offered quantum of 105MW from the second lowest bidder M/s Jindal Power Ltd at the rate of Rs.6.15/kWh in the month of February 2023.

- (b) In the month of March 2023, the committee recommended to procure 50 MW power at the rate of Rs.6.64/kWh from 00:00 hrs to 14:00 hrs and 100 MW power from 14 to 24 hrs at the rate of Rs.7.18/kWh, may be procured from this short-term tender.
- (vii) However the Board Management has decided to limit the procurement in the month of March 2023 during 14:00 hrs to 24:00 hrs to 100MW due to the following reasons;
- to avoid any hydel energy surplus beyond the anticipated level,
 - BALCO power, which was under shutdown was resumed and delivering 95 MW RTC power since 17.12.2022.
 - Kudamkulam Nuclear Power Plant (KKNPP) is considering deferment of their refuelling outage of Unit#2, originally scheduled during March 2023 to April 2023 for 75 days.
- (viii) KSEB Ltd further submitted that, the bid validity of the tender is 30 days from the date of e-RA, i.e., upto 13.01.2023. In anticipation of the approval from the Commission, KSEB Ltd had issued LoA to the successful bidders M/s TATA Power Trading Corporation Ltd (TPTCL), M/s PTC India Ltd and M/s Jindal Power Ltd as detailed under **paragraph 3 of this Order.**
10. The Commission has also examined the procedure followed by KSEB Ltd for selecting the bidders through DEEP portal for the procurement of power on short-term basis for the months of February 2023 and March 2023. The Ministry of Power, Government of India vide the notification dated 30.03.2016, notified the guidelines for short-term Procurement of Power by Distribution Licensees through Tariff based bidding process. The paragraph-5 of the bidding guidelines specifies the tariff structure to be quoted by the bidders, which is extracted below for ready reference.

“5. Tariff Structure

5.1. The Procurer based on its requirement may invite the bids on round the clock (RTC) basis or for different time slots. Procurer may also provide flexibility to the Bidder(s) to bid for a part of the tendered quantity, subject to a given minimum quantity. Bid capacity offered by the Bidder shall have to be constant for the entire contract period.

5.2. The Bidder shall quote the single tariff at the Delivery Point upto three (3) decimals which shall include capacity charge, energy charge, trading margin (in case of Bidder being a Trader), applicable Point of Connection (POC) charges upto Delivery Point and all taxes, duties, cess etc. imposed by Central Govt. / State Govt. / Local bodies. Tariffs shall be designated in Indian Rupees only.

5.3. For inter-State transmission of power, state/regional periphery of the Procurer to be taken as Delivery Point. For intra-state transmission of power, inter-connection point of seller with STU/ CTU to be taken as Delivery Point.

5.4. For avoidance of doubt, Intra-state open access charges, transmission charges and losses along with POC injection charges and loss up to the POC interface are on Seller's account and POC drawl charges and losses along with intra-state open access, transmission charges and losses are on Procurer's account.

5.5. The tariff should be constant and there shall be no escalation during the contractual period. If Bids are invited for different time slots then tariff may be different for each time slot.

5.6. If the power is being supplied through alternate source, additional charges and losses if any, due to cancellation of existing corridor and booking of new corridor etc., shall be to the account of Bidders."

11. The Commission noted that, KSEB Ltd has followed the guidelines notified by the Ministry of Power, Government of India vide the notification dated 30.03.2016 for the selection of bidders.
12. Considering the entire aspects in detail as above, the Commission, approves the short-term power procurements proposed by KSEB Ltd for meeting the power deficit during the months of February 2023 and March 2024 as detailed below, subject to the conditions specified in this order.

(1) Letter of Award to Tata Power Trading Corporation Ltd (TPTCL)

Period	Duration (Hrs)	Quantum (MW) on firm basis	Rate at Delivery Point i.e., Kerala Periphery	Source of Power
01.02.2023 to 28.02.2023	RTC	45	Rs. 6.15/- (Rupees Six and Fifteen paise only) per kWh	NBVL, Odisha
01.03.2023 to 31.03.2023	14 to 24	50	Rs. 7.18/- (Rupees Seven and Eighteen paise only) per kWh	PPGCL, UP

(2) Letter of Award to PTC India Ltd

Period	Duration (Hrs)	Quantum (MW) on firm basis	Rate at Delivery Point i.e., Kerala Periphery	Source of Power
01.03.2023 to 31.03.2023	14 to 24	50	Rs. 7.18/- (Rupees Seven and Eighteen paise Only) per kWh	Jaypee Nigrie Super Thermal Power Plant, Madhya Pradesh in the Western Region.

(3) Letter of Award to M/s Jindal Power Ltd

Period	Duration (Hrs)	Quantum (MW) on firm basis	Rate at Delivery Point i.e., Kerala Periphery
01.02.2023 to 28.02.2023	RTC	55	Rs. 6.15/- (Rupees Six and Fifteen paise only) per kWh

13. The Commission has noted with displeasure the submission of the power trader M/s Tata Power Trading Company Ltd during the hearing that, the generator who offered to supply power in the month of February 2023 has not accepted the LOA citing the reason that the LOA dated 13.01.2023 was delayed, counting the bid validity period including the e-RA date of 14.12.2022. This type of action from the generator has to be avoided and such type of generator has to be blacklisted from participating in tenders floated for power procurement in the State of Kerala.

Order of the Commission

14. The Commission, after examining the petition filed by KSEB Ltd dated 06.01.2023 for the approval of the short-term power procurement for the months of February 2023 and March 2023, with provisions of the Electricity Act, 2003, Tariff Regulations, 2021 and other relevant guidelines and procedures, hereby orders the following;
- (1) Adopt the tariff discovered in accordance with Section 63 of the Electricity Act 2003 at the price discovered through e-RA in the DEEP portal on 14.12.2022, as detailed under paragraph 12 above.
 - (2) Grant approval for entering into short term power procurement arrangement with M/s TATA Power Trading Corporations Ltd (TPTCL), M/s PTC India Ltd and M/s Jindal Power Ltd for meeting the anticipated power shortages for the months of February 2023 and March 2023, as detailed in paragraph 12 above.
 - (3) The tariff shall be single part at the delivery point at Kerala periphery and include all charges such as capacity charge, energy charge, trading margin (if applicable), transmission charges up to the delivery point, and all taxes, duties, cess etc. imposed by the Central Government, State Government, Local bodies etc.

The petition 01/2023 disposed of and ordered accordingly.

Sd/-
Adv. A J Wilson
Member

Sd/-
B Pradeep
Member

Sd/-
T K Jose
Chairman

Approved for issue

Sd/-
C R Satheeshchandran
Secretary