

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 237/AT/2024**

**Coram:**

**Shri Jishnu Barua, Chairperson**

**Shri Ramesh Babu V., Member**

**Shri Harish Dudani, Member**

**Date of order: 1<sup>st</sup> November, 2024**

**In the matter of**

Petition under Section 63 of the Electricity Act, 2003 for the adoption of tariff discovered through the Competitive Bidding Process regarding selection of the Hybrid Power Generators for supply of 1000 MW power ISTS-Connected Wind-Solar Hybrid Power Projects Anywhere in India (NTPC-Tranche-V) on Build-Own-Operate (BOO) basis.

**NTPC Limited,**

NTPC Bhawan, Scope Complex,7,  
Industrial Area, Lodhi Road,  
New Delhi-110 003

.....**Petitioner**

**VERSUS**

- 1. ReNew Solar Power Private Limited,**  
ReNew Hub, Golf Course Road, DLF City Phase-V,  
Gurugram-122009, Haryana
- 2. Avaada Energy Private Limited,**  
C-11, Sector-65, Noida-201301 (U.P.)
- 3. AMPIN Energy Utility Private Limited,**  
309, 3rd Floor, Rectange One, Behind Sheraton Hotel,  
Saket, New Delhi, Delhi-110017
- 4. Juniper Green Energy Private Limited,**  
Plot No. 18, 1st Floor, Institutional Area,  
Sector 32, Gurugram,  
Haryana- 122001

...**Respondents**



**Present Parties:**

Shri Adarsh Tripathi, Advocate, NTPC  
Shri Vikram Singh Baid, Advocate, NTPC  
Shri Ajitesh Garg, Advocate, NTPC

**ORDER**

The Petitioner, NTPC Limited (“NTPC”), has filed the present Petition for the adoption of a tariff for the procurement of the 1000 MW from Inter-State Transmission System (ISTS) connected with Wind Solar Hybrid Power Projects (NTPC-Tranche-V) as per the “*Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Wind Solar Hybrid Projects*” ( in short “the Hybrid Guidelines”) dated 21.8.2023 issued by the Ministry of Power, Government of India. The Petitioner has made the following prayers:

- “A. Admit the present Petition;*
- B. Adopt the tariff discovered in the tariff based competitive bid process for the individual power projects as stated in Para 13 hereinabove; and*
- C. Approve the trading margin of INR 0.07/kWh; and*
- D. Pass such other order (s) as may be deemed fit and proper in the facts and circumstances of the present case.”*

**Submissions of the Petitioner**

2. The Petitioner has submitted that on 1.2.2024, it issued a Request for Selection (RfS) along with the Standard Power Purchase Agreement (PPA) and the Power Sale Agreement (PSA) documents for the selection of Hybrid Power Generators (HPGs) for setting up of the 1000 MW ISTS-connected Wind Solar Hybrid Power Projects anywhere in India (NTPC-Tranche-V), under Competitive Bidding as per the Hybrid Guidelines dated 21.8.2023 on the NTPC’s website (ntpctender.com) and the Central Public Procurement Portal (www.eprocure.gov.in). In response, seven bids were received, offering an aggregate capacity of 1650 MW, and all were found to fully meet the techno commercial criteria. On



15.4.2024, as per the prescribed procedure in the RfS, the financial bids of all seven technically qualified bidders were opened on the ISN ETS e-bidding portal in the presence of the Bid Evaluation Committee. As per the eligibility criteria mentioned in the RfS, six bidders were shortlisted for the e-reverse auction. The e-reverse auction was conducted on 17.4.2024 on the ISN ETS e-bidding portal, on the basis of which the final tariff was arrived at. Pursuant thereto, NTPC, on 15.5.2024, issued a Letter of Award to the successful bidders, namely, Renew Solar Power Private Limited (300 MW), AMPIN Energy Utility Private Limited (150 MW), Juniper Green Energy Private Limited (150 MW), Avaada Energy Private Limited (250 MW) and Sprng Energy Private Limited (150 MW). In view of the above, the Petitioner has prayed for the adoption of a tariff for the procurement of the 1000 MW Wind Solar Hybrid Power Projects (NTPC-Tranche-V) discovered through a competitive bidding process carried out by NTPC.

### **Hearing dated 22.7.2024**

3. During the course of the hearing on 22.7.2024, the learned counsel for the Petitioner, NTPC, reiterated the submissions made in the pleadings and requested the Commission for the adoption of the tariff of the 1000 MW Wind Solar Hybrid Projects (NTPC-Tranche-V) connected with the ISTS and selected through the competitive bidding process as per the Hybrid Guidelines.

