Petition No. 1050 of 2015

BEFORE

THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Date of Order: 06.04.2016

PRESENT:

1. Hon'ble Sri Desh Deepak Verma, Chairman
2. Hon'ble Sri Indu Bhushan Pandey, Member
3. Hon'ble Sri S.K. Agarwal, Member

IN THE MATTER OF: For adoption of tariff under Section 63 of the Electricity Act 2003 discovered through competitive bidding process as per the standard bidding guidelines issued by the Central Government for procurement of solar power from grid connected solar PV projects.

AND

IN THE MATTER OF

1. The Managing Director,
   U.P. Power Corporation Ltd.,
   7th Floor, Shakti Bhawan,
   14, Ashok Marg, Lucknow
2. Uttar Pradesh New and Renewable Energy Development Agency,
   Vibhuti Khand,
   Gomti Nagar,
   Lucknow - 226010.

---------- **Petitioner**

AND

1. Jakson Engineers Limited,
   A-43, Phase II Ext.,

Hosiery Complex,
Noida-201305

2. K.M. Consortium,
76, Eldeco Greens,
Gomti Nagar,
Lucknow-206010

3. ACME Solar Energy Pvt. Ltd.,
Plot No. 152,
Sector-44, Gurgaon,
Haryana-122002

4. Jatadhari Merchandise Pvt. Ltd.,
70, Nalini Seth Road,
Kolkta-700007

5. Sukhbir Agro Energy Ltd.,
A-16, Ground Floor,
Narain House,
Green Park Main,
New Delhi-110016

---------- **Respondents**

Following were present:

1. Sri V.P. Srivastava, CE (PPA), UPPCL
2. Sri S.K. Sinha, SE, (PPA), UPPCL
3. Sri Rajeev Srivastava, Advocate, UPPCL
4. Si Bhushan Rsatogi, Consultant, UPPCL
5. Smt Namrta Kalra, UPNEDA
6. Sri Sanjay Jhunjhunwala, JMD, K.M. Energy Pvt. Ltd.
7. Sri Mohit Agrawal, DGM, K.M. Energy Pvt. Ltd.
8. Sri Rishi Tiwari, USUPL
9. Sri Khalid Nadeem, USUPL
10. Sri Navneet , Nirozha Power
11. Sri S.K. Gupta, Jakson Engineers Limited

ORDER

(Date of Hearing 31.03.2016)

1. Petition is filed jointly by UPPCL and UPNEDA for adoption of tariff under Section 63 of the Electricity Act 2003 discovered through competitive bidding process. The tariff rates discovered for 12 year time horizon are as given below:

Sl. No.	Name of the Bidding company	Capacity (MW)	Tariff (Rs/Kwh)	Proposed Location
1.	M/s Sukhbir Agro Energy Ltd., New Delhi.	30	9.33	Mahoba
2.	M/s Jakson Engineers Ltd., Noida	30	9.24	Mahoba
3.	M/s K.M. Consortium, Lucknow	5	9.25	Mahoba
4.	M/s Jatadhari Merchandise Pvt. Ltd., Uttarakhand	10	9.27	Lalitpur
5.	M/s ACME Solar Energy Pvt., Ltd., Gurgaon	30	8.93	Mahoba

2. UPNEDA is made designated nodal agency by GoUP vide order no.1167 dated 20 June, 2013 in accordance with clause 10.1 of its Solar Power Policy-2013 for carrying out bidding process for procurement of solar power from grid connected solar power projects.

3. UPNEDA carried out tariff based competitive bidding process under case -1 long term route, in accordance with the MNRE guidelines for single stage tariff based competitive bid process for grid connected power projects for procurement of 300 MW capacity Solar Power at fixed tariff for period of 12 years (***as per GoUP order no. 804/45-V-2013-8(10) dated 24.04.2013***) from grid connected Solar PV projects. (annexure-1)

4. On 14.07.2014 the NIT in this regard was published in newspapers- Economics Times, Hindustan Times and Dainik Jagaran as well as on the website of UPNEDA with 08.09.2014 as the last date of submission of bid.

5. In line with the MNRE guidelines, provision for payment security was made available to bidders in bid document which included Letter of Credit (LC) and LC backed with credible escrow mechanism.

6. The pre-bid meeting was held on 31.07.2014 and based on various inputs received from interested firms, modified RFP was published on website of UPNEDA on 26.08.2014 as well as in newspapers- Economics Times, Hindustan Times and Dainik Jagaran with last date of bid submission extended till 24.09.2014.

7. In compliance with clause 6.3 of MNRE guidelines, following Bid Evaluation Committee (BEC) was constituted vide GoUP order no. 1275/45- V dated 22.07.2014 (annexure-2):

Sl.No.	Bid Evaluation Committee	
1.	Director UPNEDA	Chairman
2.	Secretary cum Chief Project Officer UPNEDA	Member
3.	Senior Project Officer UPNEDA	Member
4.	Project officer Solar Policy UPNEDA	Member
5.	Nominated representative of Secretary, Additional Energy Sources	Member
6.	Nominated representative of Principal Secretary, Finance	Member(External)
7.	Nominated representative of Principal Secretary, Law	Member(External)

8. Non-financial bids were opened by the above committee on 24.09.2014 in presence of representatives of various bidders. As per the minutes of meeting (annexure-3), following members of the committee were present during bid opening:

Sl.No.	**Bid Evaluation Committee**	
1.	Director UPNEDA	Chairman
2.	Secretary cum Chief Project Officer UPNEDA	Member
3.	Senior Project Officer UPNEDA	Member
4.	Project officer Solar Policy UPNEDA	Member
5.	Joint Secretary, Additional Energy Sources, GoUP	Member
6.	Special Secretary, Finance, GoUP	Member(External)
7.	Special Secretary, Law,	Member(External)

M/s Medhaj Techno Concept Pvt. Ltd. was appointed for managing the bidding process and assisting the above committee.

