

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 228 of 2024 and IA No. 80 of 2024

Petition of Nidar Utilities Panvel LLP for the adoption of the Tariff discovered through Competitive Bidding process under Section 63 of the Electricity Act, 2003 and approval of the Power Purchase Agreement (PPA) for the procurement of 1 MW Round the Clock (RTC) power for the period 1 January 2025 to 31 March 2025 and 2 MW RTC power for the period 1 April 2025 to 31 October 2025 and Interlocutory Application for urgent listing of the Case No. 228 of 2024.

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**Sanjay Kumar, Chairperson
Anand M. Limaye, Member
Surendra J. Biyani, Member**

Nidar Utilities Panvel LLP (NUPLLP) : Petitioner

M/s. GMR Energy Trading Ltd : Respondent

Appearance

For the Petitioner: : Shri. Saurabh Gupta (Rep)

For the Respondent: : Nil

ORDER

Date: 22 January 2025

1. Petitioner, Nidar Utilities Panvel LLP (NUPLLP) has filed this Petition being Case No. 228 of 2024 on 25 October 2024 seeking adoption of the Tariff discovered through competitive Bidding process as per MoP Guidelines dated 30 March 2016 and its amendments thereof and approval of the Power Purchase Agreement (PPA) for the procurement of 1 MW Round the Clock (RTC) power for the period of 1 January 2025 to 31 March 2025 and 2 MW RTC power for the period of 1 April 2025 to 31 October 2025. The Petitioner has filed the present petition under Section 63 and Section 86 (1)(b) of the Electricity Act, 2003.

2. Petitioner's main prayers are as under:

- a) *Adopt the tariff of Rs. 5.65/kWh at the Maharashtra State (STU) Periphery for the Short-Term procurement of 1 MW RTC power for the period 1 January 2025 to 31 March 2025 and 2 MW RTC power for the period 1 April 2025 to 31 October 2025, which is discovered through the competitive bidding u/s 63 of the Electricity Act, 2003.*
- b) *Approve the Short-Term PPA under Section 86 (1) (b) executed between Nidar Utilities Panvel LLP and M/s GMR Energy Trading Limited (GMRTel) for the quantum of 1 MW RTC power for the period 1 January 2025 to 31 March 2025 and 2 MW RTC power for the period 1 April 2025 to 31 October 2025 at the Tariff of Rs.5.65/kWh at the Maharashtra State (STU) Periphery.*
- c) *Allow NUPLLP to initiate the process of Short-Term power procurement u/s 63 of the Electricity Act 2003 for the additional quantum, if required, which is over and above the base quantum for which NUPLLP will approach the Hon'ble Commission for adoption of tariff and approval of the PPA....”*

3. Facts of the Petition are summarized as under:

- 3.1. Nidar Utilities Panvel LLP (NUPLLP) was incorporated on 7 August 2015 under the Limited Liability Partnership Act, 2008 and was approved as a Co-Developer for the Multiservice SEZ vide letter dated 9 September 2016 issued by the Department of Commerce, Ministry of Commerce and Industry, Government of India.
- 3.2. NUPLLP is a deemed Distribution Licensee at the Panvel SEZ. The Commission granted the license on 10 February 2017 and NUPLLP commenced its operations as a Distribution Licensee with effect from 1 October 2018.
- 3.3. Further, the Commission vide its Order in Case No. 213 of 2023 dated 6 March 2024, had approved the Short-Term PPA executed between NUPLLP and M/s. Vindhyachal Hydro Power Pvt. Ltd (VHPL) for supply of 3 MW RTC or as per availability for the period of 12 (twelve) months starting from 1 February 2024 to 31 January 2025.
- 3.4. The Commission vide its Order in Case No. 107 of 2024 dated 20 August 2024, had approved the Short-Term PPA executed between NUPLLP and M/s. Vayunandana Power Limited (VPL) for 7 MW RTC supply for the period of 4 (four) months starting from 1 August 2024 to 30 November 2024. The said short term PPA with VPL is ending on 30 November 2024.
- 3.5. Further, NUPLLP has filed a Petition (Case No. 174 of 2024) before the Commission for adoption of tariff and approval of the PPA executed between NUPLLP and M/s. Vayunandana Power Limited for the procurement of 7.00 MW Round the Clock (RTC)

power for a period of 7 months i.e. from 1 December 2024 to 30 June 2025. The Commission vide daily Order dated 12 November 2024 has allowed the same.