4. Considering the submissions made by the learned counsel for the Petitioner, the Commission admitted the matter and permitted the Respondents to file their replies to the Petition, if any. The Commission also directed the Petitioner to furnish the details/information viz. (a) certificate issued by the Bid Evaluation Committee certifying that (i) the bidding process and evaluation have been conducted in conformity with the provisions of the RfS



document, and (ii) the price of the selected offer is reasonable and consistent with the requirement as per Clause 12.2 of the Hybrid Guidelines, (b) reasons for delay in approaching the Commission as per Clause 12.4 of the Hybrid Guidelines, and (c) status of the tying-up of the awarded capacity under the PPAs and PSAs.

5. In compliance with the direction given by the Commission vide Record of Proceedings for the hearing dated 22.7.2024, the Petitioner, vide affidavit dated 14.8.2024, has mainly submitted as under:

a) The tendering process in question took place in the utmost transparent manner ensuring fair and maximum competition in order to ascertain the most competitive bid. The details pertaining to the bidding process and the outcome thereof have been duly placed in the captioned Petition for the kind consideration of this Commission. The Petitioner has strictly followed the conditions of the RfS throughout while executing the tendering process. All the activities have been executed duly in consonance with the Hybrid Guidelines.

b) The Standing Tendering Committee constituted by the Petitioner, bearing all the above factors in mind, has examined and evaluated the bids in the most earnest manner. So far as the genuineness of the bid process and the tariff determined is concerned, the Petitioner has followed utmost transparency, and the Standing Tender Committee has ensured strict adherence to the regulations and guidelines. Further, the levelized tariffs quoted by the bidders for the supply of hybrid power for 25 years, as stated in the captioned Petition have been discovered through the International Competitive Bidding process under Open Tender mode followed by Reverse Auction. There has been a fair participation of the bidders in the aforesaid tender. Therefore, the price of the selected offer is reasonable and consistent with the requirement as per Clause 12.2 of the Hybrid Guidelines.

c) Clause 12.4 of the Hybrid Guidelines *inter alia* provides that the Intermediary Procurer, i.e., NTPC in the present case, shall approach the Appropriate Commission for the adoption of tariff in terms of Section 63 of the Act within 15 days of discovery of tariffs in a transparent bidding process conducted in accordance with the Guidelines. Further, the Indicative Timeline for Bid Process in Clause 11.1 of the Hybrid Guidelines specifies a

timeline of 11 days for issuance of a Letter of Award to the selected bidder after the reverse auction. However, as stated above, the Petitioner has to approach the Commission for the adoption of the tariff within 15 days of e-RA (e Reverse Auction), including 11 days' time for issuance of the LoA to the successful bidder. Therefore, the Petitioner is left with 4 days after issuance of the LoAs to approach the Commission for adoption of tariff. The process for award of tender concludes with the approval of the Bid Evaluation Committee & issuance of the LoAs upon discovery of tariff.

d) In the present case, the tariff was discovered by way of the e-Reverse Auction on 17.4.2024. Thereafter, the Standing Tender Committee constituted in accordance with Clause 10.2 of the Bidding Guidelines, evaluated the bids and prices discovered in the e-reverse auction as per the requirement of Clause 12.2 of the Bidding Guidelines and recommended the issuance of the LoAs to the successful bidders, i.e., Respondents herein. Pursuant to the recommendation, approval was granted by the Competent Authority for awarding the selected Project capacity to the selected bidders (i.e., the Respondents herein) on 7.5.2024. The time taken for the requisite approvals, was unavoidable to ensure proper compliance with the provisions of the Hybrid Guidelines. Immediately thereafter, i.e., on 15.5.2024, NTPC issued the LoAs to the Respondents in the manner as stated in the Petition. Soon after the issuance of the LoAs, NTPC completed all the activities involved in filing the Petition, i.e., preparation of the Petition, compilation of relevant documents, processing of the filing fees, etc., in the best possible time. In view of the above, the present Petition could not be filed within the prescribed period of time, which may be condoned by this Commission.

e) The NTPC is currently in the process of identifying and finalizing the End Procurers. Once the End Procurers are finalized by NTPC, it will enter into the Power Sales Agreements with them and thereafter, NTPC will enter into the Power Purchase Agreements with the Respondents herein. The Petitioner is under discussions with various State Utilities/ Discoms regarding the sale of power. The REIAs are approaching State Utilities for the sale of RE power tendered under developer mode, and Discoms are evaluating the tariff discovered in such tenders. It is expected that the Discoms would sign the PSA after evaluating the tariff submitted by REIAs. Further, the PPA will be signed with the selected developers after the signing of the PSA with the Discoms/ State Utilities.



### **Hearing dated 17.9.2023**

6. During the course of the hearing, learned counsel for the Petitioner submitted that the Petitioner had filed a compliance affidavit furnishing the additional details/information as called for vide Record of Proceedings for the hearing dated 22.7.2024. Learned counsel for the Petitioner sought liberty to file a brief note of submissions *inter alia* highlighting the details of the bid process.

