

**BEFORE GUJARAT ELECTRICITY REGULATORY COMMISSION
AT GANDHINAGAR**

Petition No. 2250 of 2023.

In the matter of:

Petition for approval of Short-Term Arrangement of Power pursuant to selection of successful bidders through DEEP Portal of Ministry of Power, Government of India, for the period from 01.09.2023 to 31.12.2023 and the Commission's Guidelines dated 14.08.2013.

Petitioner : Gujarat Urja Vikas Nigam Limited
Represented by : Mr. Shubhadeep Sen and Mr. Y.B. Baraiya

CORAM:

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

Date: 02/09/2023

ORDER

1. This Petition has been filed by the Petitioner Gujarat Urja Vikas Nigam Limited seeking approval of Short-Term Power Purchase arrangement as detailed therein for sourcing of power during the period from 01.09.2023 to 31.12.2023 with Bidder selected through DEEP Portal of Ministry of Power, Government of India and under the provisions of the Guidelines dated 14.08.2023 for Power Procurement by Distribution licensee issued by the Commission.
2. The facts mentioned in the Petition, in brief, are as under:
 - 2.1. The Petitioner Gujarat Urja Vikas Nigam Limited (GUVNL) is a company incorporated under the provisions of the Companies Act, 1956 and is a deemed

trading licensee and also is the successor to the functions of the bulk purchase and bulk supply of electricity undertaken by erstwhile Gujarat Electricity Board. The Petitioner also purchases electricity for and on behalf of the State Distribution Licensees.

- 2.2. It is stated that Ministry of Power vide Notification dated 30.03.2016 has issued the Guidelines for Short term procurement of power by Distribution Licensees through Tariff Based bidding process as under:

“The Procurer(s) shall procure short term power as per the plan approved by Appropriate Commission or appropriate body as may have been constituted for the purpose by the Appropriate Commission. In such case the Distribution Licensees will intimate about the initiation of the procurement process to the Appropriate Commission”

Further Clause 11 of the Guidelines provides as under:

“If the quantum of power procured and tariff determined are within the blanket approval granted by the Appropriate Commission in Annual Revenue Requirement (ARR) of the respective year, then the same will be considered to have been adopted by the Appropriate Commission.

In all other cases, the Procurer(s) shall submit a petition to the Appropriate Commission for adoption of tariff within 2 days from the date of signing of PPA. Appropriate Commission should communicate the decision within 7 days from the date of submission of petition.”

- 2.3. It is stated that the Petitioner on behalf of its four Distribution Companies has entered into long term / medium term arrangement with various Generators to meet the power demand of the consumers of the State. The present power tie up of the Petitioner is 21819 MW from conventional sources which includes Gas based capacity of 2475 MW on Long Term basis & 150 MW capacity on Medium Term basis (for the period upto October 2023). In addition to this, around 8602 MW capacity has been tied up from Renewable sources.
- 2.4. It is stated that with regard to gas-based capacity of 2475 MW, the price of LNG in the international market is highly volatile and depends on global demand supply scenario. During the month of August 2023, the price of SPOT gas is around USD 14.92/MMBTU and accordingly, the generation cost for gas-based capacity works

out in the range of around Rs. 11.11 – 11.78/kWh for closed cycle of operation for GSECL Gas based units and hence it is not commercially viable.

2.5. It is also stated that the generation from RE capacity is highly infirm and continuously varying in nature. Accordingly, in order to ensure uninterrupted power supply to consumers, grid stability and load balancing requirements, adequate tie-up from conventional capacity is inevitable as firm source of power.

2.6. It is stated that the Petitioner GUVNL has tied up total of 5361 MW imported coal-based capacity with Private project developers and 500 MW with GSECL Sikka Station. At present, CGPL is supplying only 1440 MW from 1805 MW tied up capacity to the Petitioner GUVNL, APMuL (2434 MW) and EPGL (1122 MW) are supplying contracted capacity to GUVNL and due to supply issues at global level, the cost of the imported coal in Indonesian market is around USD 72.83/MT (HBA price) for the month of August 2023. The Merit Order rate of imported coal based marginal stations for August 2023 is as under:

- (i) APMuL (2434 MW): Rs. 5.43- 5.74/kWh
- (ii) Sikka (500 MW): Rs. 7.70/kWh

2.7. It is stated that details of the recently discovered Round The Clock (RTC) prices from the bids invited by other States/DISCOMs through DEEP Portal are as under:

Sr. No.	DISCOMs	Period/Month	MW	Price in Rs. /KWh
01.	Kerala	September'23- May'24	250	5.23-6.34
02.	HPSEBL (Himachal Pradesh)	October- December'23	27-174	5.99-6.50
03.	RVVNL	November-23 to February'24	1115- 1167	5.79-8.32

2.8. It is stated that in the Power Exchanges (PXs), the discovery of the market prices is highly volatile and quantum availability is uncertain which is contingent to demand-supply position at national level. The average month wise RTC price discovered in September-December, 2022 of Day Ahead Market of IEX and indicative landed price at GETCO periphery considering present ISTS losses are as under:

Month	IEX Price (Rs. /KWh)	Landed Cost at GETCO Periphery (Rs. /KWh)
September- 2022	5.63	5.83
October-2022	3.83	3.96
November-2022	4.60	4.76
December-2022	5.24	5.42

- 2.9. It is also stated that the Petitioner is required to purchase maximum quantum of power from PXs during the peak demand hours. Also, during peak demand hours, since buy bids generally remain comparatively higher than the sale bids, the price discovered in PXs remains at ceiling price (Rs. 10/KWh – at present) and generally the bid quantum is cleared to buyers on proportion basis & full bid quantum is not cleared.
- 2.10. It is stated that the anticipated peak demand availability scenario of power for GUVNL and its subsidiary Discoms for the period from September-December 2023 is in the range of 16600 MW and 22500 MW respectively. The peak deficit of power during evening hours is anticipated up to 1777 MW for September 2023, up to 2477 MW for October 2023, up to 2496 MW for November and up to 2833 MW for the month of December 2023. The said deficit of power was worked out considering the full availability of power from imported coal-based capacity (5496 MW) and excluding the Gas capacity for other period & Hydro based capacity. Further, the deficit may increase further in case of non-availability of power and outages of conventional machines. In order to meet the peak deficit of power and to optimize the power purchase cost also in order to circumvent the price volatility in Short Term market on daily basis and for securing power on firm basis, the Petitioner had invited the bid on 07.07.2023 and floated RFP for procurement for procurement of 500 MW RTC power through DEEP Portal for the period from 16.08.2023 to 31.12.2023, and published the Notice Inviting Tender (NIT) in the National Newspapers viz., The Indian Express and The Hindu and Business Line on 08.07.2023 and has also uploaded the RFP & NIT on its website in line with the Guidelines issued by the Ministry of Power, Government of India.
- 2.11. It is also stated that the Petitioner vide letter dated 10.07.2023 has intimated and apprised the Commission regarding the tender floated by the Petitioner for tying up power on short term basis to mitigate the demand of the power through DEEP

Portal of Ministry of Power, Govt. of India in accordance with Guidelines dated 30.03.2016 read with the amendment to the guidelines dated 21.02.2022.

- 2.12. It is stated the opening of IPO and reverse auction was carried out on 25.07.2023. The Technical Bid Opening of online bids on the e-bidding portal was held in the presence of Committee comprising of the following members for opening and evaluation of the technical and financial bids:

Bid Evaluation Committee		
Sr. No.	Name	Designation
1.	Shri J J Gandhi	General Manager (Comm)
2.	Shri H N Shah	General Manager (RE)
3.	Shri K S Malkan	General Manager (Power Trading)

- 2.13. Further, the Petitioner has received bids from 9 Bidders offering aggregate capacity of 500 MW in bucket filling. The Bid Evaluation Committee scrutinized the bids submitted by the Bidders and deliberated the issues in detail about responsiveness of the bids and there were no responsiveness issues. The Technical Bid Evaluation Report duly vetted by the Members of Bid Evaluation Committee was also filed with the Petition.
- 2.14. Based on the techno-commercial bid evaluation by the Committee and their recommendation, the Financial Bids of all technically qualified 9 (Nine) No. of bidders were opened on 25.07.2023 (16:00 hours) on the MSTC web-portal in the presence of above-mentioned Bid Evaluation Committee. Thereafter, in accordance with the terms of the RFP, 9 (Nine) No. of Bidders aggregating to 500 MW capacity were shortlisted by the Committee for e-reverse auction. The Financial Bid Evaluation Report duly vetted by the Members of Bid Evaluation Committee was also filed with the Petition. The e-reverse auction was conducted on the web-portal of MSTC on 25.07.2023 (16:00 Hours) and accordingly, the results of e-reverse auction are as under:

Month	Sr. No	Trader/Generator	Quantity in MW	Rate in Rs/unit
August-23 (From 16.08.2023)	1	AEL: Adani Power Ltd-Raipur TPP	250	5.98
	2	Sembcorp Energy India Limited	150	5.98
	3	Manikaran: DB Power Limited	50	5.98