9. Total 6 no. of bids for total capacity of 110 MW were received, in response to modified RFP for 300 MW power, as given below(annexure-3):

Sl.No.	Name of the Bidding company	Capacity Quoted in MW
1.	ACME Solar Energy Pvt. Ltd.	30
2.	Jakson Engineers Ltd.	30
3.	Sukhbir Agro Energy Ltd.	30
4.	Jatadhari Merchandise Pvt. Ltd.	10
5.	K.M. Consortium	5
6.	Elecomponics Technology India Pvt. Ltd.	5
	Total	110

10. Subsequently, those bidders having deficiencies in their documents were asked to furnish additional documents by 29.09.2014 for removing the deficiencies in the bid. On 29.09.2014 the bid evaluation

committee held its meeting (annexure-2) to review the evaluation report of bid part-1 prepared by the consultant, M/s Medhaj Techno Concept Pvt. Ltd. and opined that bid of Elecomponics Technology India Pvt. Ltd. was not technically responsive since the corroborative document for establishing the desired experience was not in line with the RFP. BEC found following five bidders technically qualified and recommended to open their financial offer:

Sl.No.	Name of the Bidding company
1.	ACME Solar Energy Pvt. Ltd.
2.	Jakson Engineers Ltd.
3.	Sukhbir Agro Energy Ltd.
4.	Jatadhari Merchandise Pvt. Ltd.
5.	K.M. Consortium

11. The financial bids of the above 5 technically qualified bidders were opened in their presence on 14.10.2014. As per the minutes of meeting (annexure-4), the tariff discovered was as follows:

Sl. No.	Name of the Bidding company	Capacity (MW)	Tariff (Rs/Kwh)	Proposed Location
1.	M/s Sukhbir Agro Energy Ltd., New Delhi.	30	9.33	To be indicated
2.	M/s Jakson Engineers Ltd., Noida	30	9.24	Bundelkhand /exact location to be indicated
3.	M/s K.M. Consortium, Lucknow	5	9.25	Bundelkhand region
4.	M/s Jatadhari Merchandise Pvt. Ltd., Uttarakhand	10	9.27	Mirzapur, Tehsil Jalalabad, Sharanpur
5.	M/s ACME Solar Energy Pvt., Ltd., Gurgaon	30	8.93	Not mentioned

The locations indicated above were tentative and could be firmed up within 150 days of issuance of LOI or financial closure as provided in RFP.

The BEC recommended to the empowered committee chaired by the Chief Secretary to approve the discovered fixed tariff quoted for the span of 12 years by above 5 bidders.

12. The above recommendation of BEC was later approved by the Empowered Committee chaired by the Chief Secretary, GoUP (annexure-5) on 10.11.2014 and subsequently by the GoUP (annexure-6) on 30.01.2015. The fixed tariff of successful bidders so approved is tabulated hereunder:-

Sl. No.	Name of the Bidding company	Capacity (MW)	Tariff (Rs/Kwh)
1.	M/s Sukhbir Agro Energy Ltd., New Delhi.	30	9.33
2.	M/s Jakson Engineers Ltd., Noida	30	9.24
3.	M/s K.M. Consortium, Lucknow	5	9.25
4.	M/s Jatadhari Merchandise Pvt. Ltd., Uttarakhand	10	9.27
5.	M/s ACME Solar Energy Pvt., Ltd., Gurgaon	30	8.93

13. It is submitted in the petition that as per clause (2.10.2.2iii) of RFP Companies shortlisted in RFP can also execute the project through a Special Purpose Vehicle (SPV). Accordingly SPVs were formed. The

names of SPVs formed by respective bidders and final locations of solar plant are given below:

Sl. No.	Name of the Bidding company	Capacity (MW)	Name of SPV	Location for solar power plant
1.	M/s Sukhbir Agro Energy Ltd., New Delhi.	30	Universal Saur Urja Pvt. Ltd. New Delhi	Vill:Kanpua, Kulphar, Distt: Mahba
2.	M/s Jakson Engineers Ltd., Noida	30	Green Urja Pvt. Ltd. New Delhi	Vill: Lodipura Distt: Mahoba
3.	M/s K.M. Consortium, Lucknow	5	K.M.Energy Pvt. Ltd. Lucknow	Vill: Ravai, Kulphar Distt: Mahoba
4.	M/s Jatadhari Merchandise Pvt. Ltd., Uttarakhand	10	Sun N Wind Infra Energy Pvt. Ltd.Bareilly	Vill:Pathabhanpur Tehsil:Mehauli Distt: Lalitpur
5.	M/s ACME Solar Energy Pvt., Ltd., Gurgaon	30	Nirosha Power Pvt. Ltd. Gurgaon	Vill: Dhavar Kulphar Distt: Mahoba

14. Subsequent to above approvals, UPNEDA issued LOIs to successful bidders on 02.02.2015 with directions to submit stipulated Contract Performance Guarantee (CPG) to UPNEDA. Thereafter, PPAs were entered into on 06.04.2015 with above mentioned SPVs of bidders.

15. On 02.02.2015, within 171 days (viz-a-viz normal period of 150 days) of date of publishing of RFP i.e. 14.07.2014, 5(five) successful bidders were issued Letter Of Intent (LOI) by UPNEDA. It has been submitted that although, post issuance of LOIs, there occurred some delay in signing of PPAs but since entire bidding process is completed within 300 days, as given in MNRE guidelines, this should not be treated as any deviation.

16. As per clause (7.3) of guidelines of MNRE, after the conclusion of bid process BEC has provided a certificate on conformity of the bid process and evaluation according to provisions of RFP document .

17. As per clause (7.3) of guidelines of MNRE, UPPCL, the procurer, has also provided a certificate on conformity of the bid process as per the guidelines.

18. As per clause 7.4 of the guidelines of MNRE, publications were made on 16.07.2015 in newspapers about the successful bidders and that UPPCL has entered into PPAs with successful bidders with all the documents available on the website of UPNEDA and that of procurer i.e. UPPCL. (annexure-7).