7. Considering the request of the learned counsel for the Petitioner, the Commission reserved the matter by permitting the Petitioner to file its brief note of submissions within a week. Pursuant to the liberty granted by the Commission vide its Record of Proceeding for the hearing dated 17.9.2024, the Petitioner vide its affidavit dated 20.9.2024 has reiterated its submissions already made in the Petition and as such, the same are not being reproduced herewith for the sake of brevity.

### **Analysis and Decision:**

8. We now proceed to consider the prayer of the Petitioner as regards the adoption of tariff under Section 63 of the Act in respect of the Wind-Solar Hybrid Power Projects discovered pursuant to the competitive bid process carried out in terms of the Guidelines issued by the Government of India.

9. Section 63 of the Act provides as under:

*“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.”*

10. Thus, in terms of Section 63 of the Act, the Commission is required to adopt the tariff



on being satisfied that the transparent process of bidding in accordance with the Guidelines issued by the Government of India under Section 63 of the Act has been followed in the determination of such tariff.

11. The Ministry of Power, Government of India, has issued the Hybrid Guidelines under Section 63 of the Act on 21.8.2023. The salient features of the Hybrid Guidelines are as under:

(a) These Guidelines are applicable for the procurement of power from the Hybrid Power Projects having (a) bid capacity of 10 MW and above for projects connected with the intra-State transmission system; and (b) bid capacity of 50 MW and above for projects connected with the inter-State transmission system, subject to the condition that the rated power capacity of one resource (wind or solar) shall be at least 33% of the total contracted capacity.

(b) The solar and wind projects of the hybrid project may be located at the same or different locations. Storage may be added to the hybrid power project to reduce the variability of output power from wind solar hybrid project, for providing higher energy output for a given capacity (bid/ sanctioned capacity) at delivery point, by installing additional capacity of wind and solar power in a wind solar hybrid project and to ensure availability of firm power for a particular period.

(c) The Procurer shall prepare the bid documents in accordance with these Guidelines and any deviations from these Guidelines and/or Standard Bidding Documents (SBDs) in the draft RfS, PPA, PSA (if applicable) need to be approved by the Government in accordance with the process described in Clause 19 of these Guidelines.

(d) The Procurer will invite the bids in Power Capacity (MW) terms. A bidder is allowed to bid for a minimum bid capacity as per Clause 3.1 of the Guidelines. The Procurer may also choose to specify the maximum capacity that can be allotted to a single bidder, including its Affiliates. A maximum of 50 percent of total capacity as specified in the RfS can be allocated to a single bidder.

(e) For procurement of wind solar hybrid power, the tariff quoted by the bidder shall



be the bidding parameter. The tariff quoted shall be a fixed tariff in Rs./kWh for the PPA period. The capacity allocation shall be on the basis of Bucket filling, i.e., capacity quoted by the least quoted tariff bidder (called the L1 bidder) at the rates quoted (L1 rates) shall be allocated first, then the capacity quoted by the next lowest bidder (called the L2 bidder) at the rates quoted (called the L2 rates) may be allocated and so on.

(f) The draft PPA proposed to be entered into with the successful bidder and the draft PSA shall be issued along with the RfS. Standard provisions to be incorporated as part of the PPA shall include *inter alia* the PPA Period, Quantum of Power, Deviation Settlement Mechanism (DSM), Payment Security Mechanism (PSM), Change in Law, Force Majeure, Generation Compensation for Off-take Constraints, Event of Default, and consequences thereof.

(g) Adequate payment security shall be provided as per the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022, including amendments and clarifications, if any, thereof, issued from time to time. In addition, the intermediary procurer may maintain a payment security fund. To be eligible for coverage from the fund, the developer will undertake to pay the PSM charges at the rate of 2 paise per unit.

(h) The procurer/intermediary procurer shall call for the bids by adopting a single stage two-part (Technical Bid & Financial Bid) bidding process to be conducted through electronic mode (e-bidding). The procurer may also opt for an e-reverse auction for the final selection of bidders, in such a case, this will be specifically mentioned in the notice inviting bids and bid document. E-procurement platforms with a successful track record and with adequate safety, security, and confidentiality features will be used.

(i) The bidding documents, including the RfS, draft PPA and PSA (if applicable) shall be prepared by the Procurer(s) in consonance with these Guidelines and the SBDs, if any. The Procurer(s) shall publish the RfS notice in at least two national newspapers or its own website, to accord the wide publicity. The standard provisions to be provided by the Procurer in the RfS shall include the Technical Criteria, Financial Criteria, Net Worth, Liquidity, Quantum of the Earnest Money Deposit (EMD), and Compliance of Laws by foreign bidders.

(j) The Procurer(s) shall constitute committee for the evaluation of the bids



(Evaluation Committee), with at least three members, including at least one member with expertise in financial matters/ bid evaluation. The price bid shall be rejected if it contains any deviation from the bid conditions.