	4	JINDAL POWER LIMITED	50	5.98
		Total	500	
Sept-23	1	TPTCL: Jindal India Thermal Power Limited (JITPL)	150	5.98
	2	JINDAL POWER LIMITED	200	5.98
	3	Sembcorp Energy India Limited	100	5.98
	4	Manikaran: DB Power Limited	50	5.98
		Total	500	
Oct-23	1	TPTCL: Jindal India Thermal Power Limited (JITPL)	200	5.58
	2	Sembcorp Energy India Limited	100	5.58
	3	NVVNL: Jaypee Bina Thermal Power Plant (JBTPP)	50	5.58
	4	PTC: Jaypee Nigrie Super Thermal Power MP	100	5.58
	5	JINDAL POWER LIMITED	50	5.60
		Total	500	
Nov-23	1	TPTCL: Jindal India Thermal Power Limited (JITPL)	200	5.32
	2	NVVNL: JaypeeBina Thermal Power Plant (JBTPP)	50	5.32
	3	PTC: Jaypee Nigrie Super Thermal Power MP	200	5.32
	4	JINDAL POWER LIMITED	50	5.32
		Total	500	
Dec-23	1	TPTCL: Jindal India Thermal Power Limited (JITPL)	200	5.29
	2	NVVNL: Jaypee Bina Thermal Power Plant (JBTPP)	50	5.29
	3	JINDAL POWER LIMITED	200	5.29
	4	PTC: Jaypee Nigrie Super Thermal Power MP	50	5.29
		Total	500	

- 2.15. However, looking to the overall demand supply position, the Petitioner GUVNL has not tied up power during 16.08.2023 to 31.08.2023.
- 2.16. It is further stated that during the ensuing summer months, the demand of the power is likely to increase. Moreover, the RE generation is infirm in nature. Further, the power availability in Power Exchanges is uncertain which is contingent to pan-India Demand-Supply scenario of power and purchase bid is cleared on proportionate basis at present ceiling price of Rs. 10/ KWh in peak demand hours owing to limited sell volume as compared to Buy bids. Therefore, it would be essential to utilize entire generation capacity and minimize dependency on Power Exchanges in order to ensure availability of firm power. Moreover, the offer price of 500 MW is in the range of Rs. 5.29- 5.98/ KWh during the period 01.09.2023 to 31.12.2023 which is comparable with the alternatives available to GUVNL.
- 2.17. It is further submitted that considering the anticipated demand supply scenario, volatility of prices of imported coal and gas in international market, discovery of prices in the DEEP Portal for the bids invited by other States/ DISCOMs during

corresponding period, volatility of prices discovered in Power Exchanges, to optimize the power purchase cost along with balancing the grid due to huge penetration of RE sources and in case of force outages of any generating stations or increase in demand, it is required to have firm source of power available with the Petitioner to mitigate the demand for the period from 01.09.2023 to 31.12.2023. The tie up of 500 MW power under the above arrangement will ensure availability of power on firm basis during the period September – December 2023.

2.18. In view of the above, the Petitioner GUVNL has issued Letter of Award (LoA) for the month of September 2023 to December 2023 to the successful bidders under Bucket Filling List, i.e. LoA dated 08.08.2023 to M/s Tata Power Trading Company Limited (TPTCL), M/s. PTC India Limited, M/s Sembcorp Energy India Limited, M/s Jindal Power Limited, M/s Manikaran Power Limited and M/s NTPC Vidyut Vyapar Nigam Limited (NVVNL) for supply of power, as under:-

(i) M/s Tata Power Trading Company Limited:

Month	Period	Generating Source	Quantum (MW)	Rate @ GETCO periphery (Rs/ KWh)
September-23	RTC	Jindal India Thermal Power Limited (JITPL)	150	5.98
October-23			200	5.58
November-23			200	5.32
December-23			200	5.29

(ii) M/s PTC India Limited:

Month	Period	Generating Source	Quantum (MW)	Rate @ GETCO periphery (Rs/ Kwh)
October-23	RTC	Jay Pee Nigree Super Thermal Power Plant	100	5.58
November-23			200	5.32
December-23			50	5.29

(iii) M/s Sembcorp Energy India Limited:

Month	Period	Generating Source	Quantum (MW)	Rate at GETCO periphery (Rs/kWh)
September - 23	RTC		100	5.98

October-23		SembCorp Energy India Limited (SEIL) 2X660 MW	100	5.58
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(iv) M/s NTPC Vidyut Vyapar Nigam Limited:

Month	Period	Generating Source	Quantum (MW)	Rate @ GETCO periphery (Rs/ Kwh)
October-23	RTC	Jaypee Bina Thermal Plant	50	5.58
November-23			50	5.32
December-23			50	5.29

(v) M/s Manikaran Power Limited:

Month	Period	Generating Source	Quantum (MW)	Rate @ GETCO periphery (Rs/ KWh)
September-23	RTC	DB Power Limited	50	5.98

(vi) M/s Jindal Power Limited:

Month	Period	Generating Source	Quantum (MW)	Rate @ GETCO periphery (Rs/ KWh)
September-23	RTC	Jindal Power Limited	200	5.98
October-23			50	5.60
November-23			50	5.32
December-23			200	5.29

2.19. It is stated that accordingly, the month wise tie-up and rates are as under:

Sr. No	Bidders	Generating Source	Sept-23	Oct-23	Nov-23	Dec-23
1	TPTCL	Jindal India Thermal Power Limited (JITPL)	150	200	200	200
2	SEMBCORP	SEMBCORP ENERGY INDIA LIMITED (SEIL Project 2)	100	100		
3	PTC	JayPee Nigree Super Thermal Power Plant		100	200	50
4	NVVNL	Jaypee Bina Thermal Plant		50	50	50
5	MPL	DB Power Limited	50			
6	JPL	Jindal Power Limited (JPL)	200	50	50	200
		Total Quantum	500	500	500	500
		Rate: Rs/ KWH	5.98	5.58-5.60	5.32	5.29

- 2.20. It is also stated that the Petitioner GUVNL has signed PPA dated 29.08.2023 with the successful bidders.
- 2.21. Based on the above, the Commission is requested to approve the arrangement for Short Term Power procurement of the Petitioner GUVNL for the period from 01.09.2023 to 31.12.2023 and to adopt the tariff discovered through transparent e-bidding process on DEEP Portal, Govt. of India.
3. The matter was heard on 01.09.2023 and Mr. Shubhadeep Sen on behalf of the Petitioner has reiterated the facts as stated at para 2 above.
4. We have considered the submissions made by the Petitioner. The Petitioner has filed the present Petition seeking approval for Short Term Power Purchase arrangement during the period from 01.09.2023 to 31.12.2023 with bidders selected under bids invited as per RFP & NIT floated through DEEP Portal as per the Guidelines of the Ministry of Power, Government of India.
- 4.1. The Petitioner has prayed to approve the arrangement for sourcing different quantum of power from different sources at different rates for the period from 01.09.2023 to 31.12.2023 as stated in the Petition and table above through short term bidding process. The Petitioner published tender notice inviting bids through e-tendering and on e-Reverse Auction basis and the bidders were required to bid and accordingly it is stated by the Petitioner that tendering was undertaken through transparent e-bidding process on DEEP Portal and has prayed for approval under the provisions of the Guidelines for Power Procurement by the Distribution Licensee issued by the Commission vide Notification No. 02 of 2013 dated 14.08.2013.
- 4.2. We note that Section 86 (1) (b) empowers the State Commission to regulate the electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured. Section 63 of the Act is regarding determination of tariff by bidding process to be adopted by the Commission if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government. It is, therefore, necessary to

refer the relevant provisions of Section 86 (1) (b) and Section 63 of the Electricity Act, 2003:

“

Section 86. Functions of State Commission, --

(1): - The State Commission shall discharge the following function:

.....

(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, it is the function of the Commission to regulate the electricity purchase and procurement process of the Distribution Licensee including price, quantum and agreement.

“.....

Section 63. (Determination of tariff by bidding process):

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 the above provision, the Commission to adopt tariff if such tariff is determined through transparent bidding process in accordance with the guidelines issued by the Government of India.

- 4.3. This Commission has also issued the ‘Guidelines for Procurement of Power through Competitive Bidding’ dated 14.08.2013. Clause 13, 14, 15 and 16 of the aforesaid Guidelines issued by the Commission are reproduced below:

“

13. Where the Distribution Licensee is to procure power on a short-term basis or there is a shortfall due to any reason whatsoever, or failure in the supply of electricity from any approved source of supply during the year, for any reason

whatsoever, the licensee may enter in to a short-term arrangement or agreement for procurement of power through power exchanges or through a transparent process of open tendering and competitive bidding.