19. On 14.10.2015 the petition was filed in UPERC jointly by UPNEDA & UPPCL for adoption of above discovered tariffs.

20. On 11.12.2015 public notice was issued by the Commission (with a copy to UPNEDA & UPPCL) to stakeholders and interested parties to submit in writing comments/objection/suggestions to instant petition by 22.12.2015 and public hearing was scheduled in the matter on 29.12.2015 in the office of the Commission. However, due to inevitable circumstances, public hearing could take place on 28.01.2016 only. (annexure-8)

21. In the public hearing on 28.01.2016, the Commission enquired from the petitioner that why discovered tariffs are not in line with tariff discovered elsewhere in the country. The petitioner submitted that it was owing to comparatively shorter tenure of PPA i.e. 12 years viz-a-viz 25 years in other cases and due to the fact that the bid was conducted almost a year and half back when prices were higher.

The Commission also observed in the hearing that the PPA provides for tariff for next 13 years after the first 12 years to be the flat APPC of the 11th year. Further the PPA provides right to the seller to sell power at APPC without any power to the procurers to accept the power at APPC or decide otherwise. The Commission feels that this is a unilateral power bestowed on the sellers and appear to be against the natural principles of justice. Since this provision keeps the tariff for next 13 years open, it may turn out to be against the interest of consumers and the procurers as the procurers are not entitled to any subvention after the first twelve years.

Public representatives submitted that if the tariff is approved on 12 years basis the entire depreciation is charged in initial 12 years and after that fixed cost of the power from these plants becomes negligible. Since the cost of generation to the seller becomes very low the cheaper power must be sold to UPPCL only at the tariff decided by the Commission, after taking into account all relevant factors.

The developers tried to justify the tariff stating that tariff must be benchmarked with the then prevailing rates only. They also submitted that since now PPA has been executed based on old investments hence prayed the Commission to approve the PPA as well as tariff.

After hearing all the stakeholders, the Commission directed the petitioners to submit the following:

i. detailed justification of discovered tariff,
ii. appropriate certifications in original on conformity of the bid process as per clause 7.3 of MNRE guidelines enclosed with the petition,

22. In compliance with above directions, UPNEDA vide letter dated 14.03.2016 submitted that tariff is discovered through transparent

bidding process and submitted MoM which carried acceptance of justification of discovered tariff by BEC.

UPNEDA also submitted certificate (in original) issued by BEC certifying that bid evaluation in respect of the bid process was done in conformity with the provisions of RFP document dated 14.07.2014 (annexure-9), certificate (in original) issued by CE PPA UPPCL, the procurer, certifying conformity to the bid process and the guidelines for tariff based competitive bidding for grid connected power projects (annexure-10) and authorization certificate (in original) issued by Director (Commercial) UPPCL authorizing CE PPA UPPCL to issue procurer's certificate (annexure-11).

23. During the hearing a point had arisen as to whether the Commission has the power to look into the fairness of tariff discovered through a competitive bidding process under Section 63. Two important cases on this subject which have been brought to our notice are:-

(a) Decision of Hon'ble APTEL in Appeal No.82 of 2011 in the matter of M/s Essar Power Limited Vs. NPCL & Others.

(b) Judgement of Division Bench of Hon'ble High Court, Rajasthan Special Appeal (Writ) No.604/2014 & Special Appeal (Writ) No.538/2014 in the matter of M/s S.K.S Power Gen. Ltd. and Athena Power Ltd. Vs. State of Rajasthan & Others.

In the Appeal No.82, Hon'ble APTEL had observed that the Commission has no right to look into the fairness of the bidding discovered through the Competitive bidding process Hon'ble APTEL's observations are as follows:-

"The powers of the State Commission are limited under Section 63 of the Act. The State Commission while dealing with the petition under Section 63 for adoption of tariff could either reject the petition if it finds that the bidding was not as per the statutory framework or adopt the tariff if it is discovered by a transparent process conducted as per the Government of India guidelines. Section 63 starts with non-obstante clause and excludes the tariff determination powers of the State Commission under Section 62 of the Act. The entire focus of the competitive bidding process under Section 63 is to discover the competitive tariff in accordance with the market conditions and to finalize the competitive bidding process in accordance with Central Government's guidelines, standard document of Request for Proposal and the PPA".

Even though the facts of the case in which the above orders were passed by the Hon'ble APTEL were different, the above observations are definitely relevant for the present case. In the matter under above appeal No.82, an offer from a third party was taken as a basis for procurer company to infer that rates discovered during the bidding process were on higher side and were therefore not fair. In the present case, there is no such extraneous consideration. Still the Commission feels that the observations of the Hon'ble APTEL should guide this Commission in passing an order in the instant case.

The Commission is however also cognizant of the order passed by the Division Bench of the Hon'ble High court of Rajasthan, in the above said special appeal they observed as follows:-

"As would be evident from hereinabove, the Commission has not only, amongst others, been entrusted with the function of determining the tariff for generation, supply, transmission and wheeling of electricity, it is also required to regulate electricity purchase and procurement process of distribution licensees or from other sources through agreements for purchase of power for distribution and supply within the State. A plain reading of these two clauses of Section 86, in our comprehension, admits of no doubt that the Commission is obligated, under the statute, to undertake a detailed exercise, while acting under Section 63 of the Act, to examine as to whether the tariff had been determined through a fair, objective and hyaline process conducted and administered in accordance with the guidelines issued by the Central Government. The apprehension thus, that the Commission is either debarred or would be inhibited to undertake this inquisition for verifying as to whether the tariff determined comports of underlying objective of regulation of electricity purchase and procurement process of distribution licensees on the basis of professed norm of competitive bidding to reduce the overall cost of procurement of power and facilitate the development of power markets, and to protect as well the consumer interest is, in our discernment, wholly belied".

