



नई दिल्ली
NEW DELHI

याचिका संख्या./ Petition No. 735/AT/2025

कोरम/ Coram:

श्री जिश्नु बरुआ, अध्यक्ष/Shri Jishnu Barua, Chairperson
श्री रमेश बाबू वी., सदस्य/Shri Ramesh Babu V., Member
श्री हरीश दुदानी, सदस्य/Shri Harish Dudani, Member
श्री रविंदर सिंह ढिल्लों, सदस्य/Shri Ravinder Singh Dhillon, Member

आदेश दिनांक/ Date of Order: 24th of March, 2026

IN THE MATTER OF:

Petition under Section 63 of the Electricity Act, 2003, for the adoption of tariff discovered through Competitive Bidding Process for the supply of 1200 MW ISTS-Connected Solar PV Power Projects Anywhere in India with “Greenshoe Option” of Additional Capacity up to 600 MW

AND IN THE MATTER OF:

1. NTPC Limited

NTPC Bhawan, SCOPE Complex,
7, Institutional Area, Lodhi Road,
New Delhi – 110033

...Petitioner
Versus

1. M/s Bharat Petroleum Corporation Limited

Bharat Bhavan III, Shanti Building 13,
Walchand Hirachand Marg, Ballard Estate,
Fort, Mumbai-400001

2. M/s Onward Solar Private Limited,

906, 9th Floor, Krishna Apra Business Square,
Netaji Subash Place, Pitampura, New Delhi-110034

3. M/s Renew Solar Power Private Limited

ReNew Hub, Commercial Block-1,
Zone 6, Golf Course Road, DLF City Phase-V,
Gurugram, Haryana-122009

4. M/s Illuminate Hybren Private Limited

3rd Floor, World Mark-1,
Aerocity, New Delhi-110037

5. M/s Adyant Enersol Private Limited

M-Powered Building, Plot No. 51-52, Phase-IV,
Udyog Vihar, Gurgaon, Haryana

...Respondents

Parties Present: Shri Adarsh Tripathi, Advocate, NTPCL
Shri Ajitesh Garg, Advocate, NTPCL
Shri Harishit Malik, Advocate, AEPL
Shri Vishal Anand, Advocate, AEPL
Shri Rahul Chatwal, Advocate, AEPL

आदेश/ ORDER

The Petitioner, NTPC Limited (NTPC), has filed the present Petition under Section 63 of the Electricity Act, 2003 (the Act), seeking adoption of the tariff of the 1200 MW ISTS–connected Solar PV Power Projects anywhere in India with “Greenshoe Option” of Additional Capacity up to 600 MW. The said capacity was selected through the tariff based competitive bidding process in accordance with the *Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects* notified vide Resolution No. 27/01/2023-RCM published in the Gazette of India (Extraordinary) (Part 1 Section 1) on 28 July

2023 “read with subsequent amendments thereto, as issued by the Ministry of Power, Government of India (Competitive Bidding/TBCB Guidelines, 2023).

2. Respondent No. 1, M/s Bharat Petroleum Corporation Limited (BPCL), is a Government of India undertaking. BPCL has been selected as a successful bidder and awarded a contracted capacity of 150 MW under the present competitive bidding process.
3. Respondent No. 2, M/s Onward Solar Power Private Limited, is a private company. Onward Solar has been selected as a successful bidder and awarded a contract capacity of 50 MW.
4. Respondent No. 3, M/s Renew Solar Power Private Limited. It has been allocated a contracted capacity of 300 MW for implementing ISTS-connected Solar PV Projects.
5. Respondent No. 4, M/s Illuminate Hybren Private Limited, is a private company. Illuminate Hybren has been awarded a capacity of 120 MW under the said competitive bidding process.
6. Respondent No. 5, M/s Adyant Enersol Private Limited, is a private company. Adyant Enersol has been selected for a project capacity of 100 MW under the current tender floated by NTPC.
7. NTPC 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 19 as mentioned hereinabove.*
 - 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.*

Submission of NTPC (the Petitioner):

8. Briefly, NTPC has submitted as under:
 - a) NTPC has been designated as Intermediary Procurer/ Renewable Energy Implementing Agency (REIA) vide Office Memorandum [No. 13/05/2023- RCM/NRE] of Ministry of Power, Government of India, dated 14.02.2024, enabling procurement of power through tariff-based competitive bidding and is acting as an intermediary procurer for the present project under Section 63 of the Electricity Act, 2003.