(k) The bidders shall be required to submit separate technical and price bids. Bidders shall also be required to furnish the necessary bid-guarantee in the form of an EMD along with the bids. To ensure competitiveness, the minimum number of qualified bidders should be two. If the number of qualified bidders is less than two, even after three attempts of bidding, and the Procurer still wants to continue with the bidding process, the same may be done with the consent of the Appropriate Commission. The detailed procedure for the evaluation of the bid and selection of the bidder shall be provided for in the RfS.

(l) After the conclusion of the bidding process, the Evaluation Committee constituted for evaluation of the RfS bids shall critically evaluate the bids and certify as appropriate that the bidding process and the evaluation have been conducted in conformity with the provisions of the RfS document. The evaluation authority should satisfy itself that the price of the selected offer is reasonable and consistent with the requirement.

(m) The PPA shall be signed with the successful Bidder/ Project Company or an SPV formed by the successful Bidder. After the execution of the PPA, the procurer shall publicly disclose the name(s) of the successful Bidder(s) and the tariff quoted by them together with breakup into components, if any.

(n) The distribution licensee or the Intermediary Procurer, as the case may be, shall approach the Appropriate Commission for the adoption of tariff by the Appropriate Commission in terms of Section 63 of the Act within 15 (fifteen) days of the discovery of the tariffs in the transparent competitive bidding process conducted in accordance with these Guidelines.

12. In terms of the provisions of Section 63 of the Act, we have to examine whether the process as per the provisions of the Hybrid Guidelines has been followed in the present case for arriving at the lowest tariff and for the selection of the successful bidder(s).



13. The Ministry of New and Renewable Energy ('MNRE') vide Office Memorandum ('OM') number 283/24/2023-GRID SOLAR/Pt dated 31.3.2023 directed the Bidding Trajectory that Renewable Energy Implementing Agencies (REIAs) were required to follow for renewable energy power projects. By means of the aforementioned OM dated 31.3.2023, REIAs were instructed to submit the bids for renewable energy capacity of fifty gigawatts (GW) annually beginning in the fiscal year 2023-2024. Subsequently, the MNRE vide another OM number 283/24/2023-GRID SOLAR dated 24.4.2023 announced the Bidding calendar for the fiscal year 2023-24 for each of the REIAs by another official notification (OM) number 283/24/2023-GRID SOLAR. According to the Bidding Calendar, NTPC was obligated to solicit bids for the selection of a variety of renewable energy producers for a capacity of 15 gigawatts (GW) during the fiscal year 2023-24. The Petitioner has been designated as the nodal agency for the implementation of the MNRE Schemes to establish the inter-State Transmission Systems connected/State-specific wind/solar power/wind-solar hybrid power projects, inviting bids through a tariff-based competitive bidding process, entering into the Power Purchase Agreements (PPAs) with the developers at the tariff discovered in the competitive bid process, and entering into the Power Supply Agreements (PSAs) with the distribution licensees on back-to-back, NTPC functions as an intermediary agency in the process of purchasing and selling power under the PPAs and PSAs.

14. The Hybrid Guidelines offer a framework for the long-term procurement of wind-solar hybrid power at a tariff that will be decided through a transparent process of bidding held by the Procurer(s) from the ISTS connected Wind-Solar Hybrid Power Projects. In accordance with the Hybrid Guidelines, NTPC, in its capacity as an Intermediary Procurer, has invited proposals for the selection of hybrid power developers for setting up the 1000 MW ISTS-



connected with the Wind-Solar Hybrid Power Projects anywhere in India (NTPC-Tranche-V), under Competitive Bidding as per the Hybrid Guidelines dated 21.8.2023. As per the arrangements, NTPC is to procure the power by entering into the PPAs with the successful bidder with back-to-back PSAs for the sale of power to the distribution licensees.

15. The key milestones in the bidding process were as under:

<b>Sr. No.</b>	<b>Particulars</b>	<b>Details</b>
1	Date of Publication of Tender	1.2.2024
2	Date of Pre-Bidding Meeting	14.2.2024
3	Last Date of Bid Submission	19.3.2024
4	Opening of Technical Bid	19.3.2024
5	Opening of Financial Bid	15.4.2024
6	e-Reverse Auction Conducted	17.4.2024
7	Issuance of Letter of Awards to Successful Bidders	15.5.2024

16. On 1.2.2024, NTPC issued the RfS documents, along with the draft PPA and PSA, for the selection of the developers for setting up of the 1000 MW ISTS-connected Wind Solar Hybrid Power Projects anywhere in India (NTPC-Tranche-V) under tariff based competitive bidding. As per Clause 8.5 of the Guidelines, RfS notice is required to be published in at least two national newspapers or the website of the Procurer to accord wide publicity. In this regard, NTPC has indicated that the aforesaid tender was hosted on the Petitioner's website (ntpctender.com), the Central Public Procurement Portal (eprocure.gov.in), and the Government e-Marketplace (GeM) portal of Govt. of India.