24. From the reading of two judgments of Hon'ble APTEL and Hon'ble High Court, Rajasthan, the Commission comes to the conclusion that even though it should not interfere in the tariff discovered through the bidding process under section 63, it definitely has a mandated obligation to see that the conditions and terms of the PPA are fair and

not in any way prejudicial to the interest of the consumers. Here on examination of the terms of the PPA executed between procurer and the developer, Commission feels that the terms of PPA are not balanced especially in the period beyond first 12 years of the project. It may be pointed out that the developer has already mostly recovered its capital cost during the first 12 years of the project and therefore from 13th to 25th year, tariff should be determined based on RoE, O&M expenses and the interest on working capital loan only. Further, Commission feels that terms of PPA give more leverage to the developer vis-à-vis procurer in deciding the supply of power after first 12 years of project. The developer has got liberty to force its decision on procurer to buy power at APPC but the procurer has no recourse available to protect its commercial interest, if they find the APPC unviable at that point of time. It may be emphasized here again that any undue advantage to developer eventually burdens the consumers.

25. To do away with aforementioned unilateral provisions of the PPA regarding supply of power after first 12 years of the project, the Commission decides that after first 12 years, the tariff for subsequent 13 year life of the project, shall be decided by the Commission under the provisions of the then prevailing Regulations in this regard.

26. In view of all above, the Commission approves PPA for above selected developers for the first 12 years of the project at discovered tariff with the condition that developers will have to supply power from 13th year to 25th year at the tariff as will be decided by the Commission at the appropriate time based on RoE, O&M expenses and the interest on working capital loan only. Interest on loan and depreciation will not be

admissible as the loans would have been paid off and 90% of the project cost would have been allowed in the first 12 years. The procurers or the sellers can approach the Commission before the end of Eleventh year for determination of tariff for remaining 13 years.

27. As per clause 6.3 of MNRE guidelines-

"The procurer shall constitute committee for evaluation of the bids (Evaluation Committee) with at least one member external to the procurer's organization and affiliates……."

However, again in this case the external member is from the GoUP, an affiliate of procurer. Hence the BEC does not seem to be in line with the spirit of guidelines. The Commission accepts the finding of BEC with an advice to UPPCL/UPNEDA that in future BEC must be in line with the guidelines of MNRE.

28.The petition is disposed of.

(S.K. Agarwal)	(Indu Bhushan Pandey)	(Desh Deepak Verma)
Member	Member	Chairman

Place: Lucknow
Dated: 06.04.2016

Annexure - A1

संख्याः 804 /45–वि0–2013– 8(10)अति0ऊर्जा/2011टी0सी0

प्रेषक,

वीरेश्वर सिंह,
विशेष सचिव,
उत्तर प्रदेश शासन।

सेवा में,

समस्त प्रमुख सचिव/सचिव,
उ0प्र0 शासन ।

अतिरिक्त ऊर्जा स्रोत विभाग लखनऊ : दिनांक : 24 अप्रैल, 2013

विषयः– मा0 मंत्रिपरिषद द्वारा अनुमोदित सौर ऊर्जा नीति–2013 के प्रस्तर–4.2 तथा प्रस्तर– 4.5 में संशोधन किये जाने के संबंध में।

महोदय,

उपर्युक्त विषयक शासनदेश संख्या–182/45–वि0–2013 8(10)अति0ऊर्जा/ 2011टी0सी0, दिनांक 22 फरवरी, 2013 के क्रम में मुझे यह कहने का निदेश हुआ है कि व्यवहारिक कठिनाइयों के दृष्टिगत उच्च स्तरीय समिति द्वारा सम्यक विचारोपरान्त लिये गये निर्णय के अनुसार उक्त नीति के प्रस्तर–4.2 तथा प्रस्तर– 4.5 में राज्य पाल महोदय निम्नानुसार संशोधन किये जाने की सहर्ष स्वीकृति प्रदान करते है।

प्रस्तर–4.2– उ0प्र0 पावर कार्पोरेशन लि0 द्वारा सफल बिडर के साथ 10 वर्ष के स्थान पर 12 वर्ष का पावर क्रय अनुबन्ध (पीपीए)निष्पादित किया जायेगा ।

प्रस्तर–4.5– सोलर फोटोवोल्टाइक परियोजना की कमिशनिंग की समय सीमा पी0पी0ए0 हस्ताक्षरित होने की तिथि से 13 माह के स्थान पर 25 मेगावाट की क्षमता से अधिक परियोजनाओं की कमिशनिंग समय सीमा 18 माह होगी ।

मा0 मंत्रिपरिषद के अनुमोदनोपरान्त शासनादेश दिनांक 22 फरवरी, 2013 द्वारा निर्गत की गयी सौर ऊर्जा नीति–2013 इस सीमा तक संशोधित समझी जाय।

भवदीय,

(वीरेश्वर सिंह)
विशेष सचिव।

Annexure-2 (28) (44)

संख्याः 1275 /45–वि0(अति0ऊ0

प्रेषक,

देशराज
संयुक्त सचिव,
उत्तर प्रदेश शासन।

सेवा में,

निदेशक,
उ0 प्र0 नवीन एवं नवीकरणीय ऊर्जा विकास अभिकरण,
विभूति खण्ड, गोमतीनगर, लखनऊ।

अतिरिक्त ऊर्जा स्रोत विभाग लखनऊ : दिनांक : 22 जुलाई, 2014

विषयः– 300 मेगावाट क्षमता की ग्रिड संयोजित सोलर पावर प्लाण्ट संयत्रों की स्थापना हेतु आमंत्रित टैरिफ आधारित बिड को खोलने एवं मूल्यांकन करने हेतु बिड इवैल्यूएशन कमेटी का गठन करने के संबंध में ।

महोदय,

(47)

उपरोक्त विषयक ऊर्जा विकास अभिकरण के पत्र संख्या- 1984 /यूपीनेडा–एसई–सोलर पालिसी–2013/2012–2013, दिनांक 17 जुलाई 2014 के संदर्भ में मुझे यह कहने का निदेश हुआ है कि शासन द्वारा सम्यक विचारोपरान्त सौर ऊर्जा नीति–2013 के अन्तर्गत 200 मेगावाट क्षमता के सोलर पावर प्लाण्ट की स्थापना हेतु कार्यालय ज्ञाप संख्या–846 /45–वि0(अति0ऊ0सो0वि0)/2013, दिनांक 06–05–2013 द्वारा गठित इवैल्यूएशन कमेटी को 300 मेगावाट क्षमता के सोलर पावर प्लाण्ट की बिड खोलने एवं मूल्यांकन करने हेतु अधिकृत किये जाने का निर्णय लिया गया है।