- b) NTPC issued a Request for Selection (RfS) vide tender No NTPC/RE-CS/2024-25/Solar-02 dated 29.08.2024 for the selection of 1200 MW of solar power through Inter-State Transmission System (ISTS)-connected Solar PV Projects under Tariff Based Competitive Bidding. Vide Clause 3.12.4.5 of the RfS, allocation of power up to 600 MW is allowed under “Greenshoe Option”. The terms of the RfS are consistent with the *Guidelines for Tariff-Based Competitive Bidding Process for Procurement of Power from Grid-Connected Solar PV Power Projects*. (Competitive Bidding/ TBCB Guidelines, 2023).
- c) The Government of India has issued an advisory that the rules regarding the publication of tender notices in leading newspapers are done away with, in view of the high cost, and the same has been replaced with mandatory e-publishing of advertisements on the relevant portal. In the above context, NTPC on 05.06.2018, vide Circular No. 763, discontinued the publication of Tender Notices in the newspaper. On the basis of the above circular dated 05.06.2018, NTPC published a Notification regarding tenders of NTPC in the newspaper. Accordingly, the detailed IFB/NIT along with all the requisite information has been published on NTPC’s tender website www.ntpctender.com, the Government’s Central Public Procurement Portal <https://eprocure.gov.in> and the Government E-Marketplace (GeM) portal.
- d) In terms of the provisions under the RfS, NTPC is the intermediary procuring for onward sale of power to the beneficiaries/end procurer, for which purpose, NTPC shall enter into Power Sale Agreements (PSA) with the beneficiaries. NTPC shall be entitled to a trading margin of Seven (7) Paisa/kWh, which is in terms of the Competitive Bidding Guidelines issued by the Ministry of Power.
- e) For the purpose of executing the project in question, NTPC constituted a committee after taking necessary approvals from the competent authority for the purpose of:
- (i) Preparation of Request for Selection (RfS) document.
 - (ii) Attending pre-bid meeting & queries to the prospective bidders.
 - (iii) Evaluation of bids and submission of the award recommendation report.
- The evaluation of Bids has been carried out based on the data/documents submitted by the Bidders in their bids and clarifications submitted by the Bidders, and in accordance with the Evaluation Criteria mentioned in the Tender document, in conformity with the Competitive Bidding Guidelines, 2023, under the supervision of the Tender Committee.
- f) As per the scheme under the RfS, the bidders were selected through the process of e-bidding (Single Stage Two Envelope Bidding Process, Envelope-I: Technical Bid and

Envelope-II: Financial Bid) followed by the e-Reverse Auction process. The online and offline bids (Part I: Techno-Commercial) were opened on 29.10.2024, and the financial bids were opened on 13.12.2024. The e-Reverse Auction was conducted on 23.12.2024.

- g) In response to the said RfS, NTPC received bids till 14:00 hrs. on 29.10.2024. Of the twelve (12) parties who have downloaded the official copy of RfS documents from the portal, six (06) bidders submitted their bids, and Technical bids (Envelope-1) of six (06) bidders were opened. It is pertinent to mention that an offer for a cumulative capacity of 1020 MW was received against the tendered capacity of 1200 MW.
- h) The power procured by NTPC in terms of the above RfS was provisioned to be sold to different entities (DISCOMs) in India. For the said purposes, NTPC has been appointed as an intermediary procurer for the procurement of power supplied by the Renewable Power Developer (RPD)/ Renewable Energy Power Generator (REPG) and the sale of such power to the Buying Entities entirely on a back-to-back basis, based on due performance by the RPD as well as the Buying Entities. NTPC is acting as a trader/facilitator for a trading margin of INR 0.07/kWh. The Trading Margin, as envisaged under the RfS, is strictly in accordance with the Competitive Bidding Guidelines, 2024, as well as Regulation 8 (1) of the Trading License Regulations, 2020. NTPC shall enter into a Power Sale Agreement (PSA) with the end beneficiaries, in compliance with and adherence to the rules and guidelines stated above regarding the trading margins.
- i) As per the above scheme, the bidders have been selected by the process of e-bidding (Single Stage Two Envelope Bidding Process. Envelope-I: Technical Bid and Envelope-II: Financial Bid) to be followed by the e-Reverse Auction process for the selection of bidders.
- j) The process of Reverse Auction took place on 23.12.2024.

