

Petition No. 1420 of 2018

BEFORE

THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

**PRESENT:**

Hon'ble Sri Raj Pratap Singh, Chairman  
Hon'ble Sri Suresh Kumar Agarwal, Member  
Hon'ble Sri Kaushal Kishore Sharma, Member

**IN THE MATTER OF:** Petition for consent/approval of bill process undertaken by Solar Energy Corporation of India Ltd. (SECI) for development of 3x50 MW floating Solar Power Plant on Rihand Reservoir in UP

UP Jal Vidyut Nigam Ltd.  
(through its Managing Director),  
12<sup>th</sup> Floor, Shakti Bhawan Extn.,  
14-Ashok Marg  
Lucknow

..... Petitioner

The following were present:

1. Sri Manas Ranjan Mishra, Manager, SECI
2. Sri Pranav Agrawal, Advocate

**ORDER**

(Date of Hearing 27.03.2019 & 05 April, 2019)

UP Jal Vidyut Nigam Ltd., the petitioner has filed this Petition seeking the consent of the Commission as required in clause 8.6 of guidelines for Tariff Based Competitive Bidding Process for procurement of power from Grid Connected Solar PV Power Project issued by Ministry of Power, Govt. of India on 03.08.2017 and amendment thereto dated 15.6.2018.

2. Clause no.8.6. of these guidelines reads as under :

**8.6 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 bidding, and the Procurers still wants to continue with the bidding process, the same may be done with the consent of the Appropriate Commission.**

3. Solar Energy Corporation of India (SECI) has been roped in by UPPCL as "intermediate procurer" between developers and UPPCL for setting up of 150 MW Grid Connected Solar Power project on the water surface of Rihand reservoir which is owned by UP Jal Vidyut Nigam Ltd. the Energy task Force of UP Government had approved the appointment of SECI as "Intermediate Procurer" with trading margin of Rs.0.07 per unit. The Project is to be developed by private developers in PPP mode. The project has been divided in three packages known as 'A', 'B' & 'C' with each package of 50 MW capacity.

4. SECI has conducted the Global Competitive Bidding on the basis of aforesaid guidelines of Govt. of India. Separate bidding has been conducted for each package and PPA will also be executed for each package separately.

5. After the bidding, two bids were received against Package 'B' and one bid was received both for package 'A' & 'C'. SECI made three attempts of bidding and extended the bid submission deadline several times. Each extension was considered as a fresh attempt of bidding but SECI could get only one bid for package 'A' & 'C'.

6. For package 'B' in which two bids were received and tariff of Rs.3.31 per unit was received was put to reverse auction and as a result of which M/s Shapoorji Pallonji Infrastructure Capital Company Pvt. Ltd., Mumbai emerged as the successful bidder by quoting the tariff of Rs.3.29 per unit against package 'B'. SECI, in line with GFR and CVC Guidelines carried out negotiations with single bidder. M/s ReNew Solar Power Pvt. Ltd. for reducing the tariff for Package 'A' and 'C' and as a result of negotiations the single bidder M/s ReNew Solar Power Pvt. Ltd. agreed to reduced tariff for package 'A' & 'C' to Rs. 3.29 per unit. Now the final price determined for all the three packages is Rs.3.29 per unit .

7. Since the approval of the Electricity Regulatory Commission of the State is mandated in clause 8.6 of the aforesaid bidding guidelines of Govt. of India, to consider the single bid,



UPJVUNL has approached this Commission for approval to allow consideration of single bid for package 'A' & 'C'

8. The Commission heard this matter on 27.03.2019 and asked the petitioner to submit the bid documents and logs of reverse e-auction. The petitioner has submitted the required documents on 03.04.2019.

9. The Commission heard this matter again on 05.04.2019 in which the petitioner informed the Commission that they have filed the required documents. After perusing the submitted documents the Commission found that the bids were uploaded on SEC's website and ETS Portal of TCIL on 06.09.2018 with the last date of bid submission as 28.09.2018 and bid opening date 01.10.2018, which was further extended for 10.10.2018 and again for 25.10.2018 with the revised bid opening date as 26.10.2018.

10. The Petitioner has submitted Annexure – V along with the other documents which bears the signatures of four officers of SECI. These officers mentioned that there are only two bidders for Package 'B' and one bidder for Package 'A' and 'C'. The document further says that M/s ReNew Solar Power Pvt. Ltd. has submitted bid for all the three packages and M/s Shapporji Pallonji Infrastructure Capital Co. Ltd. has submitted the bid for only package 'B'. Both the bidders have been found eligible for Techno-commercial evaluation and after opening the financial bid and e-reverse auction, the lowest tariff for package 'B' has been found at Rs. 3.29 per unit and after negotiation the lowest tariff for package 'A' & 'C' has also been finalized as Rs.3.29 per unit. In the initial bidding for package 'B' M/s ReNew Solar Power Pvt. Ltd was L-1 at Rs.3.30 per unit and M/s Shapporji Pallonji Infrastructure Capital Co. Ltd. was L-2 at Rs.3.31 per unit but after reverse auction M/s Shapporji Pallonji Infrastructure Capital Co. Ltd. has become L-1.

11. The Board of Directors of SEC in their meeting held on 21.01.2019 has approved the discovered tariff subject to approval of this Commission for package 'A' & 'C'.

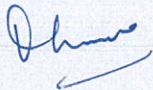
12. After considering the documents submitted before the commission the Commission finds that as per the guidelines of Govt. of India the bidder should have approached this Commission



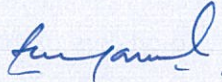
before opening the single bid for Package A and C but SECI has opened the bids and then have approached this Commission for post facto approval, which is against the regulatory norms. The Commission warns SECI for this lapse. However keeping in view the larger interest of the State of Uttar Pradesh and development of solar projects the Commission allows consideration and finalization of rates received for package 'A' & 'C' from the single bidder.

13. Since this petition has been filed only to seek consent of this Commission for opening and finalization of single bid in terms of clause 8.6 of Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects of Ministry of Power, Govt. of India. The Commission grants consent only for opening and finalization of bid. This shall not be treated as adoption of tariff under Section 63 of Electricity Act 2003. For adoption of tariff the Petitioner will have to file a separate Petition.

14. Petition no. 1420 of 2018 is accordingly disposed of.



(Kaushal Kishore Sharma)  
Member



(Suresh Kumar Agarwal)  
Member



(Raj Pratap Singh)  
Chairman

Place: Lucknow

Dated: 10.04.2019