14. In case of procurement of power through competitive bidding, the Distribution Licensee shall initiate the process for short-term power procurement in accordance with the Ministry of Power's Guidelines for Short Term Procurement of Power by Distribution Licensees through Tariff based bidding process' notified by the Ministry of Power on 15/05/2012 and in force from time to time. As provided in the MoP Guidelines:

a) The bid documentation shall be prepared in accordance with the MoP guidelines and the approval of the GERC shall be obtained unless the bid documents are as per the standard bid documents issued by the Central Government.

b) Generally, no deviation shall be allowed from these Guidelines. However, if it is essential to have the deviation from these Guidelines, the same could be done with the prior approval of the GERC.

c) The Procurer(s) shall procure short-term power as per the plan approved by the GERC or appropriate body as may have been constituted for the purpose by the GERC. In such case the Distribution Licensees will intimate about the initiation of the procurement process to the GERC.

d) In case procurement of short-term power exceeds the approved annual short-term procurement plan, the Procurer(s) shall obtain prior approval from the GERC or any appropriate body as may have been constituted for the purpose by the GERC.

15. For procurement on short-term basis, a single-stage bid process by inviting Request for Proposal (RFP) shall be adopted. Procurer or authorized representative shall prepare bid document in line with these Guidelines. The Procurer shall publish an RFP notice in at least two national newspapers and upload the same on company website to accord it wide publicity. The bidding shall necessarily be by way of competitive bidding.

16. The PPA shall be signed with the selected bidder(s) consequent to the selection process.

(a). After the conclusion of bid process, the Standing Committee constituted for evaluation of RFP bids shall provide appropriate certificate on conformity of the bid process evaluation to the provisions of the RFP document. The Procurer shall provide a certificate on the conformity of the bid process to these Guidelines to the GERC.

(b). If the quantum of power procured and tariff determined are within the overall approval granted by the GERC in Annual Revenue Requirement (ARR) of the respective year, then the same will be considered to have been adopted by the GERC.

In all other cases, the Procurer(s) shall submit a petition to the GERC for adoption of tariff within two days from the date of signing of PPA. The GERC should communicate the decision within seven days from the date of submission of petition.”

As per Clause 13 of the aforesaid guidelines, when the Distribution Licensee needs to procure the power to meet the demand of the consumers on the short-term basis, the Distribution Licensee may do so through energy exchange or through transparent process of open tendering and competitive bidding.

Clause 14 of the aforesaid Guidelines provides that in case of procurement of power through the competitive bidding, the Distribution Licensee shall initiate the process for Short-Term Power Procurement in accordance with the Guidelines for Short-Term Procurement of Power by the Distribution Licensee through tariff based bidding process notified by the Ministry of Power, Government of India on 15th May, 2012. The bid documents submitted by the Petitioner are as per the MoP guidelines consist of the deviations earlier approved by the Commission. Thus, the bid documents are in accordance with the MoP guidelines.

Sub-clause (b) of Clause 14 of the aforesaid Guidelines provides that whenever there is any deviation from these Guidelines, the same could be done with prior approval of the Commission. Further, sub-clause (c) of the Clause 14 of the aforesaid

Guidelines provides that the procurer shall procure the short term power as per the plan approved by the Commission.

Clause 15 of the said Guidelines provides that for Procurement of Power on short-term basis a single stage bid process by inviting Request for Proposal (RFP) shall be adopted. Further, it is also provided that the procurer/distribution licensee shall publish an RFP notice in at least 2 national newspapers and upload the same on the company's website to accord wide publicity. The bidding shall necessarily be by way of competitive bidding.

Sub-Clause (a) of Clause 16 of the aforesaid Guidelines provides that the Standing Committee needs to be constituted for evaluation of RFP bids who shall provide appropriate certificate on conformity of the bid process evaluation to the provisions of RFP document and conformity of the bid process to these guidelines to the Commission.

Sub-Clause (b) of Clause 16 of the aforesaid Guidelines provides that if the quantum of power procured and tariff determined are within the overall approval granted by the Commission in the Aggregate Revenue Requirement (ARR) of the respective year, then the same will be considered to have been adopted by the Commission.

- 4.4. The Petitioner had invited the bids on 07.07.2023 and floated RFP for procurement of 500 MW RTC power for the period from 01.09.2023 to 31.12.2023 and published the Notice Inviting Tender (NIT) in two National Newspaper viz, (i) The Indian Express and (ii) Hindu & Business Line on 08.07.2023 and had also uploaded the RFP & NIT on its' website in line with guidelines of the Ministry of Power, Government of India for procurement of power on short term basis inviting bids through transparent e-bidding Reverse Auction process on DEEP Portal whereby the bidders were required to submit their bid/offers and last date for submission of same was 14.07.2023. Thus, the tender notice issued by the Petitioner in 2 (two) newspapers is in compliance with provisions of the Guidelines for Procurement of Power issued by the Commission. We note that the Petitioner GUVNL vide its letter dated 10.07.2023 has intimated the Commission regarding such tender for tying up power on short term basis to mitigate the demand of the power through DEEP Portal of Ministry of Power, Government of India.

