

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.97/AT/2023

- Subject : Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff for 15 MW Floating Solar PV Project connected to BBMB Inter-State Transmission System and selected through competitive bidding process as per the Standard Bidding Guidelines dated 3.8.2017 including its amendments/ clarification issued thereof.
- Date of Hearing : 10.5.2023
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Bhakra Beas Management Board (BBMB)
- Respondents : Satluj Jal Vitran Nigam Limited and Anr.
- Parties Present : Shri Soumitra Chatterjee, Advocate, BBMB
Ms. Sriparna Chatterjee, Advocate, BBMB
Ms. Ruchi Sharma, BBMB
Shri Sanjay Sidana, BBMB
Shri Rajiv Garg, BBMB
Shri Gagan Deep, BBMB
Ms. Anita Goel, BBMB

Record of Proceedings

The representative of the Petitioner submitted that the present Petition has been filed for adoption of tariff for 15 MW floating Solar PV Power Project connected to BBMB's inter-State transmission system and selected through the competitive bidding process as per the "Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar Power Projects" issued by the Ministry of Power, Government of India vide Resolution dated 3.8.2017 read with subsequent amendments thereto ('the Solar Guidelines'). The representative of the Petitioner further submitted as under:

- (a) BBMB is constituted under the provisions of the Section 79(1) read with Section 80(6) of the Punjab Re-Organization Act, 1966. All expenses for operation and maintenance of BBMB projects are borne by all partner States in the agreed ratio and the energy generated at its power projects is apportioned amongst the partner/beneficiary States viz. Punjab, Haryana, Rajasthan, Himachal Pradesh & UT of Chandigarh.
- (b) On 6.9.2019, Ministry of New & Renewable Energy, Government of India assigned BBMB with Solar Power Project target of 500 MW and to meet such target as set by Government of India, BBMB started exploring the usage of

surplus vacant land/ water bodies/ roof top for installation of the Solar Power Projects.

(c) In terms of the above, SECI in the capacity of the project management company, invited the proposals on behalf of BBMB for setting up of 15 MW grid connected floating Solar PV Power Projects at Nangal Pond, near Village Neila, District Bilaspur, BBMB in the State of Himachal Pradesh by floating the RfS documents along with the draft PPA on 2.7.2020 in accordance with the provisions of the Solar Guidelines.

(d) Pursuant to the completion of the competitive bid process (followed by e-reverse auction) by SECI, SJVN Limited was selected as the successful bidder at the discovered tariff of Rs. 3.26/unit and consequently, Power Purchase Agreement has been executed between BBMB and SJVN Green Energy Ltd. (SPV/Project Company of SJVNL Ltd.) on 19.12.2022. It was also approved by the Board of BBMB as represented by the members from the partner States in the 242nd meeting held on 15.7.2022.

(e) As per the arrangements under the above, the power procured by BBMB under the aforesaid PPA with the successful bidder is to be apportioned among its partner States/beneficiaries in the agreed ratio. Such power will be beneficial to the distribution licensees of partner/beneficiary States in fulfillment of their Renewable Purchase Obligations.

2. After hearing the learned counsel for the Petitioner, the Commission expressed certain apprehensions with regard to the entire arrangement falling under the scope of the Solar Guidelines. The Commission indicated that *prima facie* the expression 'Procurer' under the Solar Guidelines refers to the distribution licensee(s) or an intermediary procurer who procures power on behalf of distribution licensees in the capacity of electricity trader. However, BBMB *prima facie* does not appear to fall under any of these categories. Accordingly, the Commission directed the Petitioner, BBMB to file a short written submission within two weeks on the aspect as to how the entire arrangement especially the agreement between BBMB and Solar Power Developer would fall under the confines of the Solar Guidelines and admissibility of the petition. The Commission also directed SECI (the project management company) and respondents to file their comments on the above aspects within two weeks.

3. Subject to the above, the Commission reserved the order on 'admissibility' of the matter.

By order of the Commission

**SD/-
(T.D. Pant)
Joint Chief (Law)**