

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 721/AT/2020

- Subject: Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff for ISTS grid connected Solar Photo Voltaic Projects of 2000 MW selected through Competitive Bidding Process as per the Guidelines issued by Ministry of Power, Government of India on 3.8.2017 and its amendments thereof.
- Date of Hearing : 8.4.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : NHPC Limited (NHPC)
- Respondents : Ministry of New and Renewable Energy and 9 Ors.
- Parties Present : Shri Parinay Deep Shah, Advocate, AXPPL
Shri S. P. Rathour, NHPC
Shri Naresh Bansal, NHPC
Shri Pawan Kr. Sharma, ABC Renewable
Shri Arfath Khan, ABC Renewable
Shri Surabhi Pandey, AXPPL
Shri Rakesh Rathore, AXPPL
Shri Sunei Kapoor, AXPPL
Shri Ayush Prasad, SB Energy

Record of Proceedings

Case was called out for virtual hearing.

2. At the outset, the representative of the Petitioner submitted that vide Record of Proceedings for the hearing dated 5.3.2021, the Petitioner was directed to serve copy of the Petition on all the Respondents and to submit the information regarding (i) details of the publication of notice in compliance with requirement of clause 6.4 of the Guidelines, and (ii) details of deviations taken in the Bid documents (RfS, PPA and PSA) from the provisions of the Guidelines, if any, along with reasons thereof and whether any approval of Appropriate Commission has been obtained in accordance with clauses 3.1.1(b) and 18 of the Guidelines.

3. The representative of the Petitioner submitted that the Petitioner has complied with the aforesaid direction of the Commission vide its affidavit dated 13.3.2021. Referring to the aforesaid affidavit, the representative of the Petitioner mainly submitted the following:

(a) The Petitioner had already served copy of the Petition on all the Respondents through speed post and has furnished the necessary proof in this regard along with Petition.

(b) As regards the details of the publication of notice in compliance with requirement of clause 6.4 of the Guidelines, the Ministry of Information and

Broadcasting, Govt. of India vide its circular dated 14.6.2018 had clarified that though the compulsory publishing of the tender notice advertisement in the newspaper has been dispensed with, Administrative Ministries/ Departments are free to decide on the advertisement of tender notices in the newspapers based on merits of case. Based on the above circular, the Petitioner had issued the circular dated 21.1.2019 indicating that all the Notice Inviting Tenders (NITs) and other related notices/ information, etc. shall be uploaded on the web portal of the Petitioner, Central Public Procurement Portal (CPP)/ e-Procurement Service Provider's portal and no press publication shall be issued and that the Press publication of NITs for tenders invited through International Competitive Bidding (ICB) shall be continued in international newspapers.

(c) As the tender in instant case was on the basis of ICB (international competitive bidding), it was published in one international newspaper as per the extant provisions/ practice of the Petitioner to publish global tender of any value in foreign edition of Indian Newspaper. Accordingly, the Commission may exempt the Petitioner from publishing of RfS in two national newspapers as per the Guidelines.

(d) As regards the details of deviations taken in the Bid Documents from the provisions of the Guidelines, as per the clause 3.1.1(i) of the Guidelines and in absence of the Standard Bidding Documents issued by the Central Government, the Petitioner prepared its bid documents as per provisions of the Guidelines. During the tendering process, based on the various feedbacks/ discussion and SECI's amendment dated 3.1.2020, Article 12.1.1(g) under the Article 12 (Change in Law) to the draft PPA was inserted for better response, competitive tariff and more clarity. In this regard, no bidders have raised any queries/ objections during the bid process and that the PPAs and PSAs have already been signed with the Solar Power Developers and the distribution licensees.

(e) The said article is merely a detailed elaboration of the clause mentioned in the Guidelines considering it was in line with the clause 3.1.1(i) of the Guidelines. However, if the Commission is of the view that it amounts to deviation from the Guidelines, it may be condoned and the approval may be granted for the same.

4. After hearing the representative of the Petitioner, the Commission directed the Petitioner to compile and furnish the details of all the deviations taken in the Bid documents (RfS, PPA and PSA) from the provisions of the Guidelines, along with reasons thereof, on affidavit, within two weeks.

5. The Petition will be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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