17. The NTPC, on 8.3.2024, vide an Office Order, constituted a Standing Tender Committee ("STC") for evaluation of the tenders invited by it as REIA under developer mode for sale of power to end procurer(s) comprising the following:

<b>S. No.</b>	<b>Department</b>	<b>Name &amp; Designation of Tender committee member</b>
1.	RE-CS	Sh. Dhananjay Mohapatra, AGM (RE-CS)
2.	Commercial	Sh. Manish Kumar Verma, AGM (Commercial)
3.	Finance	Sh. Kamal Preet Singh, AGM (Fin)



18. Originally, the last date of submission of the bid was 27.2.2024, and the Technical Bids were scheduled to be opened on the same day. However, the last date of receipt of the bids and bid opening date was extended up to 5.3.2024, 15.3.2024, and finally up to 19.3.2024. Accordingly, the bids were opened on 19.3.2024. Response to the RfS was received from the seven bidders for a cumulative capacity of 1650 MW against the tendered capacity of 1000 MW. On 19.3.2024, the technical bids submitted by the bidders were evaluated by the STC in response to the RfS and found the bids of all the seven bidders to be technically responsive and meet the required qualifying requirements for the capacities quoted by them. Thereafter, on 15.4.2024, the financial bids of all seven eligible bidders were opened and as per the eligibility criteria mentioned in the RfS, six bidders were shortlisted for participating in an e-reverse auction. Consequently, the e-reverse auction was concluded on 17.4.2024, wherein all six bidders participated in line with Clause 3.12.4.3 of the RfS document, and the following were declared as the successful bidders:

<b>Sr. No.</b>	<b>Name of Successful Bidder</b>	<b>Contracted Capacity</b>	<b>Tariff (Rs.)</b>
1.	Renew Solar Power Private Limited	300 MW	3.44/kWh
2.	AMPIN Energy Utility Private Limited	150 MW	3.42/kWh
3.	Juniper Green Energy Private Limited	150 MW	3.43/kWh
4.	Avaada Energy Private Limited	250 MW	3.47/kWh
5.	Sprng Energy Private Limited	150 MW	3.41/kWh
	<b>Total</b>	<b>1000 MW</b>	

19. After the conclusion of the e-reverse auction and the determination of the tariff, on 15.5.2024, NTPC issued the Letter of Award to the selected bidders, namely, Renew Solar Power Private Limited (300 MW), AMPIN Energy Utility Private Limited (150 MW), Juniper Green Energy Private Limited (150 MW), Avaada Energy Private Limited (250 MW) and Sprng Energy Private Limited (150 MW).

20. The relevant portion of the Letter of Award issued to one of the successful bidders, namely, Renew Solar Power Private Limited, is as under:

*“2.0 NTPC is pleased to accept your Response to Request for Selection for the subject tender read in conjunction with all the terms & conditions of the RfS Documents including its Amendments & Clarifications and letters/emails referred to in Para 1.0 above and issue this Letter of Award (LoA) for setting up of 300 MW ISTS connected Wind-Solar Hybrid Project and Supply of Hybrid Power from this project to NTPC subject to the terms and conditions contained in RfS mentioned at para 1.0 above.*

Further, the Power Purchase Agreement (PPA) shall be signed with you only after signing of Power Sale Agreement (PSA) with the end procurers and NTPC shall not be liable on any account for any delay / inability in signing of PSA and PPA.

*3.0 In line with the terms and conditions of RfS, before signing of PPA, you have the option to form Special Purpose Vehicle (hereinafter called “Project Company”) under Indian Companies Act. The company (Bidding Company or Project Company) executing the project (hereinafter called “Hybrid Power Generator / HPG”) shall enter into Power Purchase Agreement (PPA) as per the format given along with RfS within 90 days of issue of this Letter of Award (LOA) subject to signing of Power Sale Agreement (PSA) with the End Procurer(s) for identified capacity. All the documents referred to at para 1.0 above shall form integral part of the Power Purchase Agreement to be entered into between Project Company / Hybrid Power Generator (HPG) and NTPC so far these are not repugnant to the terms and conditions contained in the RfS referred to in para 1.0 above.*

The signing of PPA shall constitute the agreement for setting up of the project. As specified in Clause No 3.14 of RfS, irrespective of the date of signing of PPA, the Effective Date of the PPA shall be the date as on 90th day from the date of issuance of LOA. In extraordinary cases of unavoidable delays on the part of NTPC in signing the PPAs, the Effective Date of the PPA shall then be the date of signing of PPA.