3.6. Subsequently, considering the existing load, NUPLLP initiated a fresh tender for 1 MW RTC power for the period from 1 January 2025 to 31 March 2025 and 2 MW RTC power for the period 1 April 2025 to 31 October 2025, as per the Standard Bidding Guidelines issued by Ministry of Power.

3.7. Bid Quantity as defined under the RfP dated 30 October 2024 was as below:

Contract Period		Slot/ Time (Hrs.)		Quantum (MW)	Minimum Bid Quantity (MW)	Delivery Point
From	To	From	To			
01-01-2025	31-03-2025	00.00	24.00	1.00	1.00	Maharashtra STU Periphery
01-04-2025	31-10-2025	00.00	24.00	2.00	2.00	

3.8. As per the Short-Term bidding guidelines, NUPLLP issued the Public Notice in the two Newspapers viz. The Indian Express (Delhi Edition) and Business Standard (Mumbai Edition) on 30 October 2024, for power procurement under e-Tendering and e-RA process. Last date for Bid submission was 11 November 2024.

3.9. On 11 November 2024, a Single Bid (Both Non-Financial and Financial (IPO) Bids) was received. Details of the Bidder after opening bid are provided as under:

Sr. No.	Bids submitted online on MSTC Website	Source	Type
1.	M/s. GMR Energy Trading Limited.	Birla Carbon India Private Limited, Unit: Patalganga, Village - Lohop, Talwali, Khalapur-Taluka, Dist- Raigad, Maharashtra - 410207	Intra-State

3.10. Bid was technically evaluated by the Tender Evaluation Committee (TEC), which technically qualified the Bidder for participating in the Financial (IPO)/Price Bid opening followed by e-Reverse Auction (e-RA), which was scheduled on 18 November 2024.

3.11. The Price bid was opened on 18 November 2024 at 10:00 hrs. The details are as below:

Sr. No.	Bid submitted online on MSTC Website	Initial Price Offered at Maharashtra STU Periphery (Rs/kWh)	Period of Supply	Bid Quantity (MW)
1.	M/s. GMR Energy Trading Limited.	5.80	01.01.2025 to 31.03.2025	1
			01.04.2025 to 31.10.2025	2

3.12. The scheduled e-RA was activated on the same day at 12:00 hrs and the e-RA event was concluded at 14:00 hrs. Final L1 price discovered as Rs. 5.65 per unit.

3.13. Vide letter dated 19 November 2024, NUPLLP initiated negotiations, to which M/s. GMR Energy Trading Limited responded on 21 November 2024 keeping e-RA price of Rs. 5.65/kWh as its final price.

3.14. Accordingly, NUPLLP issued Letter of Award on 22 November 2024 to M/s. GMR Energy Trading Limited (GMRTTEL) (Source – Birla Carbon India Private Limited, Unit: Patalganga, Village - Lohop, Talwali, Khalapur-Taluka, Dist-Raigad, Maharashtra - 410207), subject to the Commission's approval. M/s. GMRTTEL conveyed its unconditional acceptance on 22 November 2024.

3.15. NUPLLP and GMRTTEL have signed the PPA on 25 November 2024 for the supply of 1 MW RTC power for the period 1 January 2025 to 31 March 2025 and 2 MW RTC power for the period 1 April 2025 to 31 October 2025 at Rs. 5.65/kWh (at Maharashtra State Periphery (STU)) subject to the Commission's approval. A copy of the PPA has been provided with the Petition.