S. No.	Bidder	Capacity (MW)	Quoted Tariff (INR/kWh)	Zone of bidder after e-RA
1.	BPCL	150	2.55	Green
2.	ONWARD	50	2.59	Green
3.	RENEW	300	2.60	Green
4.	ILLUMINATE	120	2.60	Green
5.	ADYANT	100	2.60	Green
6.	DINESHCHANDRA	300	2.70	Yellow

- k) In terms of Clause 3.12.4. of the RfS, subsequent to the e-RA process, the Cumulative offered capacity for award, out of the total 1200 MW originally offered, comes to 816

MW. The last quoted tariffs for all bidders in the Green zone are within the range of L1 + 2%. Further, the cumulative capacity of the five bidders (Respondents herein) who were in the Green Zone at the time of the closure of the e-Reverse Auction was 720 MW. Hence, the balance capacity out of the total offered capacity for award, i.e. 816 MW left after allotment to the five (05) bidders, was 96 MW (816 MW-720 MW). Although a partial capacity of 96 MW is available for allotment against quoted capacity of 300 MW to DINESH CHANDRA, but the same could not be allotted since the final quoted price by DINESH CHANDRA after reverse auction was 5.88 % higher than L1 price and hence it does not fall within a range of (and including) the lowest tariff + 2% of L1 tariff.

- l) Accordingly, in terms of the above conclusion of the tendering process and upon recommendation of the tendering committee as stated above, NTPC issued letters of award to five Respondents.
- m) Clause 3.12.4.5 of the Rfs provides for allocation of power under “Greenshoe Option” allowing award of additional capacity of up to 600 MW. Due to prevailing uncertainty in the sector, particularly regarding the pendency and non-finalisation of long-term PPAs for substantial capacity with potential Distribution Licensees, NTPC has, to date, not been able to award power under the Greenshoe option. In the absence of clear visibility on demand absorption, the power is yet to be awarded under the Greenshoe Option at this stage, and NTPC reserves its right to approach this Commission in respect of the allocation of power under the Greenshoe option as and when the same is finalised and awarded among the selected bidders for the kind consideration of this Commission.
- n) Awarding additional capacity would have exposed the project to downstream risks, including potential stranded capacity, which would not be in the public interest. Any allocation of additional capacity under the Greenshoe Option without clear visibility into demand absorption could create uncertainty in power offtake, potentially leading to adverse financial and operational implications for both the generators and the intermediary procurer. Such an outcome would undermine the efficacy of the competitive bidding process. In view of the above, NTPC has yet to exercise the Greenshoe option to award to bidders, after undertaking due diligence, and accordingly reserves its right to do the same in future, considering the broader mandate of safeguarding public interest and ensuring long-term project viability.
- o) Keeping in view the above, the delay, if any, in filing the present is in light of the fact that considerable efforts have been made post conclusion of the bidding process to engage successful bidders and award additional capacity under the Greenshoe option. These

engagements, which were crucial for establishing the viability and bankability of the projects, took longer than initially anticipated due to sectoral conditions and evolving regulatory and procurement scenarios across multiple States. NTPC has acted with due diligence and continued engagement throughout this period and has filed the Petition at the earliest feasible opportunity once material developments had stabilised.

- p) The present bid comes under URET (Uniform Renewable Energy Tariff) mechanism. As per the RfS conditions, the PPA will be signed by the Petitioner after the PSA is signed with the End Procurer. Under the URET mechanism, PSA will be signed on a first-in, first-out (FIFO) basis for bids across REIAs in the notified Pool. Procurers for the implementation of the URET Procedure through the Office Memorandum [No. 13/05/2023- RCM/NRE] of the Ministry of Power, Government of India, dated 14.02.2024.
- q) This Petition under Section 63 of the Electricity Act, 2003, for the adoption of a tariff, has been made within a reasonable period of time as per the appropriate Guidelines and law settled by this Commission.