*4.0 As per clause 3.26 of RfS document, you shall ensure that the Shareholding of Bidding Company Renew Solar Power Private Limited in the SPV/ project company executing the PPA shall not fall below 51% (fifty one per cent) at any time prior to One (01) year from the Scheduled Commencement of Supply Date (SCSD), except with the prior approval of NTPC. Further, in case, you yourself shall be executing the PPA, you shall also ensure that the promoters shall not cede control of Renew Solar Power Private Limited till One (01) year from the SCSD except with the prior approval of NTPC. Any change in the shareholding after the expiry of One (01) year from the SCSD can be undertaken under intimation to NTPC.*

5.0 The Tariff for electricity generated from the Wind-Solar Hybrid Power Project to be developed by the HPG for the entire period of twenty five (25) years of Power Purchase Agreement (PPA) to be entered into between the HPG and NTPC for this project shall be INR 3.44/kWh (Indian Rupees Three and Forty Four paise only per Kilowatt hour) subject to the provisions of RfS.

6.0 You along with your Project Company (if formed by your Company) are required to submit the following documents along with originals for verification within 15 days of issuance of this Letter of Award (LOA):



- i) Original Response to RfS referred to in para 1.0 (E) above.
- ii) If Project Company is formed by your company for this project, Board Resolutions from your Company and your Parent and/or Affiliates duly certified by the Company Secretary or the Director, as applicable, regarding fulfilment of equity investment obligations of Project Company in the same manner as provided by you and your Affiliates in your favour at the time of submission of RfS.
- iii) Copy of the Certificate of Incorporation along with Memorandum & Article of Association of HPG highlighting the relevant provision of Power/Energy/Renewable energy/Solar/Wind Energy Power Plant development as per clause 3.15 (A 12) of RfS duly certified to be True copy by Company Secretary.
- iv) Details of promoters and current shareholding pattern of the Bidding Company and Project Company (if formed) developing the project, duly certified by the Company Secretary in original along with a copy of Return filed with Registrar of Companies (ROC) for registering the shareholding and its terms and conditions which became due for filing during this period.
- v) If Project Company is formed by your company to execute the project, a fresh Integrity Pact between Project Company and NTPC has to be signed. Certificate for Compliance to all Provisions of RfS Document is also to be submitted by Project Company.

7.0 Vide covering letter of your bid submitted against the RfS (copy enclosed at **Annexure-II**), you have indicated that you shall develop one (01) project of 300 MW with details as under:

S No.	Capacity of Project (MW)	Location of Project	Interconnection point details
<i>A. Details of solar project</i>			
1.	300	Rajasthan	220 kV or above ISTS Substation in Barmer/ Sirohi/ Bhadla/ Any other ISTS Substation in Rajasthan
<i>Details of wind project</i>			
1.	100	Maharashtra/ Karnataka/ Madhya Pradesh	220 kV or above ISTS Substation in Maharashtra/ Karnataka/ Madhya Pradesh
	<i>Total Contracted Capacity of Hybrid Power Project (MW)</i>	<b>300 MW</b>	Declared CUF – 40%

In line with clause 3.6.3 of RfS documents, HPG shall have option to change the Project location and/or Delivery Point upto the deadline for Financial Closure as per clause no.-3.27 of the RfS. The above change in Delivery Point shall be allowed by NTPC only in case the scheduled commissioning date of the ISTS-substation of the proposed revised Delivery Point is on or before the scheduled commissioning date of the existing Delivery Point of the Project, at the time of seeking approval from NTPC by the HPG. Implications of any delay in obtaining



*connectivity and subsequently, commencement of supply of power on account of the above, will be borne by the HPG.*

*8.0 In line with the provisions of RfS, the HPG shall submit Performance Guarantee of Rs. 29 Lakh/MW to NTPC prior to signing of PPA (PPA signing date shall be intimated by NTPC) either in form of Bank Guarantee (BG) from any bank listed in the RfS for this purpose or Payment of Order Instrument (POI) issued by IREDA/PFC/REC as per the Performa available in RfS document. The total value of the Performance Guarantee for the project of 300 MW capacity shall be INR 87 Crore. The Performance Guarantees shall be valid for a period of six (06) months beyond SCSD. Further, the PPA shall be signed only upon successful verification of the PBG of requisite value submitted by the HPG.*

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*9.0 Further, validity of EMD is required to be extended from time to time so that the same shall be valid for a period of 90 days beyond the date of PBG to be submitted as per clause no.- 3.24 (ii) of RfS.*

*10.0 The HPG shall pay to NTPC, success charge of Rs 1 lakh/MW +18% GST prior to signing of PPA in line with the provisions of clause no.-3.24.3 of RfS.*

*11.0 The Scheduled Commencement of Supply Date (SCSD) for supplying power from the full Project capacity shall be within a period of 24 (twenty-four) months from the Effective Date of the PPA in line with clause no.-3.28.1 of RfS.*