Requisition No.	Contract Period		Slot/ Time (Hrs.)		Quantum (In MW)	Price for the Total Quantum (In Rs/kWh)	Delivery Point
	From	To	From	To			
1	01-01-2025	31-03-2025	00.00	To 24.00	1	5.65	Maharashtra STU Periphery
	01-04-2025	31-10-2025	00.00	To 24.00	2		

3.16. The recently approved the Short-Term PPA by the Commission are as below:

Sr No	Particulars	Period	Quantum in MW	Type of Source	Tariff (Rs per unit)
1	Jawaharlal Nehru Port Trust (JNPT) – MERC Order dated 27.09.2023 in Case No. 153 of 2023	1 July, 2023 to 30 June, 2024 (1 year including Monsoon months)	Base Load of 0.6 MW (RTC) Peak Load of 0.9 MW (9:00 to 21:00)	Conventional	6.30
2	Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) – MERC Order dated 22.11.2023 in Case No. 190 of 2023	01 October, 2023 to 15 October, 2023	320 MW RTC	Conventional	7.70 – 7.80
		16 October, 2023 to 31 October, 2023	535 MW RTC		7.52 – 7.70
		01 March, 2024 to 31 March, 2024	385 MW RTC		7.71 – 7.90
		01 April, 2024 to 31 April, 2024	410 MW RTC		7.65 – 7.90
		01 May, 2024 to 31 May, 2024	410 MW RTC		7.65 – 7.90
3	Laxmipati Balaji Supply Chain Management Limited - MERC Order dated 01.02.2024 in Case No. 227 of 2023	1 February 2024, to 31 January 2025 (1 year including Monsoon months)	1 MW RTC	Conventional	6.40

Sr No	Particulars	Period	Quantum in MW	Type of Source	Tariff (Rs per unit)
4	Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) – MERC Order dated 12.03.2024 in Case No. 4 of 2024	February, 2024	475 MW RTC	Conventional	6.71 – 6.80
		March, 2024	525 MW RTC		7.35 – 8.29
		April, 2024	150 MW RTC		8.49
		May, 2024	100 MW RTC		8.50
5	Maharashtra Industrial Township Limited - MERC Order dated 01.04.2024 in Case No. 199 of 2023	1 December 2023 to 30 November 2024 (1 year including Monsoon months)	15 MW RTC	Conventional	7.82
6	The Tata Power Company Limited Distribution (TPC-D) – MERC Order dated 20.04.2024 in Case No. 27 of 2024	April, 2024	25 MW RTC	Conventional	7.23
		May, 2024			7.23
		June, 2024			7.12 -7.15
7	SEZ Bio-tech Services Pvt Ltd – Manjari SEZ and SEZ Bio-tech Services Pvt Ltd – Hadapsar SEZ - MERC Common Order dated 16.08.2024 in Case No. 66 and 92 of 2024	1 July 2024 to 30 June 2025 (1 year including Monsoon months)	8 MW RTC	Conventional	6.42
			10 MW RTC		
8	Nidar Utilities Panvel LLP (NUPLLP) - MERC Order dated 20.08.2024 in Case No. 107 of 2024	1 August 2024 to 30 November 2024	7 MW RTC	Biomass – Renewable Energy	6.15
9	Jawaharlal Nehru Port Authority (JNPA) – MERC Order dated 09.10.2024 in Case No. 138 of 2024	1 September 2024 to 31 August 2025 (1 year including Monsoon months)	Up to 1.8 MW (RTC base load of 0.9 MW and additional peak power of 0.9 MW from 09:00 Hrs to 21:00 Hrs except Sunday and public holidays)	Conventional	6.30
10	Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) – MERC Order dated 05.11.2024 in Case No. 162 of 2024	01 April 2025 to 30 April 2025	800 MW RTC	Conventional	6.64 – 6.92
		01 May 2025 to 15 May 2025	800 MW RTC	Conventional	6.30 – 6.74
		16 May 2025 to 31 May 2025	500 MW RTC	Conventional	6.40

3.17. The Source of Power mentioned in above tables are conventional (except at sr. No. 8). The identified source in the NUPLLP's bidding process, providing the RTC Power during the peak summer months.