Hearing dated 16.10.2025

9. During the course of the hearing on 16.10.2025, it was held as under:

The learned counsel for the Petitioner submitted that the instant Petition has been filed for the adoption of tariff and the Petitioner has already, submitted the conformity certificate with the Petition.

*2. In response to the specific query of the Commission, the learned counsel for **the Petitioner clarified that although the bid document contained a Green Shoe Option, no capacity has been awarded under the said option.** He, accordingly, requested that the matter be reserved for orders.*

3. Learned counsel for Respondent No. 5, Adynat Enersol Private Limited, submitted that the Respondent has no objection to the adoption of the tariff as prayed for by the Petitioner.

4. Considering the submissions made by the learned counsels for the parties, the Commission reserved the matter for orders.

Analysis and Decision:

10. We have heard the learned counsels for NTPC and the Respondents and have carefully perused the records.
11. In view of the above, we now proceed to consider the prayer of NTPC as regards the adoption of tariff under Section 63 of the Act as discovered pursuant to the competitive bid process carried out in terms of the Competitive Bidding Guidelines, 2023 issued by the Government of India.

12. In view of the above, we now proceed to consider the prayer of NTPC regarding the adoption of a tariff under Section 63 of the Electricity Act, 2003, for Supply of 1200 MW ISTS-Connected Solar PV Power Projects Anywhere in India with “Greenshoe Option” of Additional Capacity upto 600 MW, for procurement of power through a tariff-based competitive bidding process conducted in accordance with the *Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects*. (Competitive Bidding/TBCB Guidelines, 2023) issued by the Ministry of New and Renewable Energy vide F.No. 27/01/2023-RCM dated 28.07.2023, issued by the Ministry of Power, 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 transparent process of bidding in accordance with the Competitive Bidding/TBCB Guidelines, 2023 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 Competitive Bidding Guidelines, 2023 under Section 63 of the Act vide Resolution No F.No. 27/01/2023-RCM dated 28.07.2023. The salient features of the Guidelines are as follows:

- (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.*

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

S. No.	Event	Date
1	RfS issued by NTPC	29.08.2024
2	Date of Pre-Bid Meeting	23.09.2024
3	Amendments of RfS Documents	Nil
4	Corrigendum of RfS (for date extension) from No. 2 to No. 12 (Respectively)	22.10.2024 & 29.10.2024
5	Last date of bid submission	29.10.2024
6	Opening of techno-commercial bids	29.10.2024
7	Opening of Financial bids	13.12.2024
8	Date of e-reverse auction	23.12.2024
9	Issuance of Letters of Award (LoAs) to successful bidders	22.01.2025

17. In terms of the provisions of Section 63 of the Act, we have to examine whether the process as per the provisions of the Competitive Bidding/ TBCB Guidelines, 2023, has been followed in the present case for arriving at the lowest tariff and for the selection of the successful bidder(s).

18. In accordance with the Competitive Bidding/TBCB Guidelines, 2023, NTPC, in its capacity of Intermediary Procurer, issued the RfS documents dated 29.08.2024 for the selection of RE Power Developers for the supply of 1200 MW power from ISTS- Energy Projects “anywhere in India” basis under the tariff-based competitive bidding. NTPC has submitted the Notice Inviting Tender

(NIT) for the above RfS. NTPC on 05.06.2018, vide Circular No. 763, had discontinued the tender publication of Tender Notices in the newspaper. On the basis of the above circular dated 05.06.2018, NTPC published a Notification regarding tenders of NTPC in the newspaper. Accordingly, the detailed IFB/NIT along with all the related requisite information has been published on NTPC's tender website www.ntpctender.com, the Government's Central Public Procurement Portal <https://eprocure.gov.in> and the Government E-Marketplace (GeM) portal. In this regard, NTPC has also placed on record the proof of publication along with the Petition.

