



याचिका संख्या/Petition No. 239/AT/2025

कोरम/Coram

श्री जिशु बरुआ, अध्यक्ष / Shri Jishnu Barua, Chairperson

श्री रमेश बाबू व., सदस्य / Shri Ramesh Babu V., Member

श्री हरीश दुदानी, सदस्य / Shri Harish Dudani, Member

श्री रविन्द्र सिंह ढिल्लो, सदस्य / Shri Ravinder Singh Dhillon, Member

आदेश दिनांक/Date of Order 26th of August, 2025

IN THE MATTER OF:

Petition under section 63 of the Electricity Act, 2003 for adoption of tariff of 1200 MW solar power projects connected to the inter-state transmission system (ISTS) and selected through a competitive bidding process as per the guidelines for tariff based competitive bidding process for procurement of power from grid-connected solar PV projects, dated 28.07.2023, of the Ministry of Power, Government of India, as amended from time to time.

AND

IN THE MATTER OF:

NTPC Limited,
(A Govt. of India Enterprise)
NTPC Office Complex, Sector-33,
Faridabad (Haryana) - 121003

. . . Petitioner

VERSUS

- M/s Illuminate Hybren Private Limited**
B- Block, 6th Floor, Embassy 247 Vikhroli West,
Mumbai, India, PIN -400083
- M/s Renew Solar Power Private Limited**
ReNew Hub, Commercial Block-1,
Zone 6, Golf Course Road, DLF City Phase-V,
Gurugram-122009 Haryana



3. **M/s SAEL Industries Ltd**
3rd Floor,
World Mark-I, Aerocity, New Delhi-110037
4. **M/s Rays Power Infra Ltd**
6th Floor, Imperia Mindspace,
Golf Course Extension Road,
Sector 62, Gurugram, Haryana-122001
5. **M/s Reflex Green Power Limited**
1/171, Old Mahabalipuram Road, Thiruporur,
Kancheepuram Dist., Tamil Nadu- 603110,

... Respondents

Parties present:

Ms. Shikha Ohri, Advocate, NTPC
Shri Kartik Sharma, Advocate, NTPC
Ms Kavya Sharma, Advocate, SAEL Industries

ORDER

The Petitioner, NTPC Limited (hereinafter referred to as '**NTPC**'), has filed the present petition under Section 63 of the Electricity Act, 2003 (hereinafter referred to as the 'Act') for ISTS Grid-Connected Solar Power projects of 1200 MW and selected through the competitive bidding process as per the "Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid-Connected Solar Hybrid Power Projects" (hereinafter referred to as 'the Guidelines') dated 28.7.2023 issued by the Ministry of Power, Government of India, and its amendments thereof. The petitioner has made the following prayers:

- a) *Adopt the tariff discovered in the tariff based competitive bid process for the power projects as stated above on the terms and conditions in the LoAs dated 13.11.2024;*
- b) *Approve the trading margin of 0.07 INR /kWh; and*
- c) *Pass any such order/orders as this Hon'ble Commission deems just and proper in the nature and circumstances of the present case.*



Submission of the Petitioner:

2. The Ministry of New and Renewable Energy (MNRE), GOI, has formally appointed NTPC in the capacity of Intermediary Procurer and Renewable Energy Implementing Agency (REIA) in accordance with the established Guidelines governing the tariff-based competitive bidding process for the procurement of power generated from grid-connected solar photovoltaic power projects and wind power projects. The government seeks to attain a cumulative power installed capacity of 50% derived from non-fossil energy sources by the year 2030. In pursuit of the objective to attain 500 GW from non-fossil sources, the Ministry of New and Renewable Energy has promulgated a Renewable Energy Implementation Agency (REIA) specific bidding calendar for the fiscal year 2024-25.