4.5. The Petitioner has filed the RFP documents dated 07.07.2023 whereby bids were invited for supply of power with delivery point as GETCO periphery for following quantum and duration vide its Tender Specification No. GUVNL/Power Purchase /2022-23/JULY-2023 & Event No. GUVNL/Short/23-24/ET/74 & e-RA GUVNL/Short/23-24/RA/72:

Sr. No.	Period	Time Period (Hours)	Duration (Hrs)	Quantum (MW)	Minimum Bid Quantum (MW)
1	16.08.2023 to 31.08.2023	RTC	24	500	50
2	01.09.2023 to 30.09.2023			500	50
3	01.10.2023 to 31.10.2023			500	50
4	01.11.2023 to 30.11.2023			500	50
5	01.12.2023 to 31.12.2023			500	50

4.6. The Opening of IPO and reverse auction was carried out on 25.07.2023. Further, the details of Bidders, i.e., e-RA Bid sheet who were successful under Bucket Filling List of e-Reverse Auction is filed with the Petition. Accordingly, the Petitioner has received the price and the Quantum offered by various Bidders bids under Bucket Filling List on DEEP Portal and the offer from the bidders as under:

Month	Sr. No	Trader/Generator	Quantity in MW	Rate in Rs/unit
August-23 (From 16.08.2023)	1	AEL: Adani Power Ltd-Raipur TPP	250	5.98
	2	Sembcorp Energy India Limited	150	5.98
	3	Manikaran: DB Power Limited	50	5.98
	4	JINDAL POWER LIMITED	50	5.98
		Total	500	
Sept-23	1	TPTCL: Jindal India Thermal Power Limited (JITPL)	150	5.98
	2	JINDAL POWER LIMITED	200	5.98
	3	Sembcorp Energy India Limited	100	5.98
	4	Manikaran: DB Power Limited	50	5.98
		Total	500	
Oct-23	1	TPTCL: Jindal India Thermal Power Limited (JITPL)	200	5.58
	2	Sembcorp Energy India Limited	100	5.58
	3	NVVNL: Jaypee Bina Thermal Power Plant (JBTPP)	50	5.58
	4	PTC: Jaypee Nigrie Super Thermal Power MP	100	5.58
	5	JINDAL POWER LIMITED	50	5.60

		Total	500	
Nov-23	1	TPTCL: Jindal India Thermal Power Limited (JITPL)	200	5.32
	2	NVVNL: JaypeeBina Thermal Power Plant (JBTPP)	50	5.32
	3	PTC: Jaypee Nigrie Super Thermal Power MP	200	5.32
	4	JINDAL POWER LIMITED	50	5.32
		Total	500	
Dec-23	1	TPTCL: Jindal India Thermal Power Limited (JITPL)	200	5.29
	2	NVVNL: Jaypee Bina Thermal Power Plant (JBTPP)	50	5.29
	3	JINDAL POWER LIMITED	200	5.29
	4	PTC: Jaypee Nigrie Super Thermal Power MP	50	5.29
		Total	500	

4.7. The Petitioner has received the tariff in the range of Rs. 5.29 – Rs. 5.98 per kWh for 500 MW RTC power during the month of February 2023. The Petitioner has also stated that during the ensuing summer months, the demand of the power is likely to increase. Moreover, the RE generation is infirm in nature and the power availability in Power Exchanges is uncertain which is contingent to pan- India Demand – Supply scenario of power and purchase bid is cleared on proportionate basis with present ceiling price of Rs. 10/ KWh in peak demand hours owing to limited sell volume as compared to Buy bids. Therefore, it would be essential to utilize entire generation capacity and minimize dependency on Power Exchanges in order to ensure availability of firm power. Further, CGPL are supplying only 1440 MW from 1805 MW tied up capacity and EPGL are supplying contracted capacity of only 1122 MW to GUVNL. Moreover, the offer price of 500 MW is in the range of Rs. 5.29- 5.98/ KWh during the period 01.09.2023 to 31.12.2023 which is comparable with the alternatives available to GUVNL.