19. The last date for online submission of bids and the date for opening of technical bids were initially fixed as 29.10.2024 and 13.12.2024, respectively. Six (06) no. of bidders submitted their bids, and the technical bids (Envelope-1) of the following six (06) bidders were opened for the following capacity:

S. No.	Bidder	Quoted Capacity
1.	M/S Illuminate Hybren Private Limited (Illuminate)	120 MW
2.	M/S Renew Solar Power Private Limited (Renew)	300 MW
3.	M/S Bharat Petroleum Corporation Limited (BPCL)	150 MW
4.	M/S Onward Solar Power Private Limited (Onward)	50 MW
5.	M/S Dineshchandra R Agrawal Infracon Pvt. Ltd. (Dineshchandra)	300 MW
6.	M/S Adyant Enersol Private Limited (Adyant)	100 MW
Total		1020 MW

20. As observed from above, an offer for a cumulative capacity of 1020 MW against the tendered capacity of 1200 MW has been received.
21. Clause 3.12.4.2 & 3.12.4.3 of the RfS document stipulates the following for Reverse Auction:

3.12.4.2

Reverse Auction

Intimation of Date and Time of Reverse Auction:

*At-least one week prior to reverse auction, an advance intimation regarding the date and time of the reverse auction will be sent by email to all bidders whose technical bids have been opened. However, from this advance intimation it shall not be construed by the bidders that they have been short-listed for Reverse Auction. **Further at-least two hours before the schedule start time of reverse auction, a system generated email for invitation for Reverse Auction will be sent to all those bidders who have been short-listed based on the criteria mentioned at clause 3.12.4.3. A separate email will also be issued by NTPC to shortlisted bidders informing the start time of reverse auction along with capacity of projects for which they are qualified.***

Since the Reverse Auction will be conducted in a separate module at ETS platform, the bidders will be required to assign the reverse auction to Marketing Authority; complete all pre-requisite including payment of portal fee for participating in Reverse Auction, if any, and configure their system for participation in Reverse Auction in advance before commencement of Reverse Auction. On E-Reverse Auction overview page, the bidders are advised in their own interest to view their start price (which shall be same as their 'first round tariff' and displayed in Bidder's window as 'My Financial Bid Price') and the capacity of Projects for which they have been considered qualified (which will be displayed under Quantity). In case there is any discrepancy in the Start Price and the 'First Round Tariff' of any bidder, the same shall be immediately intimated to NTPC before start of Reverse Auction otherwise the Start Price will be considered final and binding on that bidder. A wrong and misleading intimation in this regard may lead to disqualification in further tendering process and award. Short-listed bidders for Reverse Auction will be able to login into the ETS platform of reverse action at least 15 minutes before the start time of reverse auction.

The bidders may note that the person who has been authorized to sign and submit the bid at the time of submission of Technical and Financial bid may only be authorized to participate in the Reverse Auction process on behalf of the bidder as any price submitted by the bidder during the Reverse Auction will be considered final and binding on that bidder as if it had been submitted initially in the Financial bid without requiring any further authentication from the bidder.

3.12.4.3 Ranking and Short-listing of bidders for Reverse Auction:

All those bidders who are found to be technically qualified, will be ranked according to the quoted first round tariff bid, with highest ranking (Rank 1) to that bidder who has quoted the lowest first round tariff bid and so on.

If the first round tariff bid is same for two or more bidders, then the bidder with higher net worth shall be given higher ranking. In case the net worth of bidders are also same, then relative ranking shall be decided through draw of lots.

Out of all qualified bidders, short-listing will be done for Reverse Auction as under:

A. When cumulative capacity of technically qualified bidders > 1500 MW

All the qualified bidders shall be invited for Reverse Auction other than the lowest ranked bidder based on First Round Tariff bid i.e. the bidder quoting the highest first round tariff (i.e. H1) subject to the condition that after removal of H1 bidder, the cumulative capacity remains greater than 1500 MW. In case, after removal of H1 bidder, the cumulative capacity of technically qualified bidders becomes less than or equal to 1500 MW then all the technically qualified bidders will participate in reverse auction.

