

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 71/AT/2024

**Coram:
Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member**

Date of order: 24th July, 2024

In the matter of

Petition under Section 63 of the Electricity Act, 2003 for Adoption of Tariff for procurement of 1080 MW power from ISTS-connected Wind Solar Hybrid Power Projects as per the Guidelines for Tariff Based Competitive Bidding Process notified by the Ministry of Power, Government of India vide its Gazette Notification dated 21.8.2023.

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

.....**Petitioner**

VERSUS

1. M/s. Solalite Power Private Limited,
2nd Floor, Square One Mall,
Saket Business District,
Court Chowk, Pushp Vihar, New Delhi-110017

2. M/s. Sprng Energy Private Limited,
Office No. A-001,
Upper Ground, P-5 Pentagon Tower,
Magarpatta City, Hadapsar,
Pune-411013, Maharashtra

3. M/s. ACME Cleantech Solutions Private Limited,
Plot No.: 152, Sector 44,
Gurgaon-122002, Haryana



4. M/s. Juniper Green Energy Private Limited,
Plot No. 18, 1st Floor, Institutional Area,
Sector 32, Gurugram- 122001, Haryana

...Respondents

Present Parties:

Shri Venkatesh, Advocate, NTPC
Ms. Priya Dhankhar, Advocate, NTPC
Shri Nikunj Bhatnagar, Advocate, NTPC

ORDER

The Petitioner, NTPC Limited (“**NTPC**”), has filed the present Petition for the adoption of a tariff for procurement of the 1080 MW from ISTS-connected Wind Solar Hybrid Power Projects as per the “*Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Wind Solar Hybrid Projects*” (“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) Condone the delay of 19 days in filing of the present Petition owing to reasons detailed hereinabove;

(c) Adopt the Tariff of Rs. 3.35 per kWh, Rs. 3.35 per kWh, Rs. 3.36 per kWh and Rs. 3.36 per kWh, quoted by the Respondent No. 1, Respondent No. 2, Respondent No. 3, and Respondent No. 4, respectively, for procurement of cumulative capacity of 1080 MW Power discovered through competitive bidding carried out by NTPC in accordance with the Bidding Guidelines;

(d) Pass any such other order/orders, as this Commission may deem fit and proper in the facts and circumstances of the case.”

Submissions of the Petitioner

2. The Petitioner has submitted that on 19.7.2023, 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 1500 MW ISTS-connected Wind Solar Hybrid Power Projects anywhere in India (NTPC-



Tranche-I), under Competitive Bidding as per the Hybrid Guidelines dated 21.8.2023 on the NTPC's website (ntpctender.com), Central Public Procurement Portal (www.eprocure.gov.in), and Government E-Marketplace portal of Government of India. In response, five bids were received, offering an aggregate capacity of 1380 MW, and all were found to fully meet the techno-commercial criteria. Since the cumulative capacity bid under the RfS was 1380 MW (which is less than 1875 MW), in terms of Clause 3.12.4.3 of the RfS, all the technically qualified bidders were shortlisted for reverse auction and the offered capacity for the award by NTPC was reduced to 80% of the cumulative capacity of technically qualified bidders, i.e., 1104 MW, being 80% of 1380 MW. Accordingly, on 22.12.2023, the financial bids of all 5 eligible bidders were opened, and all the bidders were shortlisted for e-reverse auction. The e-reverse auction was conducted on 27.12.2023 on the ISN ETS e-bidding portal, on the basis of which the final tariff was arrived at. Pursuant thereto, NTPC, on 11.1.2024, issued a Letter of Award to the successful bidders, namely, Solalite Power Private Limited (300 MW), Sprng Energy Private Limited (250 MW), ACME Cleantech Solutions Private Limited (300 MW) and Juniper Green Energy Limited (230 MW). In view of the above, the Petitioner has prayed for the adoption of a tariff for the procurement of 1080 MW Wind Solar Hybrid Power Projects discovered through a competitive bidding process carried out by NTPC.

Hearing dated 10.4.2024

3. During the course of the hearing on 10.4.2024, 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 1080 MW Wind Solar Hybrid Projects (NTPC-Tranche-I) connected with the Inter State Transmission System and selected through the competitive bidding process as per the Hybrid Guidelines.



4. In response to the specific query of the Commission with regard to the delay in approaching the Commission as per Clause 12.4 of the Hybrid Guidelines, the learned counsel for the Petitioner stated that keeping in view the internal processes of the Petitioner Company, including the requirement of signing/approval of e-RA results by the CMD, there has been certain delay in approaching the Commission as per the provisions of the Hybrid Guidelines.

