

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**Petition No. 2267 of 2023.**

**In the Matter of:**

**Petition under Sections 63 read with 86 (1) (b) and other applicable provisions of the Electricity Act, 2003 seeking for adoption of tariff discovered under tariff based competitive bidding process by MGVCL vide RFS No. MGVCL/RA&C/DSM/PM-Kusum-C-FLS/ TN-06 dated 21.03.2023 for 3 nos. of solar plants of total 3.0 MW, through RESCO model for solarisation of various 11 KV feeders in MGVCL for implementation of Feeder level solarisation under PM KUSUM-C Scheme of Government of India.**

Petitioner : Madhya Gujarat Vij Company Limited  
Sardar Patel Vidyut Bhavan,  
Race Course Circle, Vadodara - 390007.

Represented By : Mr. K.B. Dhebar and Mr. D.R. Kharva

**CORAM:**

**Anil Mukim, Chairman**

**Mehul M. Gandhi, Member**

**S. R. Pandey, Member**

**Date: 12/01/2024.**

**Daily Order**

1. The matter was listed for hearing on 22.12.2023.
2. Mr. K.B. Dhebar, appearing for the Petitioner MGVCL submitted that the present Petition has been filed under Section 63 read with Section 86(1)(b) and other applicable provisions of the Electricity Act, 2003 seeking adoption of tariff discovered under tariff based competitive bidding process by MGVCL vide RFS No. MGVCL/RA&C/DSM/PM-Kusum-C-FLS/ TN-06 dated 21.03.2023 for 3 nos. of

solar plants of total 3.0 MW, through RESCO model for solarisation of various 11 KV feeders in MGVL for implementation of Feeder level solarisation under PM KUSUM-C Scheme of Government of India.

- 2.1. It is further submitted that Ministry of Power, Government of India vide Notification dated 22.07.2019 has published guidelines of implementation of PM -KUSUM scheme for installation of solar pumps and grid connected solar power plants covering three components viz. (a) Decentralized ground mounted grid connected Renewable Energy (RE) based power plants of individual plant size upto 2 MW, (b) Installation of stand-alone solar powered agriculture pumpsets and (c) Solarization of grid connected agriculture pumps. Subsequently, Government of Gujarat has vide Notifications dated 11.12.2020, 19.06.2020 and 06.11.2020 has issued GRs for implementation of PM-KUSUM schemes. It is further submitted that MNRE Government of India vide Office Memorandum (OM) 32/645/2017-SPA division dated 04.12.2020 has issued the guidelines for implementation of Feeder level solarization under component C of PM-KUSUM Scheme. Accordingly, the Petitioner has been implementing the PM- KUSUM scheme in their area.
- 2.2. In response to the query of the Commission as to whether the Petitioner MGVL has submitted all the documents in line with directions given by the Commission in its Orders dated 15.12.2023 in other KUSUM petitions filed by other licensees, the representative appearing for the Petitioner MGVL has agreed to provide the same for which some time has been sought for.
- 2.3. On further query of the Commission for inviting comments and suggestions from the stakeholders as the matter is pertaining to procurement of power and approval of draft PPA, the Petitioner has admitted that it is necessary.
3. We have considered the submissions made by the parties. We note that the present Petition is filed under Section 63 read with Section 86 (1) (b) and other applicable provisions of the Electricity Act, 2003 seeking approval of adoption of tariff discovered under competitive bidding process conducted by the Petitioner through RfS No. MGVL/RA&C/DSM/PM-KUSUM- C – FLS/TN-06 dated 21.03.2023 for 3 nos. of Solar power plants of total 3.0 MW capacity through RESCO model for solarization

of various 11 KV Feeders in MGVL for implementation of Feeder level solarisation under PM KUSUM-C scheme of Government of India. As the Petitioner MGVL has filed the Petition for Procurement of power, approval of Draft PPA and adoption of tariff under Section 63 of the Electricity Act, 2003, the Commission has the jurisdiction to decide the present Petition and accordingly, we decide to admit the Petition.

- 3.1. We also note that the present petition has been filed by the Petitioner under Section 86 (1) (b) of the Electricity Act 2003 for approval of the draft PPA for procurement of power from 3 nos. of Solar power plants of total 3.0 MW capacity through RESCO model for solarization of various 11 KV Feeders in MGVL for implementation of Feeder level solarisation under PM KUSUM-C scheme of Government of India. The said approval is sought under Section 86 (1) (b) of the Electricity Act, 2003 which provides that the State Commission shall regulate the electricity procurement process of the distribution licensees which includes procurement of quantum, its rates and sources also. Therefore, we are of the view that a public hearing is required to be conducted to take into the suggestions/objections/comments of the stakeholders. The Petitioner is, therefore, directed to issue a public notice in two daily Gujarati Newspapers and one English Newspaper having wide circulation in the State and invite comments/suggestions from the stakeholders stating that they have filed Petition No. 2267 of 2023 before the Commission along with its subject matter and relief sought therein and also upload the present petition with all relevant documents on their website and invite comments/suggestions/objections from the stakeholders on affidavit within 21 days from the date of issue of public notice. The Petitioner shall state in the public notice that the stakeholders shall file their comments/objections/suggestions to the Secretary, Gujarat Electricity Regulatory Commission, 6<sup>th</sup> Floor, GIFT ONE, Road 5C, Zone 5, GIFT City, Gandhinagar – 382355, Gujarat in five copies along with affidavit in support of their submissions with a copy to the Petitioner. The staff of the Commission is also directed to upload the Petition along with all relevant documents on the website of the Commission inviting comments/objections/suggestions/views from stakeholder after a compliance affidavit stating that public notices as directed above are issued in newspaper and uploading of Petition on website of the Petitioner is filed by the Petitioner along with