4.8. We further note that after due consideration of the demand supply scenario, volatility of prices of imported coal and gas in international market, discovery of prices in the DEEP Portal for the bids invited by other States/ DISCOMs during corresponding period, volatility of prices discovered in Power Exchanges, to optimize the power purchase cost along with balancing the grid due to huge penetration of RE sources and in case of force outages of any generating stations or increase in demand, the Petitioner is required to have firm source of power available with them to mitigate the demand during the period from 01.09.2023 to 31.06.2023. Further, the tie up of 500 MW power under the above arrangement will ensure availability of power on firm basis during the period from September 2023

to December 2023 under Bucket Filling List, which is competitive as compared to alternatives available to GUVNL.

- 4.9. We further note that the Petitioner has constituted a Committee as per Clause 7.2 of 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 (MoP Guidelines) vide Notification No. 23/25/2011/-R&R (Vol-III) dated 30th March 2016 issued by Ministry of Power, Government of India. As per Clause 11.2 of the MoP Guidelines and Clause 16 (a) of the GERC Guidelines issued by the Commission as quoted above, the Standing Committee constituted for evaluation of bids is required to submit appropriate certificate on conformity of the bid process evaluation according to the provisions of the RFP document. Further, as per Clause 11.3 of the MoP Guidelines, the Procurer for the purpose of transparency is required to make the bids public by indicating the tariff quoted by all the Bidders, after signing of the PPA or PPA becoming effective, whichever is later and while doing so, only the name of the Successful Bidder(s) to be made public and tariffs quoted by other Bidders to be made public anonymously. The relevant provisions of the Guidelines of Ministry of Power and this Commission read as follows:

“.....

7. Bid submission and evaluation

.....

7.2 The Procurer shall constitute a Standing Committee for evaluation of the Bids.

.....

11. Contract award and conclusion:

.....

11.2. After the conclusion of bid process, the Standing Committee constituted for evaluation of RFP bids shall provide appropriate certification on conformity of the bid process evaluation according to the provisions of the RFP documents. The Procurer shall provide a certificate on the conformity of the bid process to these Guidelines to the Appropriate Commission.

11.3 For the purpose of transparency, the Procurer shall make the bids public by indicating the tariff quoted by all the Bidders, after signing of the PPA or PPA

becoming effective, whichever is later. While doing so, only the name of the Successful Bidder(s) shall be made public and tariffs quoted by other Bidders shall be made public anonymously.

.....”

- 4.10. In compliance to above, we observe that the Petitioner has submitted the Financial Bid Evaluation Report wherein it was recommendation of Committee. The relevant portion of the Committee Certificate read as follows:

“.....

In terms of Clause 7.2 of the MoP, Government of India and Guidelines for the competitive bidding issued vide Notification dated 30.03.2016, it is certified that the Bid Evaluation Committee has evaluated the bids and that the bidding process and the evaluation has been conducted in conformity to the provisions of the RFP

<i>Sd/-</i>	<i>Sd/-</i>	<i>Sd/-</i>
<i>(J. J. Gandhi)</i>	<i>(Shri H.N. Shah)</i>	<i>(K. S. Malkan)</i>
<i>GM (Com.)</i>	<i>GM (RE)</i>	<i>GM (Power Trading)</i>
<i>.....”</i>		

- 4.11. From the above it is observed that the Committee has certified that bid process followed by the Petitioner GUVNL under the tender is in accordance with the Ministry of Power Guidelines dated 30.03.2016 and amendments dated 21.02.2022 to the said guidelines and RFP floated by GUVNL in respect of said requirement of power from September 2023 to December 2023. Thus, the Petitioner has complied with the requirement of the guidelines issued by the MoP as well as this Commission.

- 4.12. Based on final offers received from bidders, the Petitioner approached the Committee with all the details and in turn the Committee recommended to issue “Letter of Award” (LOA) to all bidders. Accordingly, the Petitioner GUVNL has issued Letter of Award (LoA) for the month of September 2023 to December 2023 to the successful bidders who are at L1 price under Bucket Filling List i.e. (i) LoA dated 08.08.2023 to M/s Tata Power Trading Company Limited (TPTCL), M/s. PTC India Limited, M/s Sembcorp Energy India Limited, M/s Jindal Power Limited, M/s

Manikaran Power Limited and NTPC Vidyut Vyapar Nigam Limited (NVVNL) for supply of power during the period from 01.09.2023 to 31.12.2023.