*12.0 All disputes arising out of and / or in connection with this "Selection of Hybrid Power Generators for Supply of 1000 MW Power from ISTS Connected Wind-Solar Hybrid Power Projects Anywhere in India" and Supply of Hybrid Power therefrom and execution of PPA thereto shall be governed by laws of India and Courts of Delhi shall have exclusive jurisdiction.*

*12.0 This Letter of Award (LOA) is being issued to you in duplicate. You are kindly requested to return the duplicate copy of this LOA including all Annexure, duly signed on each page by your authorized signatory in token of your unequivocal acknowledgement of the same within 7 days from the date of this LOA."*

21. As per Clause 12.2 of the Hybrid Guidelines, the Evaluation Committee is required to certify that the bidding process and the evaluation have been conducted in conformity with the provisions of the RfS. Also, the Evaluation Authority should satisfy itself that the price of the selected offer is reasonable and consistent with the requirement. Pursuant to the direction of the Commission *vide* Record of the Proceedings for the hearing dated 22.7.2024, the Petitioner has filed a conformity certificate indicating that the bidding process and evaluation criteria as specified in the RfS document has been strictly complied with and the entire process of evaluation has been transparent. It is further indicated that the levelized tariff

quoted by the bidders for the supply of hybrid power for 25 years has been discovered through the International Competitive Bidding process under Open Tender mode followed by a reverse auction, and the tariff discovered in the present tender appears to be reasonable and consistent with the requirement of the tender. The relevant extract of the said conformity certificate is as under:

*“CERTIFICATE BY BID EVALUATION COMMITTEE*

\*\*\*\*\*

*It is certified that:*

- A. It is hereby certified that the bidding process and evaluation criteria as specified in the RfS document has been strictly complied with and the entire process of evaluation has been transparent.*
  
- B. The levelized tariffs quoted by the bidders for supply of hybrid power for 25 years have been discovered through International Competitive Bidding process under Open Tender mode followed by Reverse Auction. Total number of bidders who have participated in the tender was seven (07) with cumulative quoted contracted capacity of 1650 MW against the total bid capacity of 1000 MW, from which it can be considered that there has been adequate participation of the bidders in the aforesaid tender. Considering above, the tariff discovered in the present tender as mentioned above appears to be reasonable and consistent with the requirement of the tender.....”*

22. Further, as per Clause 12.4 of the Hybrid Guidelines, the distribution licensee or the Intermediary Procurer, as the case may be, shall approach the Appropriate Commission for the adoption of the tariffs discovered, in terms of Section 63 of the Act, within fifteen days of the discovery of the tariffs through e-RA or otherwise, in the transparent, competitive bidding process conducted in accordance with the Guidelines. In the present case, the e-RA was conducted on 17.4.2024. Whereas, the present Petition, even on the e-filing portal of the Commission, was filed only on 20.6.2024 (Diary No. Generation). In this regard, NTPC has submitted that the tariff was discovered by way of an e-Reverse Auction on 17.4.2024, and thereafter, the Standing Tender Committee, constituted in accordance with Clause 10.2 of the Bidding Guidelines, evaluated the bids and prices discovered in the e-reverse auction as per the requirement of Clause 12.2 of the Bidding Guidelines, and recommended the issuance





of the LoAs to the successful bidders, i.e., Respondents herein. Pursuant to the recommendation, approval was granted by the Competent Authority for awarding the selected project capacity to the Selected Bidders (i.e., the Respondents herein) on 7.5.2024. The time taken for requisite approvals was unavoidable to ensure proper compliance with the provisions of the Bidding Guidelines. Immediately thereafter, i.e., on 15.5.2024, NTPC issued the LoAs to the Respondents in the manner as stated in the captioned Petition. Soon after the issuance of the LoAs, NTPC completed all the activities involved in the filing of the petition, i.e., preparation of the Petition, compilation of relevant documents, and processing of the filing fees, etc., in the best possible time. In view of the above, the present Petition could not be filed within the prescribed period of time, which may be condoned by this Commission. Keeping in view that the Commission has already issued suitable directions to the Petitioner in the order dated 24.7.2024 in case No. 71/AT/2024 (NTPC Ltd. v. Solalite Power Pvt. Ltd. and Ors.) regarding approaching the Appropriate Commission for the adoption of tariff within the timelines specified in the relevant Guidelines in future, we are not repeating such directions in the present case.

23. Vide Record of the Proceedings for the hearing dated 22.7.2024, the Petitioner was also directed to indicate the progress made on the identification of End Procurers and signing of the PPAs and the PSAs. In response, NTPC vide affidavit dated 14.8.2024 has submitted that NTPC is currently in the process of identifying and finalizing the End Procurers. Once the End Procurers are finalized by NTPC, NTPC will enter into the PSAs with the End Procurers and thereafter, NTPC will enter into the PPAs with the Respondents herein. The Petitioner is in discussions with the various State Utilities/ Discoms regarding the sale of power. However, it may be noted that the REIAs are approaching the State utilities for the sale of RE power tendered under the developer mode, and Discoms are evaluating the tariff discovered in such



tenders. It is expected that the Discoms would sign the PSAs after evaluating the tariff submitted by REIAs. Further, the PPA will be signed with the selected developers after the signing of the PSAs with the Discoms/ State Utilities.

