



THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2338 of 2026

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF:

Petition under Section 63 read with Section 86(1)(b) of the Electricity Act, 2003 read with Regulation 15 of the UPERC (Conduct of Business) Regulations, 2019, read along with the extant guidelines issued by the Ministry of Power for approval of bidding documents including Request for Qualification, Request for Proposal, and Power Supply Agreement for invitation of e-Tender on DEEP Portal for Long Term Procurement of 4000 MW Power on Design, Build, Finance, Own and Operate basis by sourcing fuel under B(IV) of SHAKTI Policy, 2017.

AND

IN THE MATTER OF:

Uttar Pradesh Power Corporation Limited (UPPCL),

Shakti Bhawan, 14- Ashok Marg, Lucknow-226001

..... Petitioner

FOLLOWING WERE PRESENT

1. Shri Deepak Raizada, Director (Corporate Planning), UPPCL
2. Shri Ayush Singh, SE-Planning, UPPCL
3. Shri Avinash Kumar, EE-Planning, UPPCL
4. Shri Gaurav Dwivedi, AE-Planning, UPPCL
5. Shri Divyanshu Bhatt, Advocate, UPPCL
6. Shri Abhayaditya Singh, Advocate, UPPCL



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7. Shri Siddharth, Consultant, UPPCL
8. Shri Mohit Goyal, Consultant, UPPCL
9. Ms. Divya Chaturvedi, Advocate, JSW Energy
10. Ms. Shrishti Rai, Advocate, JSW Energy
11. Shri Rahul Singh, Manager, JSW Energy
12. Shri Amit Mittal, President, LPGCL
13. Shri Akshat Jain, Advocate, LPGCL
14. Shri Sayan Ghosh, Advocate, LPGCL
15. Ms. Nehanjali Mishra, AGM, LPGCL
16. Shri Amit Kumar Pandey, Sr. Mgr., LPGCL

ORDER

(DATE OF HEARING: 12.05.2026)

1. The present petition has been filed by the Petitioner, UPPCL, under Section 63 read with Section 86(1)(b) of the Electricity Act, 2003 read with Regulation 15 of the UPERC (Conduct of Business) Regulations, 2019, along with the extant guidelines issued by the Ministry of Power for approval of bidding documents including Request for Qualification (RFQ), Request for Proposal (RFP), and Power Supply Agreement (PSA) for invitation of e-Tender on DEEP Portal for Long Term Procurement of 4000 MW Power on Design, Build, Finance, Own and Operate (DBFOO) basis by sourcing fuel under B(IV) of SHAKTI Policy, 2017. The petitioner has prayed as follows:
2. The Following are the Prayers made by the Petitioner:
 - a. Admit the instant petition;
 - b. Approve the proposed RFQ, RFP and Draft PSA, along with the proposed deviations from the Model Bidding Documents, as submitted along with the captioned petition (Annexed at Annexures P-1, P-2 and P-3);
 - c. Approve the overall power procurement of 4000 MW Thermal Power Capacity for 25 years on DBFOO basis by sourcing fuel under B(IV) of SHAKTI Policy;





- d. Pass any further order(s) as this Commission may deem fit in the facts and circumstances of the case."

Submissions by the UPPCL

3. This Commission in its Suo Moto order for long-term procurement plan of UP DISCOMS for FY 2028 to FY 2040 dated 23.06.2023 observed that while the UP DISCOMS experienced a peak deficit even at the time of the order, growth projections indicated the need for greater round-the-clock ("RTC") energy availability from FY 2029-30 onwards. The relevant extract of the order is reproduced herein below for the ready reference of this Hon'ble Commission:

Growth Rate	Years	RTC Deficit (MW)	Peak Deficit (MW)
8%	2029-30	-885	-18271
	2030-31	-3317	-22054
	2031-32	-5943	-26139
7%	2032-33	-8426	-29999
	2033-34	-11081	-34130
	2034-35	-13923	-38549
	2035-36	-16964	-43278
	2036-37	-20217	-48338
6%	2037-38	-23201	-52979
	2038-39	-26364	-57899
	2039-40	-29717	-63113

