

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 105/MP/2024

- Subject : Petition under Section 79(1)(k) read with Section 63 of the Electricity Act, 2003 along with Regulation 67 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 seeking directions with respect to the Bid Evaluation and Selection of Bidders in terms of the Request for Selection Documents issued by SJVN Limited for selection of RE Power Developers for Supply of 1500 MW Firm and Dispatchable Power from ISTS-Connected Renewable Energy (RE) Power Projects with Energy Storage Systems in India under Tariff-based Competitive Bidding, on Build-Own Operate basis with “Greenshoe Option” of Additional capacity upto 1500 MW.
- Petitioner : SJVN Limited
- Respondents : ACME Cleantech Solutions Private Limited and Ors.
- Date of Hearing : **19.9.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Shri Adarsh Tripathi, Advocate, SJVN
Shri Ajitesh Garg, Advocate, SJVN
Ms. Mannat Waraich, Advocate, ACME
Ms. Ananya Goswami, Advocate, ACME

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition had been filed *inter alia* seeking directions with respect to the Bid Evaluation and Selection of Bidders in terms of Request for Selection Documents (RfS) issued by the Petitioner for selection of the RE Power Developers for Supply of the 1500 MW Firm and Dispatchable Power from ISTS Connected Renewable Energy Power Projects with Energy Storage Systems in India under the Tariff-based Competitive Bidding on a Build, Own and Operate Basis with “Greenshoe Option” of additional capacity up to 1500 MW. Learned counsel further mainly submitted as under:

- (a) In response to the RfS, a cumulative bid of 1480 MW (S_T) was received from the successful bidders, who have been consequently allotted 1184 MW capacity, i.e., the entire eligible capacity for the award (S_E) in case $S_T < 1500$ MW.
- (b) Moreover, the RfS also provided for the Greenshoe Option of an additional 1500 MW, which was to be allocated in proportion to the capacity allotted to successful bidders in a reverse auction if they are willing to offer the additional capacity. In the present case, 1184 MW capacity has also been awarded to the successful bidders under the Greenshoe Option. However, the balance of 316 MW has remained unallocated under the Greenshoe Option.

(c) Accordingly, by way of the present Petition, the Petitioner seeks to allocate the remaining quantum of power under the Greenshoe Option to the successful bidders in terms of the transparent bidding process already conducted by the Petitioner wherein the competitive rates have been identified. By order dated 1.8.2024 in Petition No. 79/AT/2024, the Commission has already adopted the tariff for the 2368 MW (1184 MW towards initially awarded + 1184 MW toward Greenshoe Option) awarded capacity under the RfS.

(d) The Petitioner had also approached the Ministry of New and Renewable Energy (MNRE) for necessary clarification towards allocation of the remaining quantum of power under the Greenshoe Option by its letter dated 26.12.2023. The MNRE, by its letter dated 5.4.2024, though has not denied the above request made by the Petitioner but has merely asked the Petitioner to take the appropriate action in terms of the Guidelines.

(e) Successful bidders are ready and willing to supply this additional unallocated capacity of 316 MW under Greenshoe Options. The End Procurers are also ready to off-take such capacity.

(f) As per the Petitioner, the provisions of the RfS as such do not preclude the award of such unallocated capacity under the Greenshoe Option.

2. Learned counsel for Respondent No.1 submitted that the Respondent supports the present Petition.

3. Considering the submissions made by the learned counsel for the parties and having observed that the issue involved primarily pertained to terms & conditions of the RfS documents, the Commission directed as under:

(a) Issue notice on maintainability as well as merits, subject to just exceptions;

(b) The Respondents to file their respective reply on maintainability as well as merits, if any, within two weeks with a copy to the Petitioner, who may file its rejoinder, if any, within two weeks thereafter.

(c) The Petitioner to also briefly clarify as to how the matter solely pertaining to the RfS document would attract the jurisdiction of this Commission, on an affidavit, within a week.

(d) The Petitioner approached the MNRE for necessary clarification towards allocation of the remaining quantum of power under the Greenshoe option vide letter dated 26.12.2023. Submit a copy of the MNRE response in this regard.

4. The Petition will be listed for hearing on **28.10.2024**.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)