3. The NTPC has issued an invitation for bids pertaining to the establishment of Inter-State Transmission System (ISTS) connected solar power projects. This initiative is to be conducted under a tariff-based competitive bidding framework, with the intention of entering into Power Purchase Agreements (PPA) with the chosen Solar Power Generators (SPGs) and the Power Sale Agreements (PSA) with the relevant Distribution Licensees or Buying Utilities. The Notice Inviting Tender (NIT) for Tender ID: NTPC/RE-CS/2024-25/Solar-01 along with the standard draft of the Power Purchase Agreement (PPA) and Power Supply Agreement (PSA) documents, for setting up 1200 MW Power ISTS-Connected Solar Power Projects anywhere in India on Single Stage Two Envelope basis (Envelope-I: Technical Bids & Envelope-II: Financial Bids) followed by e-Reverse Auction, on International Competitive Bidding (ICB) Basis. This tender was floated on the ISN Electronic Tender System (ISN ETS) e-Tender Portal, followed by an e-reverse auction on an International Competitive Bidding (ICB) basis. Additionally,



NTPC issued Amendment No. 1 and Clarification No. 1 dated 12.08.2024 to the RfS, and Amendment No. 1 and Clarification No. 1 dated 12.08.2024 to the PPA, respectively.

4. On the 13.11.2024, Letters of Award (LOA) were duly issued to five (5) solar power generators.

5. The delay in submission of the petition was not a result of intentional action but rather attributable to the duration required for adherence to the established procedures governing transparent competitive bidding.

6. NTPC has also submitted that the Tariff, as delineated under section 63 of the Electricity Act 2003, pertaining to the generation and sale of electricity by Solar Power Generators (SPGs) to NTPC, along with the resale of procured power by NTPC to the purchasing Utilities, inclusive of a trading margin of Rs 0.07/kWh, should be subject to individual adoption for each SPG.

Hearing dated 20.03.2025

7. During the course of the hearing on 20.03.2025, the learned counsel for the Petitioner, NTPC, reiterated the submissions made in the pleadings and requested the Commission for the adoption of tariff of the 976 MW Renewable Energy (RE) Power Projects connected with the ISTS and selected through the competitive bidding process as per the Guidelines.

8. 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 certificate issued by the Bid Evaluation Committee to the effect that the bidding process is carried out in a transparent manner in accordance with the guidelines issued by the government and the price of the selected bidder is reasonable and consistent with the requirement as per relevant clauses of the RE Guidelines.

9. In compliance with the directions contained in the ROP, the petitioner submitted the information vide affidavit dated 03.04.2025.

Hearing dated 08.05.2025

10. During the course of hearing, learned counsel for the Petitioner submitted that vide Record of Proceedings for the hearing dated 20.03.2025, the Commission inter alia directed the Petitioner to submit the desired information.

11. Learned counsel for the Petitioner submitted that the present Petition has been filed seeking the adoption of tariff for the 976 MW grid-connected Solar Power PV Projects discovered in the tariff based competitive bidding process conducted in terms of the "Guidelines for Tariff-Based Competitive Bidding Process for Procurement of Power from Grid-Connected Solar PV Power Projects" dated 28.7.2023 read with subsequent amendments thereto ('the Solar Guidelines') issued by the Ministry of Power, Govt. of India. Learned counsel further submitted that pursuant to the liberty granted by the Commission, Respondent No.3, M/s SAEL Industries Ltd., one of the successful bidders, has filed its reply, wherein it has clearly indicated that it has no objection to the contents of the petition and the same may be considered by the Commission for the adoption of the tariff, as prayed for by NTPC.



Analysis and Decision:

12. We now proceed to consider the prayer of the petitioner as regards the adoption of the 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.

13. 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.”

14. Thus, in terms of Section 63 of the Act, the Commission is required to adopt the tariff on being satisfied that a 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.

15. The Ministry of Power, Government of India, has notified the solar guidelines, vide Resolution No.27/01/2023-RCM on 28.7.2023. The salient features of the guidelines are as under:

(a) *The Guidelines are applicable for the procurement of power from grid connected solar PV power projects, with or without Energy Storage, through tariff based competitive bidding to be conducted by ‘the Procurer’, which includes distribution licensees, or the Authorized Representative(s), or Intermediary procurers.*

(b) *The procurer shall prepare the bid documents in accordance with the Guidelines. The principles outlined in the Guidelines may be suitable expanded and made exhaustive in the Standard Bid Documents. In case of any deviation from the provisions of the Guidelines and/or Standard Bid Documents, approval of the Appropriate Government would be necessary prior to initiation of bid process.*

(c) *Bids shall be invited in Power Capacity (MW) terms specifying the total quantum to be contracted by the procurer. The minimum quantum of power that can be offered by the bidder should be 50 MW for projects connected with the inter-State transmission system. The bidder can quote for a part of the total quantum to be procured by the Procurer. A maximum of 50 percent of total capacity as specified in the RfS can be*



allocated to a single bidder. The bid evaluation parameter shall be the tariff per unit supply of solar power fixed for the entire term of the PPA.