- 4.13. In view of this, the Petitioner GUVNL has issued Letter of Award (LoA) for the month of September 2023 to December 2023 to the successful bidders who are at L1 price under Bucket Filling List i.e. LoA dated 08.08.2023 to M/s Tata Power Trading Company Limited (TPTCL), M/s. PTC India Limited, M/s Sembcorp Energy India Limited, M/s Jindal Power Limited, M/s Manikaran Power Limited and NTPC Vidyut Vyapar Nigam Limited (NVVNL) for supply of power during the period from 01.09.2023 to 31.12.2023, as under:-

(i) M/s Tata Power Trading Company Limited:

Month	Period	Generating Source	Quantum (MW)	Rate @ GETCO periphery (Rs/ KWh)
September-23	RTC	Jindal India Thermal Power Limited (JITPL)	150	5.98
October-23			200	5.58
November-23			200	5.32
December-23			200	5.29

(ii) M/s PTC India Limited:

Month	Period	Generating Source	Quantum (MW)	Rate @ GETCO periphery (Rs/ Kwh)
October-23	RTC	Jay Pee Nigree Super Thermal Power Plant	100	5.58
November-23			200	5.32
December-23			50	5.29

(iii) M/s Sembcorp Energy India Limited:

Month	Period	Generating Source	Quantum (MW)	Rate at GETCO periphery (Rs/kWh)
September - 23	RTC	SembCorp Energy India Limited (SEIL) 2X660 MW	100	5.98
October-23			100	5.58

(iv) M/s NTPC Vidyut Vyapar Nigam Limited:

Month	Period	Generating Source	Quantum (MW)	Rate @ GETCO periphery
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				(Rs/ Kwh)
October-23	RTC	Jaypee Bina Thermal Plant	50	5.58
November-23			50	5.32
December-23			50	5.29

(v) M/s Manikaran Power Limited:

Month	Period	Generating Source	Quantum (MW)	Rate @ GETCO periphery (Rs/ KWh)
September-23	RTC	DB Power Limited	50	5.98

(vi) M/s Jindal Power Limited:

Month	Period	Generating Source	Quantum (MW)	Rate @ GETCO periphery (Rs/ KWh)
September-23	RTC	Jindal Power Limited	200	5.98
October-23			50	5.60
November-23			50	5.32
December-23			200	5.29

- 4.14. We also note that the Petitioner GUVNL has signed the PPAs dated 29.08.2023 with (i) M/s Tata Power Trading Company Limited, (ii) M/s PTC India Limited, (iii) M/s Sembcorp Energy India Limited, (iv) M/s Jindal Power Limited, (v) M/s Manikaran Power Limited and (vi) M/s NTPC Vidyut Vyapar Nigam Limited, for supply of RTC power for the period from September 2023 to December 2023.
- 4.15. Based on the above, we decide that the process for procurement of power is carried out by the Petitioner in conformity with the Guidelines for Short-Term Procurement of Power by Distribution Licensee through Tariff based bidding, issued by the Ministry of Power vide Notification dated 30th March, 2016 and the Guidelines for Procurement of Power by Distribution Licensee issued by the Commission vide Notification No. 2 of 2013 dated 14th August, 2013.
- 4.16. We, therefore, decide to approve the procurement of power by the Petitioner for the period from September 2023 to December 2023 as per the recommendation of the Committee constituted for bid evaluation, with the successful bidders as stated in para above. Moreover, as already mentioned above, the Petitioner has already issued Letter of Awards (LoAs) dated 08.08.2023 to the successful bidders and also executed the PPAs with them on 29.08.2023.

- 4.17. While parting, the Commission could not remain oblivious to the aspect that has emerged in the present Petition as well as others regarding the 'Bid Evaluation Committee Report' that are filed by the Petitioner GUVNL in various matters since it appears to be differently worded and lacking uniformity in contents thereof. Hence, it may not be out of place to expect uniformity with appropriate wording, which may be ensured in future so as to include certification of (i) adequate publicity (ii) conformity to relevant bidding guidelines (iii) no deviations in bidding documents other than those approved by the Commission are taken, (iv) competitive bidding is undertaken in transparent manner etc.
5. In view of above, this Petition is allowed and it is decided to approve the above Short Term Power Purchase of Round-the-Clock (RTC) power for the period September 2023 to December 2023. Further, the Petitioner is directed that for the purpose of transparency, it shall make the bids public by indicating the tariff quoted by all the Bidders. While doing so, only the name of the Successful Bidder(s) shall be made public and tariffs quoted by other Bidders shall be made public anonymously in terms of Clause 11.3 of 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 notified by Ministry of Power vide Notification No. 23/25/2011-R&R dated 30th March, 2016.
6. With this, the present Petition stands disposed of.
7. Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Sd/-
[Anil Mukim]
Chairman

Place: Gandhinagar.

Date: 02/09/2023.