- 3.18. During the summer months (March to June and October), even after Bidding at maximum price at Power Exchange, the entire quantum of the power is not cleared in some time block resulting in heavy DSM Penalty to DL, which sometime is 50% more than the power purchase rate for the 15 min time block and DSM penalties paid by the DL for uncleared capacity is not reflected anywhere while comparing Power Exchange Rate vis a vis Deep Portal discovered rates.
- 3.19. Further, Distribution Licensee can't rely for its base power demand on the Power Exchange, more so in the case of Petitioner when reliable power is to be supplied to Data Center.
- 3.20. The discovered Tariff of Rs 5.65/kWh (at Maharashtra STU Periphery) for the base power requirement is competitive. Therefore, NUPLLP requested the Commission to adopt the Tariff discovered through the competitive bidding and approve the PPA signed between NUPLLP and GMRTTEL for the Short-Term procurement of 1 MW RTC power for the period 1 January 2025 to 31 March 2025 and 2 MW RTC power for the period 1 April 2025 to 31 October 2025.
- 3.21. Based on the direction of the Commission in Case No. 213 of 2013, NUPLLP has already filed the Petition (Case No. 170 of 2024) for approval of Power Procurement Plan as per MERC (Framework for Resource Adequacy) Regulations, 2024 along with the Tender documents for procuring power through Renewable Energy Sources such as Bagasse, Hydro or Firm Despatchable Renewable Energy (FDRE) on Medium / Long Term basis. The Commission vide Daily Order dated 25 October 2024 in Case No. 170 of 2024 has allowed the Petition and detailed Order in the matter is awaited.
- 3.22. Till the Power Procurement under medium/long term and approval of the PPA is concluded with the approval of the Commission, NUPLLP requested the Commission to allow Short-Term power procurement under Section 63 of the Electricity Act 2003 to meet the demand.
- 3.23. The present demand is ~10.5 MW can be met with existing tie-up of 3 MW (~2 to 2.4 MW generation) hydro power, 7 MW biomass-based power (Case No. 174 of 2024, for which Order is waited) and 1 MW RTC power for the period 1 January 2025 to 31 March 2025 and 2 MW RTC power for the period 1 April 2025 to 31 October 2025 for which approval is being sought in the present Petition.
- 3.24. In case of increase in demand, NUPLLP requested the Commission to allow procurement of Power through Power Exchange for such additional quantum requirement to continue reliability of supply to the NUPLLP's consumers.
4. The Petitioner through IA No. 80 of 2024 in this Case, filed on 11 December 2024, requested for early hearing in the matter to receive approval to the PPA in the prescribed time, as the power can be scheduled from 1 January 2025.
5. At the e-hearing held on 17 December 2024, the Petitioner reiterated its submission as made in its petition along with the IA. The Commission allowed the IA as well as the Petition and

reserved the matter for final Orders.

Commission's Analysis and Ruling:

6. The present Petition has been filed by NUPLLP, deemed Distribution Licensee in its specific SEZ area, seeking approval for adoption of the Tariff discovered through the competitive bidding and to approve the PPA signed between NUPLLP and GMRTCL for the Short-Term procurement of 1 MW RTC power starting from 1 January 2025 to 31 March 2025 and 2 MW RTC power starting from 1 April 2025 to 31 October 2025.
7. The Commission notes that NUPLLP further filed the Petition in Case No. 170 of 2024 for approval of Power Procurement Plan as per MERC (Framework for Resource Adequacy) Regulations, 2024 along with the Tender documents for procuring power through Renewable Energy Sources such as Bagasse, Hydro or Firm Dispatchable Renewable Energy (FDRE) on Medium / Long Term basis. The Commission vide Daily Order dated 25 October 2024 in Case No. 170 of 2024 has allowed the NUPLLP to proceed as per proposed power procurement plan.
8. The Commission notes that based on the Power procurement plan submitted in above said Case No. 170 of 2024, base load requirement (total load of around 10.5 MW) and existing tie-up [3 MW (~2 to 2.4 MW generation) hydro power & 7 MW biomass-based power], NUPLLP initiated a fresh Tender on 30 October 2024 for procurement of 1 MW RTC power for the period 1 January 2025 to 31 March 2025 and 2 MW RTC power for the period 1 April 2025 to 31 October 2025 through the competitive bidding process as per the Standard Bidding Guidelines issued by Ministry of Power, through the e-Bidding platform viz. Discovery of Efficient Electricity Price (DEEP) Portal on the website www.mstccommerce.com.
9. NUPLLP's present proposal to procure 1 MW RTC power for the period 1 January 2025 to 31 March 2025 and 2 MW RTC power for the period 1 April 2025 to 31 October 2025 for maintaining continuity of power supply to its consumers is consistent with demand-supply scenario.
10. The Commission notes that NUPLLP published notice in the two Newspapers viz. The Indian Express (Delhi Edition) and Business Standard (Mumbai Edition) on 30 October 2024, for procurement of power under e-Tendering and e-RA process, and floated e-Tender through MSTC's DEEP Portal as per Standard Bidding Guidelines. The Commission further observes that NUPLLP has formulated technical evaluation committee to conduct the e-bidding as per Guidelines.
11. The Commission notes that a single bidder i.e. GMR Energy Trading Limited participated and was qualified in the bidding process and subsequently in the e-Reverse Auction process. Post E-Reverse Auction process conducted on 18 November 2024, rate of Rs. 5.65/kWh at Maharashtra State Transmission periphery was discovered from the single bidder.
12. The Commission notes that Para 7.1 of the Competitive Bidding Guidelines (Short Term Power Procurement) dated 30 March 2016 notified by the Government of India under Section

63 of the Electricity Act, 2003, stipulates following remedy in case of single bidder:

“...To ensure competitiveness, the minimum number of Bidders should be at least two for each requisition. If the number of Bidders responding to the RfP is less than two, and Procurer still wants to continue with the selection process, the selection of that single Bidder may be done with the consent of the Appropriate Commission....”

The above clause empowers the Commission to approve power procurement from a single bidder after ensuring the competitiveness of quoted tariff.

13. The Commission notes that the rate discovered by NUPLLP through competitive bidding process is Rs. 5.65/kWh. To test the competitiveness of tariff discovered by NUPLLP in present bidding process, the Commission compared it with recently adopted tariff for SEZ based distribution licensees which are tabulated below:

Sr No	Particulars	Period	Quantum in MW	Tariff / Average (Rs/kWh)
1	Laxmipati Balaji Supply Chain Management Limited (Order dated 1 February Case No. 227 of 2024)	01.02.2024 to 31.01.2025	1 MW (00:00 to 24:00 hours)	6.40
2	Jawaharlal Nehru Port Authority (Order dated 9 October 2024 in Case No. 138 of 2024)	01.09.2024 to 31.09.2025.	1.8 MW	6.15
3	Nidar Utilities (Order dated 31 December 2024 in Case No. 174 of 2024)	01.12.2024 to 30.06.2025	7 MW	6.60

As summarised in the above Table, the Commission notes that the rates discovered on DEEP portal are varying from Rs. 6.15 to Rs.6.60/kWh for RTC Power.

14. The Commission has also referred to recent discovered tariff for RTC Power on DEEP Portal, which are as below:

Bidding Entities	Period	Quantum (MW)	Rates (Rs/kWh)
TGDCO, Tamilnadu	01.02.2025 to 31.05.2025	(200 MW to 1200 MW)	5.60 to 12.00
APDCL, Assam	01.05.2025 to 30.09.2025	100 MW	5.58 to 5.50
TPDDL, Delhi	16.04.2025 to 30.09.2025	50 MW to 250 MW	5.00 to 8.00
CESC	01.04.2025 to 30.06.2025	300 MW	5.85 to 6.00
NPCL, Noida	01.04.2025 to 30.06.2025	100 MW	3.85 to 6.50
TPCL	01.11.2024 to 31.03.2025	100 MW	4.14 to 8.75
KSEB , Kerala	01.04.2025	500 MW	9.46 to 10.77