5. Considering the submissions made by the learned counsel for the Petitioner, the Commission permitted the respondents to file their respective replies to the Petition. The Commission further directed the Petitioner to file its affidavit indicating the reasons for the delay in approaching this Commission as per Clause 12.4 of the Hybrid Guidelines and further to indicate the progress made on the identification of End Procurers and signing of the PPAs and the PSAs.

6. In compliance with the direction given by the Commission vide Record of Proceedings for the hearing dated 10.4.2024, the Petitioner, vide its affidavit dated 21.5.2024, has submitted that the delay of 19 days in approaching the Commission was due to the time taken in obtaining the requisite internal approval(s). The Petitioner has further submitted that NTPC is under discussions with the various State utilities/Discoms regarding the sale of power, and the Petitioner is yet to sign the Power Supply Agreements with State utilities/Discoms and, consequently, the Power Purchase Agreements with the successful developers.

7. Pursuant to the liberty granted by the Commission in terms of the Record of Proceedings for the hearing dated 10.04.2024, Respondent No. 3, ACME Cleantech Solutions Private Limited ('ACSPL') has filed its reply vide affidavit dated 16.5.2024 wherein ACSPL has not opposed the adoption of tariff in the present Petition.



Hearing dated 22.5.2024

8. During the course of the hearing, the learned counsel of the Petitioner submitted that as per the direction of the Commission vide Record of Proceedings for the hearing dated 10.4.2024, the Petitioner has filed its affidavit indicating the reason for the delay in approaching the Commission as per Clause 12.4 of the Hybrid Guidelines. Learned counsel also submitted that the Petitioner is under discussions with various State utilities/Discoms regarding the sale of power, and the Petitioner is yet to sign the Power Supply Agreements with the State utilities/ Discoms and, consequently, the Power Purchase Agreements with the successful developers.

9. Considering the submissions made by the learned counsel for the Petitioner, the Commission directed the Petitioner to submit an affidavit stating whether the tariff discovered through the competitive bidding process can be adopted without entering into the PPAs and PSAs. Subject to the above, the Commission reserved the matter for order.

10. In response, the Petitioner vide affidavit dated 6.6.2024 has mainly submitted as under:

(a) In terms of the Scheme of the Act, adoption of tariff and approval of the PPA/PSA are two separate and distinct processes, particularly so in the case of inter-State generation and sale of electricity. Tariff adoption is in terms of Section 63 of the Act, whereas approval of the PPA/PSA is as per Section 86(1)(b) of the Act. In the case of inter-State generation and sale of electricity, the jurisdiction for adoption of tariff is with this Commission, and the Appropriate State Commission is approving authority for approval of the PPA/PSA.

(b) Even Clause 12.4 of the Hybrid Guidelines specifies that the Intermediary Procurer to approach the Appropriate Commission within 15 days of discovery of tariff. However, the indicative timeline provided for the execution of the PPA/PSA is approximately 41 days from the discovery of the tariff.

(c) Adoption of the tariff by this Commission will facilitate the timely execution of the projects as per the timeline specified in Hybrid Bidding Guidelines and will be beneficial for all stakeholders. The adoption of the tariff discovered by way of the RfS in the present case by this Commission will provide much-needed regulatory certainty over the projects and embolden the Petitioner's attempt to find willing the State Utilities/Discoms to procure the said power.

Analysis and Decision:

11. 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 solar power projects discovered pursuant to the competitive bid process carried out in terms of the Guidelines issued by the Government of India.

12. 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.”

13. 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.

14. 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 to the intra-State transmission system; and (b) bid capacity of 50 MW and above for projects connected to 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, draft PPA, draft 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 1.3. 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 of 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 is 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 to adopt 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 draft 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 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 tariffs 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.

15. 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).

16. 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 for the purpose of establishing 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.

17. 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 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 1500 MW ISTS-connected Wind-Solar Hybrid Power Projects anywhere in India (NTPC-Tranche-I) 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.

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

Sr. No.	Particular	Details
1	Date of Publication of the Tender	19.07.2023
2	Date of Pre-Bid Meeting	10.10.2023
3	Document Sale Start Date	01.10.2023
4	Document Sale End Date	16.10.2023
5	Last date of Bid Submission	17.10.2023
6	Last date of submission of Bid (Hard Copy)	29.11.2023
7	Date of opening of Bid	29.11.2023
8	Opening of Financial Bid	22.12.2023
9	e-Reverse Auction Conducted	27.12.2023
10	Issuance of Letters of Award (LoAs) to successful bidders	11.01.2024

19. On 19.7.2023, NTPC issued the RfS documents, along with the draft PPA and PSA, for the selection of the project developers for setting up the 1500 MW ISTS-connected Wind Solar Hybrid Power Projects anywhere in India (NTPC-Tranche-I) 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 portal of Govt. of India.