B. When cumulative capacity of technically qualified bidders ≤ 1500 MW

All the technically qualified bidders will be shortlisted for Reverse Auction. However, in such case the offered capacity for award by NTPC as per Clause 3.1 shall stand reduced to 80% of the cumulative capacity of technically qualified bidders.

For the purpose of determination of the lowest Ranked bidder, if there is a tie among two

or more bidders based on First Round Tariff Bid, the bidder with the lowest net worth among these bidders will be considered having lowest rank than the other bidder(s).

At the start of the reverse auction process, the first round tariff bid along with the qualified contracted capacity of Project(s) (lower of the applied capacity of projects or technically qualified for as per Financial criteria) of short-listed bidders shall be fed as their first quoted tariff and Project(s). The minimum decrement value for Reverse Auction is 0.01 INR i.e. one paisa.

Bidders can quote any value lower than their quoted tariff. However, no upward revision of quoted tariff will be allowed. Bidders can improve their ranking by quoting the tariff lower than their last quoted tariff by any number of decrements. Further, in Reverse Auction no revision in capacity of Project(s) for which a bidder is considered qualified after evaluation of technical bid is allowed. The bidder shall not have the option of changing the capacity of projects while quoting tariff.

The initial auction period will be of Thirty (30) minutes with a provision of auto extension by 08 (eight) minutes from the scheduled/ extended closing time. Such auto extension shall be effected if by way of reduction in tariff, a Bidder causes a change in its zonal placement at that instant. The 'zones' are as defined below:

- (a) **Green Zone:** This zone consists of the Bidders who may be allocated their full quoted Project capacity if the auction is closed at that instant.
- (b) **Yellow Zone:** This zone consists of the Bidders who may be allocated a part of their full quoted Project capacity if the auction is closed at that instant.
- (c) **Red Zone:** This zone consists of the Bidders who will not be awarded their quoted Project capacity if the auction is closed at that instant.

In addition to above, if tariff is reduced by a bidder who is already in Green or Yellow Zone, in that case also the auto extension of reverse auction closing time shall be effected. If no such change as described above is effected during the last 08 minutes of auction period or extended auction period, then the reverse auction process will automatically get closed.

During the reverse auction, the following information will be displayed in the bidder's bidding window:

1. His First Round Tariff Bid as their Start Price initially and there after last quoted price and capacity of Projects for which he is qualified,
2. The list of last quoted price (i.e., Last Bid Value) along with qualified capacity of projects of all bidders with their Pseudo Identities and their time of quote. "

22. Accordingly, in line with the aforesaid provisions of the RfS documents, ranking of bidders has been done and details of the same are as below:

S. No.	Bidder	Capacity Qualified (Mw)	Quoted Tariff (Rs/Kwh)	Ranking
1.	BPCL	150	2.55	L1
2.	Illuminate	120	2.63	L2
3.	Renew	300	2.64	L3
4.	Dinesh Chandra	300	2.70	L4

5.	Onward	50	2.70	L5
6.	Adyant	100	2.71	L6
Total		1020		

23. Subsequent to the above, the process of Reverse Auction took place on 23.12.2024. In terms of Clause 3.12.4. of the RfS, subsequent to the e-RA process, the Cumulative offered capacity for award, out of the total 1200 MW originally offered, comes to 816 MW. It was further noted that the last quoted tariffs of all bidders in the Green zone are within the L1+2% range. Further, the cumulative capacity of the five bidders (Respondents) who were in the Green Zone at the time of the reverse auction's closure was 720 MW. Hence, the balance capacity out of the total offered capacity for award, i.e. 816 MW left after allotment to the aforesaid five (05) bidders, was 96 MW (816 MW - 720 MW). In respect of the clauses as stated above, the final outcome of the Reverse Auction is produced below.