(d) The procurement of power - shall be in power (MW) terms. The range of Capacity Utilization Factor (CUF) will be indicated in the bidding documents. Calculation of CUF will be on the yearly basis.

(e) The draft PPA proposed to be entered into with the successful bidder and draft PSA, if applicable, shall be issued along with the RfS. Standard provisions to be incorporated as part of the PPA shall include, inter-alia, PPA Period, Power Procurement, Payment Security Mechanism (PSM), Force Majeure, Generation Compensation for off-take Constraints, Event of default and consequences thereof and Change in Law and shall be provided for, on back-to-back basis, in the PSA.

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

(g) The Procurer/intermediate procurer shall call for the bids adopting a single stage, two part (Technical Bid & Financial Bid), bidding process to be conducted through electronic mode (e-bidding). The technical bid shall be opened first. The financial bids of only those bidders who qualify in the technical bid shall be opened. E-procurement platforms with a successful track record and with adequate safety, security and confidentiality features will be used.

(h) RfS notice shall be issued in at least two national newspapers and on the websites of the procurer to provide the wide publicity. Standard provisions to be provided by the Procurer in the RfS document shall include Bid Responsiveness, Technical Criteria, Financial Criteria, Quantum of the Earnest Money Deposit (EMD), and Compliance of FDI Laws by foreign bidders, etc.

(i) The bidders shall be required to submit the separate technical and price bids. The bidders shall also be required to furnish the necessary bid- guarantee in the form of an Earnest Money Deposit (EMD) along with the bids. The technical bids shall be evaluated to ensure that the bids submitted meet the eligibility criteria set out in the RfS document on all evaluation parameters. Only the bids that meet the evaluation criteria set out in the RfS document shall be considered for further evaluation on the price 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 the bidding, and the Procurer still wants to continue with the bidding process, the same may be done with the consent of the Appropriate Commission.

(j) The procurer shall constitute a committee for evaluation of the bids (Evaluation Committee), with at least three members, including at least one member with expertise in financial matters / bid evaluation. After the conclusion of bidding process, the Evaluation Committee constituted for evaluation of RfS bids shall critically evaluate the bids and certify as appropriate that the bidding process and the evaluation has been conducted in conformity with the provisions of the RfS document.

(k) The PPA shall be signed with the successful bidder/ project company or an SPV formed by the successful bidder.



(l) After the execution of the PPA, publicly disclose the name(s) of the successful bidder(s) and the tariff quoted by them together with breakup into components, if any. The public disclosure shall be made by posting the requisite details on the website of the Procurer for at least 30 (thirty) days.

(m) The distribution licensee or the Intermediary Procurer, as the case may be, shall approach the Appropriate Commission for the adoption of tariff discovered, in terms of Section 63 of the Act, within fifteen days of the discovery of the tariffs through e-reverse auction or otherwise, in the transparent competitive bidding process conducted in accordance with these Guidelines. In case the Appropriate Commission does not decide upon the same within 60 (sixty) days of such submission or within 120 (one hundred and twenty) days from the date of PSA, whichever is more, the procurer shall grant the appropriate extension of time in Scheduled Commencement of Supply Date (SCSD) to the generators corresponding to the delay (beyond 60 days of submission or 120 days of PSA, whichever is more) in adoption/approval by the Appropriate Commission till the date of the adoption/approval by the Appropriate Commission.

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

17. The Petitioner has been designated as the nodal agency for the implementation of the MNRE schemes for setting up the interstate transmission system/state-specific wind/solar power/wind-solar hybrid power projects to invite bids under the tariff-based competitive bidding process to enter into PPAs with the developers at the tariff discovered in the competitive bid process and to enter into the PSAs with the distribution licensees to enable them to fulfill their Renewable Purchase Obligations under Section 86(1)(e) of the Act. NTPC acts as an intermediary agency in the purchase and sale of power under the PPAs and PSAs on a back-to-back basis.