निदेशक
23/07/14

2– बिड इवैल्यूएशन कमेटी द्वारा पूर्व की भाँति अपनी संस्तुति अतिरिक्त ऊर्जा स्रोत विभाग को उपलब्ध करायी जायेगी। अतिरिक्त ऊर्जा स्रोत विभाग द्वारा परीक्षणोपरान्त उक्त समिति की संस्तुति पर वित्त विभाग एवं न्याय विभाग का अभिमत प्राप्त कर इम्पावर्ड कमेटी के समक्ष अनुमोदन हेतु प्रस्तुत किया जायेगा ।

कृपया तदनुसार आवश्यक कार्यवाही सुनिश्चित करने का कष्ट करें।

भवदीय,

(देशराज)
संयुक्त सचिव।

Annexure-3

उ0प्र0 नवीन एंव नवीकरणीय ऊर्जा विकास अभिकरण द्वारा सौर ऊर्जा नीति-2013 के अन्तर्गत 300 मेगावाट सोलर पावर परियोजनाओं की स्थापना के लिए आमंत्रित टैरिफ आधारित बिड्स को खोलने एंव मूल्यांकन के सम्बन्ध में बिड इवैलुयेशन समिति की दिनांक 24-9-2014 की बैठक का कार्यवृत्त

RFP No.01/UPNEDA/Grid connect/RFP/2014

उ0प्र0 नवीन एंव नवीकरणीय ऊर्जा विकास अभिकरण द्वारा सौर ऊर्जा नीति-2013 के अर्न्तगत 300 मेगावाट सोलर पावर परियोजनाओं की स्थापना के लिए आमंत्रित टैरिफ आधारित बिड्स को इकोनामिक टाईम्स समस्त संस्करण, हिन्दुस्तान टाईम्स नई दिल्ली एवं दैनिक जागरण (हिन्दी) लखनऊ समाचार पत्रो में प्रकाशित एवं अभिकरण की वेबसाइट पर होस्ट की गयी। बिड इवैल्यूएशन कमेटी की बैठक दिनांक 24-9-2014 को सम्पन्न हुई, जिसमें कमेटी के निम्नांकित सदस्य उपस्थित थे :-

1	निदेशक, यूपीनेडा	अध्यक्ष
2	सचिव एंव मुख्य परियोजना अधिकारी,यूपीनेडा	सदस्य/सचिव
3	वरि0परि0अधिकारी, ग्रेड-1, यूपीनेडा	सदस्य
4	परियोजना अधिकारी,यूपीनेडा,सौर ऊर्जा नीति	सदस्य
5	संयुक्त सचिव, अतिरिक्त ऊर्जा स्रोत विभाग,उ0प्र0शासन	सदस्य
6	विशेष सचिव, वित्त, उ0प्र0शासन	सदस्य
7	विशेष सचिव, न्याय, उ0प्र0शासन	सदस्य

300 मेगावाट सोलर पावर परियोजनाओं की स्थापना के लिए आमंत्रित टैरिफ आधारित बिड्स में निम्न बिडर्स से उनके सम्मुख अंकित परियोजना क्षमता के आफर प्राप्त हुये:-

1.	मेसर्स एलकम्पोनिक्स टेक्नोलोजिज इण्डिया प्रा. लि., नोयडा	05 मेगावाट क्षमता
2.	मेसर्स जैक्शन इंजीनियर्स लि0, दिल्ली	30 मेगावाट क्षमता
3.	मेसर्स सुखबीर एग्रो इनर्जी लिमिटेड, नई दिल्ली	30 मेगावाट क्षमता
4	मेसर्स के. एम. कर्न्सोशियम, लखनऊ	05 मेगावाट क्षमता
5	मेसर्स जटाधारी मर्चेंटडाईज प्राईवेट लिमिटेड, काशीपुर, उत्तराखण्ड	10 मेगावाट क्षमता
6	मेसर्स एक्मे सोलर प्राईवेट लिमिटेड, गुड़गांव हरियाणा	30 मेगावाट क्षमता

बिड इवैल्यूएशन कमेटी एंव बिड प्रक्रिया हेतु नियुक्त कन्सलटेन्ट मैसर्स मेधज टेक्नो कांसेप्ट प्राईवेट लिमिटेड लखनऊ के प्रतिनिधि के समक्ष उपरोक्त 06 बिडर्स से प्राप्त तकनीकी एवं वित्तीय आफर को अलग-अलग करके वित्तीय आफर को लिफाफे में सील्ड बंद कर उपस्थित इवैल्यूएशन कमेटी के सदस्यो के हस्ताक्षर कराकर परियोजन अधिकारी, यूपीनेडा, सौर ऊर्जा नीति को सुरक्षित रखने हेतु सौप दिया गया। बिडर्स से तकनीकी आफर हेतु प्राप्त सील्ड बंद लिफाफो को इवैल्यूएशन कमेटी के सदस्यो एवं बिडर्स के प्रतिनिधियो जो कि उपस्थित थे, के समक्ष खोल गया।

Annexure 4

उ0प्र0 नवीन एंव नवीकरणीय ऊर्जा विकास अभिकरण द्वारा सौर ऊर्जा नीति-2013 के अन्तर्गत 300 मेगावाट सोलर पावर परियोजनाओं की स्थापना के लिए आमंत्रित टैरिफ आधारित बिड्स के वित्तीय आफर को खोलने एंव मूल्यांकन के सम्बन्ध में बिड इवैलूयेशन समिति की दिनांक 14-10-2014 की बैठक का कार्यवृत्त:

RFP No.01/UPNEDA/Grid connecte/RFP/2014

उ0प्र0 नवीन एंव नवीकरणीय ऊर्जा विकास अभिकरण द्वारा सौर ऊर्जा नीति-2013 के अन्तर्गत 300 मेगावाट सोलर पावर परियोजनाओं की स्थापना के लिए आमंत्रित टैरिफ आधारित बिड का तकनीकी आफर दिनांक 24-9-2014 एंव दिनांक 29-9-2014 को बिड इवैल्यूएशन कमेटी के निम्नलिखित उपस्थित सदस्यों के समक्ष खोला गया :-

1.	निदेशक,यूपीनेडा	अध्यक्ष
2	सचिव एंव मुख्य परियोजना अधिकारी,यूपीनेडा	सदस्य/सचिव
3	वरि0परि0अधिकारी, ग्रेड-1,यूपीनेडा	सदस्य
4	परियोजना अधिकारी,यूपीनेडा,सौर ऊर्जा नीति	सदस्य
5	संयुक्त सचिव,अतिरिक्त ऊर्जा स्रोत विभाग,उ0प्र0शासन	सदस्य
6	विशेष सचिव, न्याय विभाग, उ0प्र0शासन	सदस्य
7	विशेष सचिव, वित्त, उ0प्र0शासन	सदस्य

300 मेगावाट सोलर पावर परियोजनाओं की स्थापना के लिए आमंत्रित टैरिफ आधारित बिड्स में कुल 06 निविदायें प्राप्त हुई थी। प्राप्त निविदाओ का तकनीकी मूल्यांकन बिड इवैल्यूएशन कमेटी द्वारा किया गया जिसमें मेसर्स एलकम्पोनिक्स टेक्नोलोजिज इण्डिया प्रा. लि., नोयडा का आफर तकनीकी रूप से अर्ह नही पाया गया तथा शेष निम्न 05 निविदादाताओ जो निम्न है के तकनीकी आफर अर्ह पाये गये:-

1.	मेसर्स जैक्शन इंजीनियर्स लि0, दिल्ली	30 मेगावाट क्षमता
2.	मेसर्स सुखबीर एग्रो इनर्जी लिमिटेड, नई दिल्ली	30 मेगावाट क्षमता
3.	मेसर्स के. एम. कन्सोशियम, लखनऊ	05 मेगावाट क्षमता
4.	मेसर्स जटाधारी मर्चेंटडाईज प्राईवेट लिमिटेड, काशीपुर, उत्तराखण्ड	10 मेगावाट क्षमता
5.	मेसर्स एक्मे सोलर प्राईवेट लिमिटेड, गुड़गांव हरियाणा	30 मेगावाट क्षमता

बिड इवैल्यूएशन कमेटी द्वारा सम्यक विचारोपरान्त की गई संस्तुति के अनुसार मेसर्स एलकम्पोनिक्स टेक्नोलोजिज इण्डिया प्रा. लि., नोयडा को छोड़कर तकनीकी रूप से अर्ह पाये गये उक्त 05 निविदादाताओ के वित्तीय आफर को दिनांक 14-10-2014 को उपस्थित बिड इवैल्यूएशन कमेटी के सदस्यों एंव निविदाताओ के समक्ष खोला गया।

निविदादाताओ द्वारा कोटेड़ परियोजना क्षमता के लिए सोलर पावर विक्रय 12 वर्ष के लिए नियत कोटेड दरे निम्नवत् विवरण के अनुसार उपलब्ध करायी गयी :-

Annexure-J 125

सौर ऊर्जा नीति–2013 के अन्तर्गत 300 मेगावाट क्षमता की आमंत्रित बिड में प्राप्त वित्तीय आफर एवं प्रस्तावित ओपेन एण्डेड योजना पर विचार–विमर्श करने एवं अनुमोदन हेतु मुख्य सचिव महोदय की अध्यक्षता में गठित उच्च स्तरीय समिति की बैठक दिनांक 10.11.2014 का कार्यवृत्त।

1. उक्त बैठक में उपस्थित अधिकारियो की सूची संलग्न है।

2. उक्त बैठक में सौर ऊर्जा नीति–2013 में प्रस्तावित 300 मेगावाट क्षमता की सोलर पावर परियोजनाओ की स्थापना के लिए बिड आमंत्रित की गयी। टैरिफ आधारित बिडिंग में प्राप्त बिड्स के मूल्यांकन के सम्बन्ध में उ0प्र0 नवीन एवं नवीकरणीय ऊर्जा विकास अभिकरण (यूपीनेडा) द्वारा पावर प्वांइट प्रजेन्टेशन किया गया।

3. 300 मेगावाट की क्षमता के सोलर पावर परियोजनाओ की स्थापना हेतु आमंत्रित बिड्स में प्राप्त 110 मेगावाट क्षमता की बिड्स के सापेक्ष 105 मेगावाट की बिड्स तकनीकी मूल्यांकन के उपरान्त अर्ह पायी गयी। 105 मेगावाट क्षमता के बिडर्स के वित्तीय आफर पर बिड इवैल्यूएशन कमेटी द्वारा की गयी संस्तुति के अनुसार बिडर्स द्वारा 12 वर्षो के लिए कोटेड टैरिफ निम्नवत है :–

Sl .No	Name of the Bidding company	Capacity Quoted in (MW)	Tariff offered per kwh for 12 years in Rs
1.	Jakson Engineers Ltd, Noida	30	9.24
2.	K.M. Consortium, Lucknow	5	9.250
3.	ACME Solar Energy Private Limited, Gurgaon	30	8.930
4.	Jatadhari Merchandise Pvt Ltd, Uttarakhand	10	9.27
5.	Sukhbir Agro Energy Ltd, New Delhi.	30	9.33
	Total Capacity	105	

बिड इवैल्यूएशन कमेटी द्वारा की गयी उक्त संस्तुति पर उच्च स्तरीय समिति द्वार विचार किया गया।