S. No.	Bidder	Capacity (MW)	Quoted Tariff (INR/kWh)	Zone of bidder after e-RA
1.	BPCL	150	2.55	Green
2.	Onward	50	2.59	Green
3.	Renew	300	2.60	Green
4.	Illuminate	120	2.60	Green
5.	Adyant	100	2.60	Green
6.	Dineshchandra	300	2.70	Yellow

24. In terms of Clause 3.12.4. of the RfS, subsequent to the E-RA process, the Cumulative offered capacity for award, out of the total 1200 MW originally offered, comes to 816 MW. The last quoted tariffs from all bidders in the Green zone are within the L1+2% range. Further, the cumulative capacity of the five bidders (Respondents herein) who were in the Green Zone at the time of the closure of the reverse auction was 720 MW. Hence, the balance capacity out of the total offered capacity for award, i.e. 816 MW left after allotment to the aforesaid five (05) bidders, was 96 MW (816 MW - 720 MW). Although a partial capacity of 96 MW is available for allotment against the quoted capacity of 300 MW to Dinesh Chandra, but the same could not be allotted since the final quoted price by Dinesh Chandra after reverse auction was 5.88 % higher than L1 price and hence it does not fall within a range of (and including) the lowest tariff + 2% of L1 tariff.
25. Letter of Award (LoA) with total aggregate capacity of 1200 MW was awarded to the successful bidder on 22.01.2025. The allocation made to the successful bidders in accordance with the RfS

is as follows:

S. No.	Bidder	Capacity (MW)	Quoted Tariff (INR/kWh)
1.	BPCL	150	2.55
2.	Onward	50	2.59
3.	Renew	300	2.60
4.	Illuminate	120	2.60
5.	Adyant	100	2.60

26. Accordingly, NTPC issued the Letter of Award (LoAs) to M/s Bharat Petroleum Corporation Limited, M/s Onward Solar Private Limited, M/s Illuminate Hybren Private Limited, M/s Adyant Enersol Private Limited on 22.01.2025 for 150 MW, 50 MW, 300 MW, 120 MW and 100 MW capacity each. Relevant extract of the Letter of Award issued to one of the successful bidders, namely, M/s Bharat Petroleum Corporation Limited (150 MW), is as under:

Ref. No.: NTPC/RE-CS/2024-25/Solar-02-LOA-272

Dated: 22.01.2025

Letter of Award
(in duplicate)

M/s Bharat Petroleum Corporation Limited
Bharat Bhavan III,
Shanti Building
13, Walchand Hirachand Marg,
Ballard Estate, Fort,
Mumbai-400001

Kind Attn.: Sh. Ranjan Nair

Sub: Selection of Solar Power Generators for Setting up of 1200 MW ISTS-connected Solar PV Power Projects anywhere in India with “GREENSHOE OPTION” of additional capacity upto 600 MW - IFB No. NTPC/RE-CS/2024-25/SOLAR-02 dated 29.08.2024- Letter of Award (LOA) for 150 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-02 dated 29.08.2024.
- (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-02 dated 29.08.2024 issued to you/downloaded from ETS Portal (<https://www.bharat-electronictender.com>) vide TSC No. NTPC-2024-TN000012
- (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:

SI. No.	Description of base Bidding Documents	Amendment(s)/Clarification(s) issued to Base Documents prior to Stage-I Bid opening
1.	Request for Selection (RfS)	i) Clarification No. 01 to RfS dtd 11.10.2024, NTPC/RE- CS/2024-25/SOLAR-02-CLRF-01

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-TN000012 and opened on 29.10.2024, enclosed at Annexure-II.*
- (F) *NTPC email message dated 10.12.2024 & 16.12.2024 intimating you the date and time of start of e-Reverse Auction, enclosed at Annexure-III.*
- (G) *System Generated email messages dated 23.12.2024 inviting you for participation in e-Reverse Auction, enclosed at Annexure-IV.*
- (H) *The result of online e-Reverse Auction held on 23.12.2024 at 14:00 hrs and concluded on the same day 14:46 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 150 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 Bharat Petroleum Corporation 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 Bharat Petroleum Corporation 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 2.55/kWh (Indian Rupees Two and Fifty Five 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) 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 150 MW with details as under:

SI NO.	Capacity of Project (MW)	Location of Project	Interconnection point details	Declared CUF
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1	150	Bikaner District, Rajasthan Longitude- 73.04 °E Latitude- 28.16 °N	Bikaner 4 substation of PGCIL	31.03 %
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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 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 150 MW capacity shall be INR 42.00 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 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 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.

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.c of RfS.