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

Sr. No.	Milestone	Date
1	RfS issued by NTPC.	17.06.2024



2	Document download start date	20.06.2024
3	Document Download end date	04.07.2024
4	Corrigendum to the RfS documents	04.07.2024, 24.07.2024, 06.08.2024 and 20.08.2024, 23.08.2024
5	Pre-Bid Meeting held.	05.07.2024
6	Last date of Bid Submissions.	23.08.2024
7	Opening of Techno-Commercial Bids.	23.08.2024
8	Opening of Financial Bids.	17.10.2024
9	E-Reverse Auction Conducted	17.10.2024
10	Issuance of Letter of Award (LoA) to the Successful Bidder.	13.11.2024

19. NTPC issued Invitation for Bid (IFB) No. NTPC/RE-CS/2024/Solar-01 dated 17.06.2024 for selection of Solar Power Generators (SPGs) “For Setting up of 1200 MW ISTS (Inter State Transmission System) connected solar power projects on anywhere in India basis”. Initially, the RfS document was prepared based on the “Guidelines for Tariff-Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects” issued by MOP, GOI vide Gazette Resolution dated 03.08.2017 and its amendments. However, due to the issuance of new guidelines by MNRE, GOI on 28.07.2023, the RfS was amended as per MNRE guidelines dated 28.07.2023, and accordingly, a corrigendum was issued. Tenders for tariff-based bidding (for 25 years) were invited on an international competitive bidding basis in a single-stage, two-envelope bidding process followed by a reverse auction among shortlisted bidders.

20. NIT & tender document was uploaded on the Central Public Procurement (CPP) e-procurement portal on 17.06.2024, with the last date of online submission as 23.08.2024. NIT was also uploaded on NTPC’s website and published in a national newspaper as per the extant policy guidelines of NTPC. The online bid submission and opening dates were extended from time to time to 01.08.2024, 09.08.2024, 20.08.2024, and finally to 23.08.2024, respectively.



21. Up to the last date of submission of the online bid, i.e., 23.08.2024, a total of 17 (seventeen) parties downloaded the official copy of the RfS from the CPP Portal. The online and offline bids (Part I: Techno-Commercial) were opened by the duly constituted TOC on 23.08.2024. The evaluation of submitted bids was done by the Tender Evaluation Committee (TEC) constituted by NTPC Management, and 7 (Seven) bidders were found technically successful.

22. NTPC vide office order ref. Ref: RE-CS-Standing TC/01 dated 08.03.2024, constituted a Standing Tender Committee, comprising the members from RE-CS, Corp. Commercial, and Corp. Finance Departments, to evaluate the bids and submit award recommendations for the tenders invited by NTPC as REIA under developer mode for sale of power to end procurer(s):

Sl. 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. Kamal Preet Singh, AGM (Fin)

23. The Standing Tender Committee examined the bids based on the Qualifying Requirement in the RfS. After completion of the techno-commercial evaluation process, the Standing Tender Committee submitted its report dated 09.10.2024 and recommended the following 7 bidders as qualified and eligible for opening of the financial bids:

S. No	Bidder Name	Bid Capacity (MW)
1.	M/s ILLUMINATE HYBREN PRIVATE LIMITED (ILLUMINATE)	300 MW
2.	M/s RENEW SOLAR POWER PRIVATE LIMITED (RENEW)	300 MW
3.	M/s SAEL INDUSTRIES LIMITED (SAEL)	300 MW



4.	M/s ONWARD SOLAR POWER PRIVATE LIMITED (ONWARD)	50 MW
5.	M/s RAYS POWER INFRA LIMITED (RAYS)	100MW
6.	M/s REFEX GREEN POWER LIMITED (REFEX)	100MW
7.	M/s ADYANT ENERSOL PRIVATE LIMITED (ADYANT)	70MW
Total Capacity		1220 MW

24. The total bid capacity of all the techno-commercially qualified bidders was 1220 MW. Based on the bids received, the shortlisting of the bidders for the e-reverse auction was completed in line with Clause 3.12.4.3 of the RfS. Pursuant to the shortlisting, 7 out of the 7 techno-commercially eligible bids were held to be eligible for the e-Reverse auction. Accordingly, on 17.10.2024, the Standing Tender Committee submitted its minutes of Price Bid Opening and Shortlisting of Bidders for e-Reverse Auction and the details of the shortlisted bidders for e-Reverse auction (e-RA) for the Solar Power Projects under the RfS. The details of the 7 bidders are as below:

S. No.	Name of the Bidder	Quoted tariff in Rs/kWh	Ranking of Bidder
1.	Illuminate Hybren Private Limited	2.65	Rank-1 (L1)
2.	Refex Green Power Limited	2.67	Rank-2 (L2)
3.	Rays Power Infra Limited	2.68	Rank-3 (L3)
4.	Onward Solar Power Private Limited	2.70	Rank-4 (L4)
5.	Sael Industries Limited	2.72	Rank-5 (L5)
6.	ReNew Solar Power Private Limited	2.77	Rank-6 (L6)
7.	Adyant Enersol Private Limited	2.87	Rank-7 (L7)

25. The financial bids were opened on 17.10.2024 in the presence of the Tender Evaluation Committee (TEC). As per the final recommendation of TEC, 7 (seven) bidders were declared successful for participating in the e-Reverse Auction (e-RA) stage of bidding. The e-Reverse Auction of bidding was conducted on 17.10.2024, and the following bidders remained successful bidders along with the capacity allotted and



quoted Tariff.

S.No.	Name of the Bidder	Capacity of the Projects for allotment (MW)	Last quoted Tariff in (Rs./kWh)	Ranking of successful bidders for bucket filling
1.	Rays Power Infra Limited	100	2.50	1
2.	Sael Industries Limited	300	2.50	2
3.	Refex Green Power Limited	100	2.50	3
4.	ReNew Solar Power Private Limited	300	2.51	4
5.	Illuminate Hybren Private Limited	176	2.51	5
Cumulative Offered Capacity for award		976 MW		

26. NTPC has issued Letter of Award dated 13.11.2024 to the above 05 SPGs, i.e., successful bidders. The relevant portion of the letter of award issued to one of the successful bidders, namely M/s Illuminate Hybren Private Limited, is as follows:

“Sub: Selection of Solar Power Generators for Setting up of 1200 MW ISTS-connected Solar PV Power Projects anywhere in India- IFB No. NTPC/RE-CS/2024-25/SOLAR-01 dated 17.06.2024- Letter of Award (LOA) for 176 MW contracted capacity.

Dear Sir,

1.0 This has reference to the following:

- (A) The “Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects” vide Gazette Resolution dated 28.07.2023 and amendments issued by Ministry of Power (MoP) (hereinafter referred to as “Guidelines”)*
- (B) Our Invitation for Bids (IFB) bearing Ref. no. NTPC/RE-CS/2024-25/SOLAR-01 dated 17.06.2024.*
- (C) Request for Selection Document (including Draft Power Purchase Agreement i.e. PPA and Draft Power Sale Agreement i.e. PSA) bearing ref. no. NTPC/RE-CS/2024- 25/SOLAR-01 dated 17.06.2024 issued to you/downloaded from ETS Portal (<https://www.bharat-electronictender.com>) vide TSC No. NTPC-2024-TN000008*
- (D) Various Amendments / Clarifications / Errata to the RfS documents for the subject package uploaded on ETS Portal prior to Envelope-I (Technical Bid) Opening, as per details given below:*

Sl. No.	Description of base Bidding Documents	Amendment(s)/Clarification(s) issued to Base Documents prior to Stage-I Bid opening
---------	---------------------------------------	---



1.	Request for Selection Documents (RfS)	(i) Amendment No. 01 to RfS dtd 12.08.2024, NTPC/RE-CS/2024-25/SOLAR-01- AMNDT-01 (ii) Clarification No. 01 to RfS dtd 12.08.2024, NTPC/RE- CS/2024-25/SOLAR-01-CLRF-01
2.	Power Purchase Agreement (PPA)	(i) Amendment No. 01 to PPA dtd 12.08.2024 (ii) Clarification No. 01 to PPA dtd 12.08.2024

Aforesaid documents attached as Annexure-I.

Request for Selection Document including PPA & PSA and various Amendments / Clarifications / Errata as mentioned above shall be hereinafter referred to as "RfS"

- (E) Your response to RfS by way of submission of offline documents in NTPC office, your Technical Bid (Envelope I) and Financial Bid (Envelope II) submitted online on ETS website against TSC No.- NTPC-2024-TN000008 and opened on 23.08.2024, enclosed at **Annexure-II**.
- (F) NTPC email message dated 10.10.2024 & 17.10.2024 intimating you the date and time of start of e-Reverse Auction, enclosed at Annexure-III.
- (G) System Generated email messages dated 17.10.2024 inviting you for participation in e-Reverse Auction, enclosed at Annexure-IV.
- (H) The result of online e-Reverse Auction held on 17.10.2024 at 16:00 hrs and concluded on the same day 19:40 hrs on ETS website.