24. We have considered the submissions made by NTPC. In the past, the Commission has been proceeding with the adoption of tariffs only to the extent of the awarded capacity being tied up under the PPAs and PSAs with the successful bidders/developers and the distribution licensees, respectively. However, keeping in view the overall emphasis of the Hybrid Guidelines on the expeditious adoption of the tariff, we consider it appropriate to proceed with the adoption of the tariff without waiting for the tying up of the awarded capacity under the PPAs and PSAs, albeit such adoption shall be subject to the Petitioner tying up the awarded capacity under the PPAs and PSAs.

25. In light of the aforesaid discussion, it emerges that the selection of the successful bidders has been made, and the tariff of the Wind-Solar Hybrid Power Projects has been discovered by the Petitioner, NTPC, through a transparent process of competitive bidding and in accordance with the Guidelines issued by the Ministry of Power, Government of India. Therefore, in terms of Section 63 of the Act, the Commission adopts the following individual tariff in terms of the LOAs dated 15.5.2024 for the Hybrid Power Projects, as agreed to by the successful bidder's subject to the Petitioner tying up the awarded capacity under the PPAs and PSAs.

<b>Sr. No.</b>	<b>Name of Successful Bidder</b>	<b>Awarded Capacity (in MW)</b>	<b>Final Tariff (INR/kWh)</b>
1.	Renew Solar Power Private Limited	300 MW	3.44/kWh
2.	AMPIN Energy Utility Private Limited	150 MW	3.42/kWh
3.	Juniper Green Energy Private Limited	150 MW	3.43/kWh
4.	Avaada Energy Private Limited	250 MW	3.47/kWh



5.	Sprng Energy Private Limited	150 MW	3.41/kWh
	<b>Total Awarded Capacity</b>	<b>1000 MW</b>	

26. Prayer (b) of the Petitioner is answered in terms of paragraph 26 above. Moreover, as soon as the awarded capacity is tied-up under the PPAs and PSAs, the Petitioner shall place on record the copies of such PPAs and PSAs in the present case. Also, in the event that the awarded capacity does not fructify into PPAs and PSAs, the Petitioner shall also place on record such development(s) on the file of the present case.

27. The Petitioner, NTPC, has also prayed to approve the trading margin of Rs.0.07/kWh to be charged to the End Procurer or any other entity over & above the PPA tariff on the sale of power as depicted in the RfS document and specified in the Hybrid Guidelines.

28. In this regard, Clause (1)(d) of Regulation 8 of the Trading Licence Regulations provides as under:

*“For transaction under long term contracts, the trading margin shall be decided mutually between the Trading Licensee and the seller.”*

29. The above provision gives the choice to the contracting parties to mutually agree on trading margin for long term transactions. However, proviso to Regulation 8(1)(d) of the Trading Licence Regulations provides as under:

*“8(1) (d) \* \* \* \* \**

*Provided that in contracts where escrow arrangement or irrevocable, unconditional and revolving letter of credit as specified in clause (10) of Regulation 9 is not provided by the Trading Licensee in favour of the seller, the Trading Licensee shall not charge trading margin exceeding two (2.0) paise/kWh.”*

30. Regulation 8(1)(f) of the Trading Licence Regulations provides as under:

*“For transactions under Back to Back contracts, where escrow arrangement or irrevocable,*

*unconditional and revolving letter of credit as specified in clause (10) of Regulation 9 is not provided by the Trading Licensee in favour of the seller, the Trading Licensee shall not charge trading margin exceeding two (2.0) paise/kWh.”*

31. The above two provisions are exceptions to the main provision as regards trading margin. In the present case, awarded capacity is yet to be tied up with the distribution licensees, and accordingly, the trading margin shall be as per the provisions of the PSAs to be entered into between NTPC and the distribution licensees. However, in case of failure by the NTPC to provide an escrow arrangement or irrevocable, unconditional, and revolving letter of credit to the wind-solar hybrid generators, the trading margin shall be limited to Rs.0.02/kWh specified in Regulation 8(1)(d) and Regulation 8(1)(f) of the Trading Licence Regulations.

32. Prayer (c) of the Petitioner is answered accordingly.

33. The Petition No. 237/AT/2024 is disposed of in terms of the above.

Sd/-  
**(Harish Dudani)**  
Member

sd/-  
**(Ramesh Babu V.)**  
Member

sd/-  
**(Jishnu Barua)**  
Chairperson