12.0 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 with “GREENSHOE OPTION” of additional capacity upto 600 MW” 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.

13.0 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 the Solar 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. In compliance with the above, NTPC has furnished the conformity certificates on record. As per the conformity certificate (annexure A) issued by NTPC, NTPC has certified that the aspects of the bid evaluation and the adopted price are in conformity with the competitive bidding guidelines and aligned with prevailing market tenders. The relevant extract of the aforesaid conformity certificate is as under:

CERTIFICATE BY BID EVALUATION COMMITTEE

Subject: Selection of Solar Power Generators for Setting up of 1200 MW ISTS connected Solar PV Power Projects anywhere in India with “GREENSHOE OPTION” of additional capacity up to 600 MW; RfS Document No.: NTPC/RECS/2024-25/SOLAR-02

It is certified that:

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 six (06) with cumulative quoted contracted capacity of 1020 MW against the total bid capacity of 1200 MW (Capacity offered for Reverse Auction was 816 MW and final awarded capacity is 720 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.

28. NTPC has submitted that it is in active discussions with the end procurer and, after finalisation of the PSA with the end procurer(s), the PPAs shall be signed with the successful bidders to whom the LOA has been issued.

29. Keeping in view the overall emphasis of the Guidelines on the expeditious adoption of the tariff, we consider it appropriate to proceed with its adoption without waiting for the tying up of the entire awarded capacity under the PPAs and PSAs.
30. In view of the aforesaid discussions, it emerges that the selection of the successful bidders has been made, and the tariff of the Solar Power Projects has been discovered by NTPC, through a transparent process of competitive bidding 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 for the Solar Power Projects, as agreed to by the following successful bidders, subject to NTPC tying up the capacity under the PPAs and PSAs:

S. No.	Name of Successful Bidder	Capacity (MW)	Tariff (INR/kWh)
1	M/S Bharat Petroleum Corporation Limited	150	2.55
2	M/S Onward Solar Power Private Limited	50	2.59
3	M/S Renew Solar Power Private Limited (Renew)	300	2.60
4	M/S Illuminate Hybren Private Limited	120	2.60
5	M/S Adyant Enersol Private Limited	100	2.60

31. Prayer (b) of NTPC is answered in terms of paragraph 30 above. Moreover, as soon as the awarded capacity is tied up under the PPAs and PSAs, NTPC shall place on record the copies of such PPAs and PSAs in the present case. Also, if the awarded capacity does not fructify into PPAs and PSAs, NTPC shall also place on record such development(s) in the file of the present case.
32. NTPC has also prayed for approval of the trading margin of Rs. 0.07/kWh to be charged in addition to the above Tariff, which is to be recovered from buying Utilities/Distribution Licensee/DISCOM(s) in terms of the PSA to be signed between NTPC & Utilities/ Distribution Licensee.
33. In this regard, Clause (1)(d) of Regulation 8 of the Trading License Regulations provides as under:

“For transactions under long term contracts, the trading margin shall be as mutually decided between the Trading licensee and the seller”

34. The above provision gives a choice to the contracting parties to mutually agree on a trading margin for long-term transactions. However, 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.”

35. 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.”

36. The above two provisions are exceptions to the main provision as regards the trading margin. In the present case, the awarded capacity is yet to be tied up with the distribution licensees. Accordingly, the trading margin shall be as per the provisions of such PSAs, which would be in consonance with Regulation 8(1)(d) of the Trading License Regulations, 2020. Further, in case of failure of the NTPC to provide an escrow arrangement or an irrevocable, unconditional, and revolving letter of credit to the solar power generators, the trading margin shall not exceed Rs. 0.02/kWh specified in Regulation 8(1)(d) and Regulation 8(1)(f) of the Trading License Regulations, 2020.

37. Prayer (c) of NTPC is answered accordingly.

38. Accordingly, the petition 735/AT/2025 is disposed of in the terms of the above.

Sd/-
रविंदर सिंह ढिल्लों
सदस्य

Sd/-
हरीश दुदानी
सदस्य

Sd/-
रमेश बाबू वी.
सदस्य

Sd/-
जिश्नु बरुआ
अध्यक्ष