Bidding Entities	Period	Quantum (MW)	Rates (Rs/kWh)
	to 31.05.2025		
APPCC, Andhra Pradesh	01.01.2025 to 30.06.2025	1000 MW	7.50 to 12.99
BSES	01.04.2025 to 15.04.2025	100 MW	6.49
BSES	16.04.2025 to 30.04.2025	200 MW	6.48
LBSCML	01.02.2025 to 31.01.2026	1 MW	6.30
PFC consulting	01.05.2025 to 31.05.2025	1300 MW	9.18 to 15.00
Noida Power Company	01.05.2025 to 31.05.2025	80 MW	5.54 to 6.10
WBSEDCL	01.04.2025 to 30.04.2025	1000 MW	6.13 to 6.18
MBPPL, GEPL, KRC, Maharashtra	15.12.2024 to 31.12.2024	4 MW	7.00
MBPPL, GEPL, KRC, Maharashtra	01.01.2025 to 31.01.2025	4 MW	6.50

15. Considering the recently discovered tariff summarized in the above Tables and power exchange rates, the present discovered tariff of Rs. 5.65/kWh seems reasonable and reflective of the current market situation.
16. Section 63 of the Electricity Act, 2003 mandates the Commission to adopt the Tariff if such tariff has been discovered through transparent process of bidding in accordance with the guidelines issued by the Central Government.
17. In view of the foregoing, the Commission notes that tariff discovered by NUPLLP fulfills mandate and requirements for adoption as set out in Section 63 of the EA, 2003. Accordingly, the Commission adopts the following tariff for NUPLLP for the period of 10 months i.e., from 1 January 2025 to 31 October 2025.

Name of Bider	Source	Period	Load	Tariff (Rs/kWh)
M/s. GMR Energy Trading Ltd..	Birla Carbon India Pvt. Ltd, Unit: Patalganga, Dist- Raigad, Maharashtra	1 Jan to 31 Mar 2025	1 MW (RTC)	5.65
		1 Apr to 31 Oct 2025	2 MW (RTC)	5.65

18. The Commission notes that PPA signed between NUPLLP and GMR Energy Trading Limited on 25 November 2024 is in line with the Guidelines. Accordingly, the Commission approves the said PPAs for the supply of 1 MW RTC power for the period 1 January 2025 to 31 March 2025 and 2 MW RTC power for the period 1 April 2025 to 31 October 2025 at the Tariff of Rs.5.65/kWh at the Maharashtra State (STU) Periphery.

19. NUPLLP has also requested the Commission to allow additional short term power procurement if power demand exceeds the contracted quantum. In this regard, the Commission notes that as a Distribution Licensee, NUPLLP is mandated to fulfill electricity demand of its consumers. Hence, in case its demand increases beyond the contracted capacity, it is at liberty to procure such additional power through fresh short term bidding process or through power exchanges by way of optimizing its power purchase costs and subject to the provisions of the MYT Regulations and may approach the Commission for adoption of tariff, if required as per law.
20. Hence, following Order:

ORDER

1. The Petition in Case No. 228 of 2024 is allowed and IA No. 80 of 2024 is disposed of accordingly.
2. Under Section 63 of the Electricity Act, 2003, the Commission adopts Short Term Power Procurement for the period of 1 January 2025 to 31 October 2025 by Nidar Utilities Panvel LLP as stated in para 17 above.
3. Accordingly, PPA with successful bidder is approved with the tariff of Rs. 5.65/kWh at Maharashtra State Periphery. Nidar Utilities Panvel LLP, to submit copies of Final PPA to office of the Commission for the records.

Sd/-
(Surendra J. Biyani)
Member

Sd/-
(Anand M. Limaye)
Member

Sd/-
(Sanjay Kumar)
Chairperson


(Dr. Rajendra G. Ambekar)
Secretary

