

BG against EMD submitted by such Bidder shall be returned alongwith with those of the unsuccessful Bidders “

5.12. As already recorded earlier, the Petitioner ensured wider participation and competition by publishing the Notice Inviting Tender in English Newspapers having large readership, organized pre-bid conference and also incorporated necessary changes suggested by the prospective bidders by issuing addendums to the bid documents. As the Bid Evaluation Committee evaluated the technical bids and declared 12 bidders as qualified for opening the financial bids, their financial bids were opened in their presence and e-reverse auction was conducted as per the eligibility criteria mentioned in the RfS document in respect of 9 eligible bidders for capacity of 500 MW.

5.13. In view of the foregoing, the Commission is satisfied with the entire tendering process including the e-reverse bidding conducted by the Petitioner in a transparent manner and discovered successful bidders with quoted capacity and allocated capacity to them as stated below:

Sr. No.	Name of the Company	Quoted Capacity (MW)	Allocated Capacity (MW)	Tariff (Rs./Unit)
1	M/s Sprng Ujjvala Energy Private Limited	120	120	2.20
2	M/s NTPC Renewable Energy Limited	150	150	2.20
3	M/s Coal India Limited	100	100	2.20
4	M/s TP Saurya Limited	60	60	2.20
5	M/s SJVN Limited	100	70	2.21

5.14. The Commission, therefore, decides to adopt the discovered tariff of Rs. 2.20 per unit quoted by above referred four bidders, viz., (i) M/s Sprang Ujjvala Energy Private Limited, (ii) M/s NTPC Renewable Energy Limited, (iii) M/s Coal India Limited, & (iv) M/s TP Saurya Limited and also for discovered tariff of Rs. 2.21 per unit quoted by M/s SJVN Limited for aggregate capacity of 500 MW of Solar PV projects to be set up in Gujarat, as prayed by the Petitioner.

6. Before parting with this Order, we note that the Ministry of Power, Government of India vide Notification dated 22.02.2021 has notified the Electricity (Late Payment Surcharge) Rules, 2021. The relevant provision of the said Rules is

reproduced as under:

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2. Application.-These rules shall be applicable for payments to be made in pursuance of---

(a) Power Purchase Agreements, Power Supply Agreements and Transmission Service Agreements, in which tariff is determined under section 62 of the Act; and

(b) such Power Purchase Agreements, Power Supply Agreements and Transmission Service Agreements that become effective after these rules come into force, in which tariff is determined under section 63 of the Act.

.....”

The Petitioner has not submitted anything about the said Rules but, from the above, it transpires that the said Electricity (Late Payment Surcharge) Rules, 2021 are applicable to the Power Purchase Agreements that become effective after the date of its Notification i.e. 22.02.2021. Accordingly, the Petitioner shall require to sign the Power Purchase Agreements with the successful bidders as referred in para 5.14 above by incorporating the above provision in the PPA, in compliance with the stipulations of the Electricity (Late Payment Surcharge) Rules, 2021.

- 6.1 As the Petitioner issued the LoAs to all the four bidders on 26.03.2021 and is yet to sign the PPAs with them because as per terms and conditions of tender, the PPAs are to be signed with successful bidders within 30 days from issuance of LOA. We note that the Petitioner is required to submit the copy of the signed PPAs and therefore, we direct the Petitioner to submit copies of duly executed PPAs to the Commission alongwith an affidavit stating that the Articles/provisions of the PPA are as per the bidding guidelines and deviations approved by the Commission from time to time. We also direct the Petitioner that for the purpose of transparency, after execution of the PPAs, publicly disclosed the name (s) of the successful bidder(s) and the tariff quoted by them together with the break up with the component, for 30 days on its website in terms of Clause 10.3 of the bidding guidelines as amended for knowledge and information of the

stakeholders.

7. SUMMARY OF DECISIONS:

- 7.1 We decide to adopt the tariff discovered under the transparent competitive bidding process conducted by the Petitioner through RfS No. GUVNL/500 MW/ Solar (Phase XII) dated 23.01.2021 as under:

Sr. No.	Name of the Company	Quoted Capacity (MW)	Allocated Capacity (MW)	Tariff (Rs./Unit)
1	M/s Sprng Ujjvala Energy Private Limited	120	120	2.20
2	M/s NTPC Renewable Energy Limited	150	150	2.20
3	M/s Coal India Limited	100	100	2.20
4	M/s TP Saurya Limited	60	60	2.20
5	M/s SJVN Limited	100	70	2.21

- 7.2 We direct the Petitioner to sign the Power Purchase Agreements with the successful bidders as referred in para 6.1 above, in compliance with the stipulations of the Electricity (Late Payment Surcharge) Rules, 2021.
- 7.3 We direct the Petitioner to submit the copies of duly executed PPAs to the Commission. We also direct the Petitioner that for the purpose of transparency, after execution of the PPAs, publicly disclosed the name (s) of the successful bidder(s) and the tariff quoted by them together with the break up with the component, for 30 days on its website in terms of Clause 10.3 of the bidding guidelines as amended for knowledge and information of the stakeholders.
8. We order accordingly.
9. With this order the present petition stands disposed of.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 13.05.2021.