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 176 MW ISTS connected Solar PV Power Project and Supply of Solar 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 "Solar Power Generator / SPG") 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 / Solar Power Generator (SPG) 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, Effective Date of the PPA shall be the date of signing of PPA. In case NTPC intimates to the Successful Bidder (SPG) a particular date as the date for signing of PPA and the PPA signing gets delayed on account of reasons attributable to the SPG, beyond 30 days, then NTPC reserves the right to cancel the LoA and encash the EMD/PBG (as applicable) submitted by the bidder.



4.0 As per clause 3.26 of RfS document, you shall ensure that the Shareholding of Bidding Company **M/s Illuminate Hybren 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 **M/s Illuminate Hybren 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 Solar Power Project to be developed by the SPG for the entire period of twenty-five (25) years of Power Purchase Agreement (PPA) to be entered into between the SPG and NTPC for this project shall be INR 2.51/kWh (Indian Rupees Two and Fifty-One paise only per Kilowatt hour).

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 SPG highlighting the relevant provision of Power/Energy/Renewable energy/solar Energy Power Plant development as per clause 3.15 (A 11) 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} It 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	Declared CUF
1	300	Sirohi District of Rajasthan	765/400/220 kV Sirohi CTU S/s, Rajasthan	25 %

*As brought out at Para 2.0 above, Letter of Award (LoA) is issued for setting up of



176 MW of project capacity against your quoted capacity of 300 MW based on the result of the Reverse Auction. In line with clause 3.6.2 of RfS documents, SPG 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. 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 SPG.

8.0 In line with the provisions of RfS, the SPG shall submit Performance Guarantee of INR 28 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 **176 MW capacity shall be INR 49.28 Crore**. The Performance Guarantees shall be valid for a period of seven (07) months beyond SCSD. Further, the PPA shall be signed only upon successful verification of the PBG of requisite value submitted by the SPG.

As per provision of RfS, the confirmation of PBG shall be through secure Structured Financial Messaging System (SFMS). In this regard, while issuing the physical BG, your Bank shall also send electronic message to NTPC's Beneficiary Bank whose details are provided below:

Bank Details:

- (i) Bank Name: ICICI Bank Limited
- (ii) Branch: Connaught Place Branch, New Delhi
- (iii) Bank Address: 9A, PHELPS BUILDING, INNER CIRCLE, NEW DELHI-110001
- (iii) IFSC Code: ICIC00000007

All BGs/POIs except BG issued by a Bank outside India, shall be received from issuing Bank/authority directly through post/ courier, by Unified Treasury, Dadri at the address mentioned at clause no.-3.24 (ii) of RfS documents.

The Bank Guarantee towards Earnest Money submitted by you along with your Response to RfS shall be released only after receipt & verification of the Performance Guarantee.

9.0 The SPG shall pay to NTPC, success charge of INR 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.c of RfS.

11.0 All disputes arising out of and / or in connection with this "Selection of Solar Power Generators for Setting up of 1200 MW ISTS-connected Solar PV Power Projects anywhere in India" and Supply of Solar 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.”

27. As per RfS and PPA signed with Solar Power Generators (SPGs), the commissioning of projects is likely to be done in 2026-27 (24 months from the date of signing of PPA).

28. As per Clause 12.2 of the Solar PV 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 document. Vide conformity certificate, the Petitioner has certified that applicable guidelines and amendments/clarifications thereof, if any, issued by the Government of India were followed for the bidding process in the above tender. Further, there was no deviation from the guidelines in the RfS documents for the above tender. The Petitioner also submitted that the prices discovered under the subject tender are reasonable, in line with the market trends, and consistent with the requirements specified in the Request for Selection document. The relevant extract of the said conformity certificate is as under:

***“CONFORMITY CERTIFICATE - 2
CONTRACTS CIVIL DIVISION***

Name of Work: Selection of Solar Power Generators for Setting up of 1200 MW ISTS- connected Solar PV Power Projects anywhere in India; RfS Document No.: NTPC/RE-CS/2024-25/SOLAR-01’

- A. 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 solar 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 1220 MW against the total bid capacity of 1200 MW (Capacity offered for Reverse Auction was 976 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 appears to be reasonable and consistent with the requirement of the*



tender.

The certificate is being issued for onward submission to honorable CERC for tariff adoption.”