published copy of public notices issued by the Petitioner is provided to the Commission.

3.2. We also direct the staff of the Commission to provide the copy of representation/suggestions/objections, if any, received in the present matter to the Petitioner MGCVCL to enable filing reply/response to the same and to inform/issue hearing notice for the present Petition to such stakeholders/objectors who file their submissions/objections/comments before the Commission in the matter.

3.3. We note that the Petitioner MGCVCL has agreed to provide all the details/documents in line with directions of the Commission in its Orders dated 15.12.2023 in KUSUM petitions filed by other licensees and have sought time for the same. Therefore, in order to ascertain that the Petitioner MGCVCL has fulfilled necessary requirement for conducting competitive bidding process for adoption of tariff under Section 63 of the Electricity Act, 2003 in the present Petition, the Commission directs the Petitioner to place on record complete bidding process documents starting from initiation of bidding process to the completion of bidding process on affidavit consist of following details/documents/information also:

- (i) Copy of bid documents submitted by each bidder in respect to meeting of Technical and Financial qualification criteria stipulated in Bid documents along with copy of each bidder containing the details of turn over etc. in support of meeting financial criteria.
- (ii) Consolidated statement containing details of amendment issued in each Tender from time to time after its publication mentioning justification for bringing such amendment and confirmation that subsequent modifications in the bid documents brought in by the Petitioner from time to time was widely published for intimating to all prospective bidders and also confirmation that bid documents along with amendment issue from time to time is in consonance with MNRE guidelines.
- (iii) Copy of Supporting documents to confirm the date on which Technical Bid Evaluation Report, Financial Bid Evaluation Report and Price Bid Evaluation Report for each bid was prepared by Bid Evaluation Committee.

- (iv) Summarized details in consolidated form for each plant/location for which bids are invited/received the bids such as (a) name of Sub-station/location along with its notified capacity, (b) Name of bidders who have submitted their bid by paying EMD for given location/Sub-station along with Solar Project capacity for which bid is submitted by respective bidder for given Sub-station/ location, (c) Name of bidders whose bid have been considered as responsive bid as per Technical/Financial Bid Evaluation Committee Report for further participating in e-reverse auction, (d) Bidder wise quoted tariff and their rank in respect of price quoted by respective technically qualified bidders for given Sub-station/location as per Financial Bid Evaluation report, (e) bidder wise tariff and their tariff rank at closer of E-reverse Auctions process for given sub-station/location (f) Name of bidder, solar project capacity and tariff at which LoI is issued by the Petitioner for given substation/location.
- (v) List of Sub-station/location for which only single bid is received along with details of bid solar project capacity and tariff quoted by such single bidder and the tariff at which LoI is issued by the Petitioner.
- (vi) Copy of E- generated report at closure of e-reverse auction for each sub-station/location.
- (vii) Details/justification for offering negotiated tariff of Rs. 3.00 per unit along with back up calculation and supporting documents.
- (viii) As per the bid documents, the bid validity is 120 days from the date of opening of online technical bid. The Petitioner is required to place on record the status of bid validity with supporting documents.
- (ix) Details of modifications/deviations considered in the draft PPA prepared by the Petitioner for KUSUM-C Scheme and placed on record in the Petition from model PPA for KUSUM-A published with MNRE guidelines dated 22.06.2019, along with justification for such modifications/deviation and confirmation that the PPA is in consonance with MNRE guidelines.
- (x) The Petitioner has referred to the MNRE guideline dated 10.02.2022 and its amendments thereto in the Petition. However, copy of said guidelines is not placed on record in the Petition. The Petitioner is required to place on record

the copy of MNRE guidelines dated 10.02.2022 and its amendments thereto as referred in the Petition.

- 3.4. We direct the Petitioner MGVCL to place on record the details/documents/information on the affidavit as stated in the above para hereinabove within two weeks' time from date of this Order.
4. Next date of hearing will be intimated separately.
5. Order accordingly.

**Sd/-**  
**[S. R. Pandey]**  
**Member**

**Sd/-**  
**[Mehul M. Gandhi]**  
**Member**

**Sd/-**  
**[Anil Mukim]**  
**Chairman**

Place: Gandhinagar.  
Date: 12/01/2024.

