

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 59/MP/2013

Coram:

**Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member**

Date of Hearing: 11.7.2013

Date of Order: 19.7.2013

In the matter of

Application under para 5.16 read in conjunction with para 5.18 of the "Guidelines for determination of tariff by bidding process for procurement of power by Distribution Licensees" issued by Ministry of Power, Government of India under Section 63 of the Electricity Act, 2003 for extension of bid processing period in respect of Ultra Mega Power Project of Orissa Integrated Power Limited.

And

In the matter of

Orissa Integrated Power Limited, New Delhi

...**Petitioner**

Following was present:

Shri Yogesh Juneja, OIPL

ORDER

The petitioner, Orissa Integrated Power Limited (OIPL) has filed this petition seeking approval of the Commission for further extension of time (for a period of 730 days i.e upto 5.4.2015) to complete the bid process of the project to select a successful bidder.

2. The petitioner had earlier approached the Commission for extension of time by filing petition No. 134/MP/2012. The Commission vide its order dated 25.7.2012 in Petition No. 134/MP/2012 had allowed time till 5.4.2013 to complete the process of selection of the bidder. The Commission had observed as under in the said order dated 25.7.2012:

"12. We are conscious of the fact that the selection of a successful bidder for the Ultra Mega Project is to be done on time bound basis. Therefore, we are not inclined to grant 730 days as prayed by the petitioner. In our view, it will be sufficient if the petitioner is allowed 225 days time for completion of the process from the date of submission of the RfQ and an additional 75 days time to take care of any forest related issues. Accordingly, in exercise of our power in Clause 5.16 read with 5.18 of the Guidelines we allow the petitioner to complete the process of selection of the bidder by 5.4.2013."

3. The petitioner has submitted in the present petition that the Board of OIPL by its resolution dated 15.3.2013 has approved a proposal for extension of bid process time line for further 730 days from 6.4.2013 to 5.4.2015. Accordingly, the petitioner has prayed for the approval of the extension of time for completion of the bid process by a further period of 730 days from 6.4.2013 i.e. till 5.4.2015.

4. During the hearing on 7.2.2013, the Commission desired to know whether it would be appropriate to start the process afresh from the stage of RfQ after resolution of the forest related issues. In response, the representative of the petitioner sought leave of the Commission to take instructions of the Central Government in this regard. Accordingly, the petitioner was directed to take instructions from the Central Government in this regard.

5. The petitioner vide its affidavit dated 24.6.2013 has submitted that Ministry of

Power, Government of India, vide its letter dated 24.6.2013 has informed that revision of SBDs is in final stage and RfP will be issued on revised SBDs. Accordingly, PFC may seek extension of time for the bid process by further period of 730 days.

6. We have considered the submission of the petitioner. We notice that as per the Ministry of Power clarification, the RfP will be issued on the basis of revised SBDs. In our view, since the SBDs are being revised, it will be appropriate if the bidding process is initiated afresh based on the revised SBDs so that new bidders who meet the requirements can participate in the bidding process. Accordingly, we direct the petitioner to close the present bidding process and start the bidding process afresh in accordance with the revised SBDs to be issued by Ministry of Power, Government of India. .

7. The petition No. 59/MP/2013 is disposed of in terms of the above.

Sd/-

(M. Deena Dayalan)
Member

sd/-

(V.S.Verma)
Member