4. उच्च स्तरीय समिति द्वारा मैसर्स जैक्शन इंजीनियर्स लिमिटेड से 30 मेगावाट क्षमत के लिए रू. 9.24, मैसर्स के.एम. कन्सोर्शियम से 5 मेगावाट के लिए रू. 9.250, मैसर्स एव सोलर इनर्जी प्रा. लि. से 30 मेगावाट के लिए रू. 8.930, मैसर्स जटाधारी मर्चेंडाईज प्रा. लि से 10 मेगावाट के लिए रू. 9.27 एवं मैसर्स सुखबीर एग्रो इनर्जी लिमिटेड से 30 मेगाव क्षमता के लिए रू. 9.33 कोट किया गया टैरिफ अनुमोदित किया गया।

5. उच्च स्तरीय समिति द्वारा यह भी निर्णय लिया गया कि प्रदेश में सोलर पावर सृजन हेतु सौर ऊर्जा नीति–2013 के अनुसार सौर पावर को क्रय करने हेतु निष्पादित कि

Annexure - A

संख्याः 251 / 45–वि0(अति0ऊ0स्रो0वि0) / 2015

प्रेषक,

देशराज
संयुक्त सचिव,
उत्तर प्रदेश शासन।

सेवा में,

निदेशक,
उ0 प्र0 नवीन एवं नवीकरणीय ऊर्जा विकास अभिकरण,
विभूति खण्ड, गोमतीनगर, लखनऊ।

अतिरिक्त ऊर्जा स्रोत विभागः लखनऊ : दिनांक :30 जनवरी, 2015

विषयः– उ0प्र0 नवीन एवं नवीकरणीय ऊर्जा विकास अभिकरण (यूपीनेडा) द्वारा सौर ऊर्जा नीति–2013 के अन्तर्गत 300 मेगावाट क्षमता हेतु आमंत्रित प्रतिस्पर्धात्मक टैरिफ बेस्ड बिडिंग के आधार पर प्राप्त नियत कोटेड टैरिफ के अनुसार परियोजना विकासकर्ताओं के चयन के सम्बन्ध में।

महोदय

उपर्युक्त विषयक पर मुझे यह कहने का निदेश हुआ है कि प्रदेश में ग्रिड संयोजित सौर ऊर्जा परियोजनाओं के विकास हेतु प्रतिपादित सौर ऊर्जा नीति–2013 के अन्तर्गत 500 मेगावाट क्षमता की ग्रिड संयोजित सोलर पावर परियोजनाओं की स्थापना के लिए टैरिफ आधारित प्रतिस्पर्धात्मक बिडिंग आमंत्रित किये जाने का प्राविधान है। सौर ऊर्जा नीति–2013 में उपलब्ध प्राविधान के अनुसार उ0प्र0 नवीन एवं नवीकरणीय ऊर्जा विकास अभिकरण (यूपीनेडा) द्वारा 300 मेगावाट क्षमता की ग्रिड संयोजित सोलर पावर परियोजनाओं की स्थापना के लिए टैरिफ आधारित प्रतिस्पर्धात्मक बिडिंग आमंत्रित की गयी।

2. सौर ऊर्जा नीति–2013 के प्राविधानों के अनुसार प्रतिस्पर्धात्मक बिडिंग के आधार पर निम्नांकित तालिका के अनुसार नियत कोटेड टैरिफ पर परियोजना विकासकर्ताओं के नाम के सम्मुख अंकित परियोजना क्षमता एवं उक्त के लिए प्राप्त टैरिफ पर शासन की अनुमति

ANNEXURE -7

U.P. ELECTRICITY REGULATORY COMMISSION

Kisan Mandi Bhawan, 2nd Floor, Gomti Nagar, Lucknow
Ph.: 0522-2720426, 2720427 Fax: 0522-2720423, E-mail: secretary@uperc.org

Ref. UPERC/Secy/JD(G)/2015/1752 Lucknow dated: 10th December, 2015

PUBLIC NOTICE

In the matter of: Petition No. 1050 of 2015 filed by U.P New and Renewable Energy Development Agency (UPNEDA) and UP Power Corporation Limited (UPPCL) Vs. Jakson Engineers Ltd & Ors., for adoption of tariff under section 63 of the Electricity Act 2003 discovered through competitive bidding process as per the standard guidelines issued by the Central Government for procurement of solar power from grid connected solar PV projects.

The bidding process was carried out under Solar Power Policy 2013 by UPNEDA who has been authorized by the Go UP for conducting the bid process. Subsequently, UPPCL has entered in to Power Purchase Agreements (PPAs) with five (5) developers for 105 MW solar power capacity.

UPNEDA has intimated that vide public notice in newspapers dated 16th July 2015, they have made the details of the bids public and placed all the documents on their website http://neda.up.in, and procurer's website

Notice is hereby given to the stakeholders and interested parties to submit in writing comments/objections/suggestions to the above petition directly to the Commission at Kisan Mandi Bhawan, 2nd Floor, Gomti Nagar, Lucknow, with an advance copy to the petitioner, in person or by post so as to reach on or before 11:00 hrs. on 22.12.2015. UPNEDA would submit reply by 28.12.2015.

The hearing in the matter shall be held on 29.12.2015 at 11:30 hrs. in the office of the Commission.

SECRETARY

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...Missing Link Bridge Work

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U.P. ELECTRICITY REGULATORY COMMISSION

Kisan Mandi Bhawan, 2nd Floor, Gomti Nagar, Lucknow
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The bidding process was carried out under Solar Power Policy 2013 by UPNEDA who has been authorized by the Go UP for conducting the bid process. Subsequently, UPPCL has entered in to Power Purchase Agreements (PPAs) with five (5) developers for 105 MW solar power capacity.

UPNEDA has intimated that vide public notice in newspapers dated 16th July 2015, they have made the details of the bids public and placed all the documents on their website http://neda.up.in, and procurer's website

Notice is hereby given to the stakeholders and interested parties to submit in writing comments/objections/suggestions to the above petition directly to the Commission at Kisan Mandi Bhawan, 2nd Floor, Gomti Nagar, Lucknow, with an advance copy to the petitioner, in person or by post so as to reach on or before 11:00 hrs. on 22.12.2015. UPNEDA would submit reply by 28.12.2015.