20. The NTPC on 2.12.2023 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:

S. No.	Department	Name & Designation of Tender committee member
1.	RE-CS	Sh. Dhananjay Mohapatra, AGM (RE-CS)
2.	Commercial	Sh. Manish Kumar Verma, AGM (Commercial)
3.	Finance	Sh. Abhishek Tandon, AGM (Fin)

21. Originally, the last date of submission of the bid was 17.10.2023, and the Technical



Bids were scheduled to be opened on the same day. However, the last date of receipt of bids and bid opening date was extended up to 31.10.2023, 08.11.2023, 15.11.2023, 22.11.2023, and 29.11.2023 based on the request of the prospective bidders and/or issuance of amendments to the RfS documents. Accordingly, the bids were opened on 29.11.2023. Response to the RfS was received from the five bidders for a cumulative capacity of 1380 MW against the tendered capacity of 1500 MW. On 15.12.2023, the technical bids submitted by the bidders were evaluated by the STC in response to the RfS, and found the bids of all five bidders to be technically responsive and meeting the required qualifying requirements for the capacities quoted by them. Since the cumulative capacity bid under the RfS was 1380 MW (which is less than 1875 MW), in terms of Clause 3.12.4.3 of the RfS, all the technically qualified bidders were shortlisted for reverse auction and the offered capacity for the award by NTPC was reduced to 80% of the cumulative capacity of technically qualified bidders, i.e., 1104 MW, being 80% of 1380 MW. Thereafter, on 22.12.2023, the financial bids of all five eligible bidders were opened, and all the bidders were shortlisted for an e-reverse auction. Consequently, the e-reverse auction was concluded on 27.12.2023, wherein all five bidders participated in line with Clause 3.12.4.4 of the RfS document read in conjunction with its Amendment No. 03, the following were declared as the successful bidders:

S. No.	Name of the Bidder	Capacity of the Project for allotment (in MW)	Last Quoted Tariff (in Rs./kWh)
1.	Solalite Power Private Limited	300	3.35
2.	Sprng Energy Private Limited	250	3.35
3.	ACME Cleantech Solutions Private Limited	300	3.36
4.	Juniper Green Energy Limited	230	3.36
Total Awarded Capacity		1080 MW	

22. After the conclusion of the e-reverse auction and the determination of the tariff, on 11.1.2024, NTPC issued Letter of Award to the selected bidders, namely, Solalite Power

Private Limited (300 MW), Sprng Energy Private Limited (250 MW), ACME Cleantech Solutions Private Limited (300 MW) and Juniper Green Energy Limited (230 MW).

23. The relevant portion of the Letter of Award issued to one of the successful bidders, namely Solalite 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 Solalite 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 Solalite 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 3.35/kWh (Indian Rupees Three and Thirty Five 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:

Sl NO.	Capacity of Project (MW)	Location of Project	Interconnection point details
A.	Details of solar project		



1.	250	Village- Jhanphli Kalan, Tehsil Sheo, Dist - Barmer, State - Rajasthan	220kV level of Barmer-I CTU Substation, Rajasthan
	<i>Details of wind project</i>		
1.	100	Village- Muddebihal, Taluka- Muddebihal, District- Vijayapura, State Karnataka	220kV level of CTU Bijapur PS, Karnataka
	<i>Total Contracted Capacity of Hybrid Power Project (MW)</i>	300 MW	Declared CUF – 30%

In line with clause 3.6.3 of RfS documents, HPG shall have option to change the Project location until SCSD. However, 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 within 70 days from the date of issue of Letter of Award or before signing of PPA, whichever is earlier, 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 87.00 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.

9.0 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.

10.0 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.

11.0 All disputes arising out of and / or in connection with this “Selection of Hybrid Power Generators for Setting up of 1500 MW 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.”

24. 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. In this regard, it is observed that the BEC, in its Award Recommendations dated 1.1.2024, has indicated as under:

“.....9.0 In line with Contract System Circular No. 613 dated 16.11.2007, it is hereby certified that evaluation criteria as specified in the RfS document has been strictly complied with and the entire process of evaluation has been transparent.”