29. Further, as per Clause 10.4 of the Guidelines dated 28.07.2023, 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 17.10.2024, and accordingly, the Petitioner was required to approach the Commission for the adoption of the tariff by 01.11.2024. However, the Petitioner, NTPC, filed the present petition only on 03.01.2025 (e-filing portal). The petitioner submitted that the tariff was discovered by way of e-Reverse Auction on 17.10.2024; thereafter, the Standing Tender Committee constituted in accordance with the Bidding Guidelines, evaluated the bids and prices discovered in the e-reverse auction as per the requirement 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 13.11.2024. Accordingly, the Petitioner was obligated to approach this Commission for the adoption of the tariff by 03.01.2025. It was further submitted by the Petitioner that the time taken for requisite approvals was unavoidable. Soon after the issuance of LOAs, the petitioner 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.



30. We have considered the justification provided by NTPC for the delay in approaching the Commission for the adoption of the tariff as per the Guidelines. Keeping in view that the Guidelines specifically provide a timeline for the distribution licensee or intermediary procurer to approach the Appropriate Commission for the adoption of the tariff, we expect the Petitioner to strictly adhere to the said timelines in the future.

31. Prayer (b) of the petitioner is answered accordingly.

32. Clause (10) of Regulation 9 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Trading License and other related matters) Regulations, 2020 (hereinafter referred to as “the Trading License Regulations”) provides as under:

“9. (10) The Trading Licensee shall make payment of dues by the agreed due date to the seller for purchase of the agreed quantum of electricity through an escrow arrangement or irrevocable, unconditional and revolving letter of credit in favour of the seller. Such escrow arrangement or irrevocable, unconditional and revolving letter of credit in favour of the seller shall be equivalent to:

a. one point one (1.1) times the average monthly bill amount (estimated average of monthly billing amounts for three months or actual monthly billing amount for preceding three months as the case may be) with a validity of one year for long term contracts;

b. one point zero five (1.05) times of contract value for short term contracts.”

33. The above provisions provide for the payment security mechanism to be complied with by the parties to the present petition. Accordingly, the provisions of Articles 10.3 and 10.4 of the PPAs and Clause (10) of Regulation 9 of the Trading License Regulations shall be abided by the concerned parties to the present petition.

34. The petitioner, NTPC, has also prayed to approve the trading margin of Rs.



0.07/kWh to be charged to the end procurer/discoms or any other entity over and above the PPA tariff on the sale of power as specified in the RfS document and specified in the Hybrid Guidelines.

35. In this regard, Clause (1)(d) of Regulation 8 of the Trading License Regulations provides as follows:

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

36. The above provision gives the choice to the contracting parties to mutually agree on a trading margin for long-term transactions. However, the proviso to Regulation 8(1)(d) of the Trading License 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.”

37. Regulation 8(1)(f) of the Trading License 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.”

38. The above two provisions are exceptions to the main provision as regards trading margin. In the present case, the distribution licensees have agreed to a trading margin of Rs.0.07/kWh, as agreed in the PSA, which is in consonance with Regulation 8(1)(d) of the Trading License Regulations. However, in case of failure by NTPC to provide an escrow arrangement or irrevocable, unconditional, and revolving letter of credit to the wind-solar hybrid power 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 License Regulations.

39. In light of the aforesaid discussion, it emerges that the selection of the successful bidders has been done, and the tariff of the ISTS Grid-Connected Solar Photovoltaic projects of 976 MW 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 13.11.2024 for the STS Grid-connected Solar Photovoltaic projects, as agreed to by the successful bidders as under:

S.No.	Name of the Bidder	Capacity of the Projects for Allotment (MW)	Last quoted tariff in (Rs./kWh)
1.	Rays Power Infra Limited	100	2.50
2.	Sael Industries Limited	300	2.50
3.	Refex Green Power Limited	100	2.50
4.	ReNew Solar Power Private Limited	300	2.51
5.	Illuminate Hybren Private Limited	176	2.51
Cumulative Offered Capacity for award		976 MW	

40. Prayer (c) of the petitioner is answered accordingly.

41. The Petition No. 239/AT/2025 is disposed of in terms of the above.

Sd./-
(रविन्द्र सिंह ढिल्लो)
सदस्य

Sd./-
(हरीश दुदानी)
सदस्य

Sd./-
(रमेश बाबू व.)
सदस्य

Sd./-
(जिश्नु बरुआ)
अध्यक्ष