The hearing in the matter shall be held on 29.12.2015 at 11:30 hrs. in the office of the Commission.

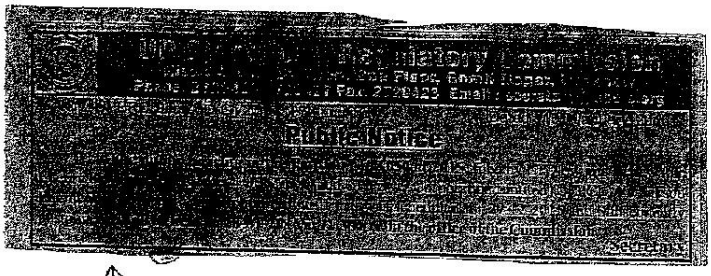
SECRETARY

D. (G)

11.12.15

Amar Ujala
11.12.15

ANNEXURE - 8



Public Notice

Amar Ujala 14.1.16 Pg - 12

UP Electricity Regulatory Commission
Vidyut Nivamak Bhawan, 2nd Floor, Gomti Nagar, Lucknow
Phone: 2720426,2720427 Fax: 2720423 Email : secretary@uperc.org

No. UPERC/Secy/JD(C)/2016/187 Lucknow Dated : 13th January, 2016

Public Notice

The public hearing in the Petition No. 1050 of 2015, filed by UP New and Renewable Energy Development Agency (UPNEDA) and UP Power Corporation Limited (UPPCL) Vs Jaksons Infratech (India) Pvt. Ltd. & Anr. regarding cancellation of tariff that was scheduled for 29-12-2015 and subsequently postponed, shall be held on 28-01-2016 at 11.30 hrs. in the office of the Commission.

Secretary

Times of India 14.1.16
Pg - 17

Dir (Gen)

For your kind information.

14.1.16

JD(C)

Annexure - 9

Conformity Certificate
By
The Evaluation Committee

Tariff Based Competitive Bidding Process conducted by U.P. New and Renewable Energy Development Agency (UPNEDA), Lucknow vide RfP dated 14-7-2014 for Procurement of 300 MW Power from Grid connect Solar PV power Projects for Long Term under Case -1 Bidding Procedure of the Ministry of New and Renewable Energy (MNRE), Govt of India.

This is to certify that the bid evaluation in respect of above bid process ha conformance with the provision of the RFP dated 14-7-2014.

(Namrata Kalra)
Project Officer UPNEDA
Solar Energy Policy

(Harinam Singh)
Senior Project Officer-1
UPNEDA

(Gyaneshwar Tripathi)
Secretary & CPO
UPNEDA

(DeshRaj)
Joint Secretary,
Additional Sources of Energy
Govt Of U.P

(Brijesh Kumar Singh)
Special Secretary Finanace
Govt of U.P.

(J.P.Singh)
Spl Secretary Legal
Govt of U.P

(Kumar Ravikant Singh)
Director
UPNEDA

Annexure 10

Office of Chief Engineer
Power Purchase Agreement Directorate,
14th Floor, Shakti Bhawan Extn.,
14-Ashok Marg,Lucknow –226 001
TeleFax :0522-2287846,
Email:ceppa.2009@Gmail.com

Dated: 15/07/2015

To Whomsoever It May Concern

This is to certify that the bidding process conducted by U.P. New and Renewable Energy Development Agency (UPNEDA) Lucknow as authorized representative / bid Process Co-ordinator for procurement of 300 MW Power from Grid Connect Solar PV Power Projects is in conformity to the Guidelines for tariff based Competitive Based Process for Grid connected Power Projects based on Renewable Energy sources of Ministry of New and Renewable Energy (MNRE), Govt. of India.

Yours faithfully,

Signature & designation
with Seal
Uttar Pradesh Power Corporation Limited

C.E. (P.P.A.)
U. P. P. C. L.
Shakti Bhawan Extn
Lucknow

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Annexure-11

संजय कुमार सिंह निदेशक (वाणिज्य)		उत्तर प्रदेश पावर कारपोरेशन लिमिटेड (उ0प्र0 सरकार का उपक्रम) शक्ति भवन, 14–अशोक मार्ग,लखनऊ–226 001

पत्रांक –1005/मु0अ0/पी0पी0ए0 दिनांक 01 –02–2016

निदेशक,
उ0प्र0 नवीन एवं नवीकरणीय ऊर्जा विभाग,
विभूतिखण्ड, गोमती नगर,
लखनऊ।

विषयः– 105 मेगावाट क्षमता की ग्रिड संयोजित सौर पावर परियोजनाओं के टैरिफ adoption हेतु यूपीईआरसी में दायर पीटिशन के सम्बन्ध में।

कृपया उपर्युक्त विषयक प्रकरण के सम्बन्ध में अध्यक्ष, उ0प्र0 पावर कारपोरेशन लि0 को सम्बोधित अपने कार्यालय के पत्र संख्या– 6044/यूपीनेडा–एसई–यूपीईआरसी/2016, दिनांक 15–02–2016 का संदर्भ ग्रहण करने का कष्ट करें।

आपको अवगत कराना है कि उक्त प्रकरण में मुख्य अभियन्ता, पी0पी0ए0 को प्रक्योरर्स प्रमाण पत्र निर्गत करने हेतु अध्यक्ष महोदय, उ0प्र0 पावर कारपोरेशन लि0 द्वारा दिनांक 06–07–2015 को अधिकृत किया गया था। तदानुसार दिनांक 15–07–2015 को मुख्य अभियन्ता, पी0पी0ए0 द्वारा सम्बन्धित प्रक्योरर्स प्रमाणपत्र निर्गत किया गया।

25/2/16

(संजय कुमार सिंह)
निदेशक (वाणिज्य)

/R-10