25. 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 tariff 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 concluded on 27.12.2023, and accordingly, the Petitioner was required to approach the Commission for the adoption of the tariff by 11.1.2024. However, the Petitioner, NTPC, filed the present Petition only on 30.1.2024 (e-filing portal). Accordingly, vide Record of Proceedings for the hearing dated 4.4.2024, the Petitioner was asked to indicate the reasons for the delay in approaching the Commission as per Clause 12.4 of the Hybrid Guidelines. In response, the Petitioner, vide its affidavit dated 21.5.2024, submitted that the tariff was discovered by way of e-Reverse Auction on 27.12.2023; 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 9.1.2024. Accordingly, the Petitioner was obligated to approach this Commission for the adoption of the tariff by 11.1.2024. It was further submitted by the Petitioner that the time taken for requisite approvals, i.e., from 27.12.2023 to 9.1.2024, was unavoidable, particularly since the present bidding process was the first one conducted under the Bidding Guidelines notified only on 21.8.2023 and time was required by the Petitioner to ensure proper compliance with the provisions of the Bidding Guidelines. Soon after the issuance of LOAs, the Petitioner has completed all the activities involved in filing the Petition, i.e., preparation of the Petition, compilation of relevant documents, and processing of the filing fees, etc., in the best possible time. We have considered the justification provided by NTPC for the delay in approaching the Commission for the adoption of the tariff as per Clause 12.4 of the Hybrid Guidelines. Keeping in view that, unlike the previous Hybrid Guidelines, 2018, the Hybrid Guidelines, 2023 specifically provide a timeline for the distribution licensee or intermediary procurer to approach the Appropriate Commission for the adoption of tariff, we expect the Petitioner to strictly adhere to the said timelines in future.

26. Vide Record of the Proceedings for the hearing dated 4.4.2024, 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 21.5.2024 has submitted that the Petitioner is under discussions with the various State Utilities/Discoms regarding the sale of power. Here, it may be noted that the Renewable Energy Implementation Agencies ("REIAs") are approaching State utilities for the sale of the 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 PPAs will be signed with the selected developers after signing of the PSA with the Discoms/State Utilities. By Record of the Proceedings for the hearing dated 22.5.2024,

the Petitioner was directed to submit its views on whether the tariff discovered through the competitive bidding process can be adopted without entering into the PPAs and PSAs. In response, the Petitioner vide affidavit dated 6.6.2024 has submitted that in terms of the Scheme of the Act, adoption of tariff and approval of the PPA/PSA are two separate and distinct processes, particularly, so in the case of inter-State generation and sale of electricity. Tariff adoption is in terms of Section 63 of the Act, whereas approval of the PPA/PSA is as per Section 86(1)(b) of the Act. In the case of inter-State generation and sale of electricity, the jurisdiction for the adoption of tariff is with this Commission, and the Appropriate State Commission is approving authority for approval of the PPA/PSA. It has been further submitted by the NTPC that even the Hybrid Guidelines at Clause 12.4 specify the Intermediary Procurer to approach the Appropriate Commission within 15 days of discovery of tariff. However, the indicative timeline provided for the execution of the PPA/PSA is approximately 41 days from the discovery of tariff. The Petitioner has submitted that the adoption of the tariff by this Commission will facilitate the timely execution of the projects as per the timeline specified in the Hybrid Bidding Guidelines and will be beneficial for the stakeholders. Adoption of the tariff discovered by way of the RfS in the present case by this Commission will provide much needed regulatory certainty over the projects and embolden the Petitioner's attempt to find the willing State Utilities/Discoms for procuring the said power.

27. We have considered the submissions made by NTPC. In the past, the Commission has been proceeding with the adoption of tariff only to the extent of the awarded capacity having been 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 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.

28. In light of the aforesaid discussion, it emerges that the selection of the successful bidders has been done, 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 individual tariff in terms of the LOAs dated 11.1.2024 for the Hybrid Power Projects, as agreed to by the successful bidders as under subject to the Petitioner tying up the awarded capacity under the PPAs and PSAs:

S. No.	Name of the Bidder	Capacity of the Project for allotment (in MW)	Last Quoted Tariff (in Rs./kWh)
1.	Solalite Power Private Limited	300	3.35
2.	Sprng Energy Private Limited	250	3.35
3.	ACME Cleantech Solutions Private Limited	300	3.36
4.	Juniper Green Energy Limited	230	3.36
Total Awarded Capacity		1080	

29. The Petition No. 71/AT/2024 is disposed of in terms of the above.

Sd/-
(Arun Goyal)
Member

sd/-
(Jishnu Barua)
Chairperson

