

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 193/AT/2024**

- Subject : Petition under Section 63 of the Electricity Act, 2003 for Adoption of Tariff discovered through Competitive Bidding Process for selection of wind power developers for setting up of 100 MW ISTS-connected Wind Power projects in India under tariff-based competitive bidding under Scheme for flexibility in Generation and Scheduling of Thermal/Hydro Power Stations through bundling with Renewable Energy and Storage Power as per the Guidelines for Tariff Based Competitive Bidding Process notified by the Ministry of Power, Government of India vide its Gazette Notification dated 27.08.2022.
- Petitioner : Damodar Valley Corporation (DVC)
- Respondents : Juniper Green Energy Private Limited (JGEPL) and Ors.
- Date of Hearing : **4.7.2024**
- Coram : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri Ramesh Babu V., Member
- Parties Present : Shri Venkatesh, Advocate, DVC  
Shri Bharath Gangadharan, Advocate, DVC  
Shri Kartikay Trivedi, Advocate, DVC  
Shri Vishrov Mukherjee, Advocate, JGEPL  
Shri Janmali Manikala, Advocate, JGEPL  
Ms. Shreya Sundararaman, JGEPL  
Shri Subramanyam Gorthi, JGEPL  
Shri Eshjyot Walia, Advocate, RECPDCL  
Shri Akul Singh, Advocate, RECPDCL  
Shri Shashank Singh, RECPDCL  
Shri Ankit Gupta, RECPDCL  
Shri Ritam Biswas, RECPDCL  
Ms. Sahiba Soni, RECPDCL  
Shri Mayur Girdhar, RECPDCL  
Shri Ankit Gupta, Avaada Energy  
Shri Abhinav Kapoor, Avaada Energy  
Shri A Parasar, Avaada Energy

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition had been filed for the adoption of the tariff of 100 MW Wind Power Projects connected with the Inter-State Transmission System and selected through the competitive bidding process as per the "*Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid connected RE Power Projects for utilisation under the Scheme for Flexibility in Generation and Scheduling of Thermal/Hydro Power Stations through*

*Bundling with Renewable Energy and Storage Power*” notified by the Ministry of Power, Govt. of India vide Notification dated 27.8.2022.

2. Learned counsel for Respondent No.1, JGEPL, submitted that since the validity of the bid submitted by the Respondent in response to the RfS has already expired on 30.6.2024, the present Petition has become infructuous to the extent of adoption of tariff *qua* Respondent No.1 herein. Learned counsel submitted that in terms of Clause 26 of the RfS, the bid submitted thereunder was valid for a period of 180 days from the last date of submission of the response to RfS, and the Respondent having submitted its bid on 17.9.2023, the bid was originally valid till 15.3.2024. Subsequently, at the request of the RECPDCL - the Bid Process Coordinator, the Respondent, by its e-mail dated 12.3.2024, had extended the bid validity until 30.6.2024. However, keeping in view that the Petitioner has failed to execute the PPA within 60 days from the date of issuance of the LoA and the Respondent not being under any obligation to extend the bid validity beyond 30.6.2024, presently, there is no valid bid in respect of the Respondent and accordingly, the Commission may not proceed to adopt the tariff *qua* Respondent No.1 in respect of its 50 MW project.

3. Learned counsel for the Petitioner submitted that the rights & obligations of the parties under RfS are a separate issue, which the Commission may need not go into at this stage. Learned counsel further added that in any case, as per the Petitioner, the bid validity is relevant only up to the issuance of Letter of Award (LoA), and once having issued LoA, which has been duly accepted by Respondent No.1 herein, the question of bid validity no longer arises. Also, in the present case, RfS specifically provided that the PPA will be executed only after the adoption of the tariff by the Commission. Learned counsel also pointed out that an identical issue was raised during the adoption proceedings in Petition No. 353/AT/2022 (SECI v. ReNew Naveen Urja Pvt. Ltd. and Ors.), wherein the Commission vide order dated 9.3.2024 while adopting the tariff, granted liberty to the Respondents therein to approach the Commission for adjudication of such issue(s) through a separate Petition. Learned counsel accordingly submitted that a similar approach may be adopted in the present case, and while proceeding with the adoption of tariff for entire 100 MW wind power projects, Respondent No.1 may be granted liberty to raise its grievance, if any, by way of separate Petition.

4. Learned counsel of the Respondent, RECPDCL, submitted that Clause 11.7 of the RfS specifically provided that the selected bidder for the Project is required to sign the PPA with DVC within 60 days after the issuance of the LoA, *subject to the adoption of tariff by the Commission*. She further submitted that the relevant Guidelines also provide that the timeline for the bid process is indicative and if the procurer gives extended time for any of the events in the bid process, on account of delay in achieving the activities required to be completed before the event, such extension of time shall not be in any way be deviation from these Guidelines. She further added that Respondent No.1 was well aware of the stipulations under the RfS, including the requirement of adoption of tariff by the Commission prior to signing of the PPA. She also pointed out that Respondent No.1 raised its concern regarding the signing of the PPA for the very first time only on 5.6.2024, i.e., the day on which the present Petition was admitted by the Commission, and as such Respondent No.1 was, thereafter, fully aware of the status of the present tariff adoption proceedings before the Commission. Thus, the contention of Respondent No.1 that the time was of the essence and it now cannot perform its obligations under LoA is not valid. She further pointed out that Respondent No.1 has extended the Bank Guarantee submitted toward Earnest Money Deposit (EMD) under RfS till August 2024 and urged

that Respondent No.1 ought to be directed to extend the validity of EMD till the outcome of the matter.

5. Learned counsel for Respondent No.1 submitted that the contention of the Petitioner that the bid validity was relevant only till the issuance of the LoA is not valid as RECPDCL has itself repeatedly asked the Respondent to extend the bid validity after the issuance of the LoA. Learned counsel requested that RECPDCL be asked to place on record these letters issued by it requesting for extension of the bid validity after the issuance of LoA. Learned counsel also added that the issue involved in Petition No. 353/AT/2022 was different than that in the present case as in the said case, even after the expiry of bid validity, the PPA(s) had been signed whereas in the present case, the PPA has not been signed. Learned counsel further submitted that the Respondent be permitted to respond to the submissions advanced by RECPDCL, and the matter may be listed for a final oral hearing thereafter. Learned counsel also opposed the submission of RECPDCL regarding any direction to the Respondent in respect of the extension of BG submitted towards EMD.

6. The representative of the Respondent No.2 sought liberty to file its reply in the matter.

7. Considering the submissions made by the learned counsels and representative of the parties, the Commission permitted the Petitioner and RECPDCL to file their respective written submissions, if any, within a week, and the Respondent No.1 may file its written submissions, if any, within a week thereafter. The Commission also permitted Respondent No.2 to file its reply, if any, within ten days.

8. The Petition will be listed for final hearing on **22.7.2024**.

**By order of the Commission**  
**Sd/-**  
**(T.D. Pant)**  
**Joint Chief (Law)**