4. Central Electricity Authority (CEA) in its Report on *Resource Adequacy Plan for the Utility UPPCL, Uttar Pradesh (2024-25 to 2033-34)* has proposed around 10,795 MW of additional coal-based capacity required up to FY 2033-34 for the State of Uttar Pradesh. Against the proposed coal-based capacity, UPPCL has already planned for augmentation of existing power stations accumulating to 5,000 MW from Obra D (1,600 MW), Anpara A (1,600 MW), Meza II (1,800 MW). Additionally, 1,600 MW is to be developed under SHAKTI Scheme in DBFOO mode for which tendering process is already completed and LOA is issued. Therefore, against the proposed additional coal-based capacity, UPPCL has prepared the following road map regarding purchase of 6600 MW from various Thermal Power Projects:



by



क्र०सं०	परियोजना का नाम	क्षमता (मे०वा०)	अद्यतन स्थिति
1.	ओबरा-डी	2X800 (1600)	माह फरवरी, 2023 में एमओयू हस्ताक्षरित
2.	अनपरा-ई	2X800 (1600)	माह फरवरी, 2023 में एमओयू हस्ताक्षरित
3.	मेजा-II	1800 मे०वा० (मेजा स्टेज-I की भांति 2400 मे०वा० स्थापित क्षमता का 75 प्रतिशत अनुमन्य है।)	पावर परचेज एग्रीमेन्ट (पीपीए) दिनांक 07.12.2024 को हस्ताक्षरित
4.	शक्ति पॉलिसी कोयले से डीबीएफओओ निविदा प्रक्रिया	2X800 (1600)	1600 मे०वा० की निविदा प्रक्रिया पूरी हो चुकी है और एलओओए जारी किया है।
कुल		6,600 मे०वा०	

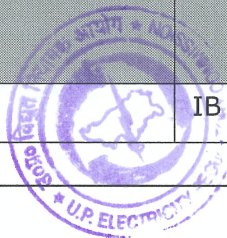
Free Translation of the above Table

S. No.	Project Name	Capacity (MW)	Status
1	Obra D	2X 800 (1600)	MoU signed in February 2023
2	Anpara E	2X800 (1600)	MoU signed in February 2023
3	Meza II	1800	PPA signed on 07.12.2024
4	DBFOO tendering Under Shakti Scheme Coal	2X800 (1600)	Tendering process for 1,600 MW has been completed and LOA Issued
Total		6,600 MW	

5. To fulfil requirement of remaining, approx. 4000 MW additional Thermal Power, pursuant to the request of the Government of Uttar Pradesh, Coal India Limited has earmarked coal linkage equivalent to 4000 MW capacity from the Mahanadi Coalfields Ltd. (Talcher and IB fields) under Para B (IV) of the Shakti Policy, 2017. The said linkage has been specifically allocated to Uttar Pradesh for long-term procurement of thermal power through tariff-based competitive bidding. The details of the allocated coal linkage is stated below:

STATE	CAPACITY (MW)	POWER FLOW	COAL COMPANY	FIELD	GRADE OF COAL	QUANTITY FOR PITHEAD PLANT (MT)	QUANTITY FOR NON-PITHEAD PLANT (MT)
	4000	FY		IB FIELD	G13	9.18	9.23

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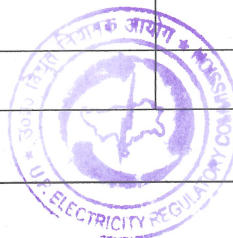




STATE	CAPACITY (MW)	POWER FLOW	COAL COMPANY	FIELD	GRADE OF COAL	QUANTITY FOR PITHEAD PLANT (MT)	QUANTITY FOR NON- PITHEAD PLANT (MT)
Uttar Pradesh		2030-31	Mahanadi Coal Field Ltd. (MCL)	TALCHER FIELD		11.22	11.29
Total						20.40	20.52

- Coal India Ltd. in its communication dated 02.08.2024, has mentioned that the allocated coal linkage is based on the norms specified by the CEA for Super Critical Thermal Projects.
- The Energy Task Force, in its meeting dated 03.07.2025, approved the proposal for utilization of the allocated coal linkage for 4000 MW thermal generation projects in accordance with SHAKTI Policy and DBFOO Guidelines.
- Indicative schedule of the Bidding Process, subject to modification as per extant exigencies, shall be as provided hereunder:

S. No.	Event Description	Date
Qualification Stage		
1.	Last date for receiving queries	08.09.2025
2.	Pre-Application Conference	09.09.2025
3.	UPPCL response to queries	26.12.2025
4.	RFQ submission date	06.01.2026
5.	Announcement of Pre-Qualified Applicants	15.01.2026
Bid Stage		
1.	Sale of Bid Documents	16.01.2026
2.	RFP Submission Date (Bid Due Date)	31.01.2026
3.	Opening of Bids	31.01.2026
4.	L-1 Matching Round	(To be notified separately)
5.	e-RA Round	(To be notified separately)
6.	Letter of Award (LoA) Issuance	16.02.2026





S. No.	Event Description	Date
7.	Validity of Bids	120 days from Bid Due Date
8.	Signing of PSA	Within 30 days from award of LoA

9. **The salient features of the proposed tender have been highlighted below:**

9.1 UPPCL has adopted a two-stage bidding process, the Qualification Stage followed by the Bidding Stage. In the Qualification Stage, the applicants will be required to submit all RFQ specific details and apply via the DEEP Portal by the due date. Only pre-qualified applicants will be invited to bid. At the Bidding Stage, Bidders shall submit their proposals via the DEEP Portal in accordance with the RFP and other Bidding Documents issued by UPPCL.

- a) Only new projects shall be eligible.
- b) Only 800 MW units based on Ultra Super-Critical technology shall be allowed.
- c) Bidder selection is to be done after e-RA and L-1 Matching.
- d) During the e-RA, Bidders shall be permitted to reduce only Base Fixed Charges, since ISTS charges are notified by the Utility and Fuel Charges are determined by notified CIL/Indian Railways costs and are pass-through. However, evaluation of Bids shall be carried out on total tariff (Fixed Charges + Fuel Charges)
- e) Similarly, in the L1 matching stage, Bidders shall only be permitted to reduce Base Fixed Charges in order to match the discovered L1 tariff.
- f) Coal utilization shall be limited to Contracted Capacity, Auxiliary Consumption of 5.25%, Transmission Losses (STU losses, CTU losses and Dedicated Transmission Line losses) as applicable and free power to host state, if applicable.
- g) Procurement of power from the said bid will be done from Thermal Power Projects to be set up anywhere in the country (Location Agnostic).



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h) "Delivery Point" means-UP State Transmission Utility (UP_STU) periphery for plants within U.P. and UP-STU and Central Transmission Utility (CTU) interconnection point at UP-STU end for plants outside U.P where the electricity is supplied under this Agreement is received by the Utility.

i) Brief particulars of the Project are as follows:

Installed Capacity (in MW)	Minimum Capacity Required at Delivery Point (in MW)	Maximum Capacity Required at Delivery Point (in MW)	Period when supply must commence
4000	To be quoted corresponding to one 800 MW unit	To be quoted corresponding to 2400 MW (3x800 MW) units	Unit#1 - 48 months
	After accounting for auxiliary energy consumption of 5.25%, Transmission losses (Other State STU, ISTS and Dedicated Transmission Line losses, as applicable), free power to host state (if applicable) and adequate margin to ensure contracted capacity at the Delivery Point.		Unit#2 (if any)- 54 months and Unit#3 (if any)- 60 (Sixty) months

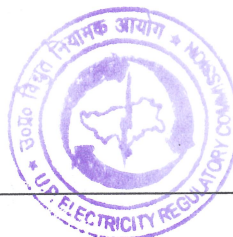
j) Supplier shall be allowed to change project location up to the Financial Closure in the following manner:

Original Location	Relocation to a place within U.P. State	Relocation to a place outside U.P. State
Inside U.P. State	Allowed	Not allowed
Outside U.P. State	Allowed	Allowed

k) All Bidders shall consider only IB Coal filed while quoting tariff

l) Components of secondary fuel and cost of Biomass Pellet has been considered as components of fuel charge, which are to be quoted by bidder.

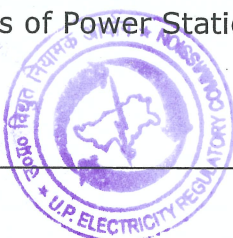
m) The supply from the PSA entered into between UPPCL and successful bidders shall be of 25 years.





Interlocutory Applications and Additional Submissions

10. On 16.02.2026, pursuant to the filing of the present Petition, UPPCL filed additional affidavit wherein it enclosed communicated dated 26.12.2025 to PFCC limited furnishing details of ISTS charges (Rs. 0.54/kWh) and CTU losses (3.90%) which were to be notified by UPPCL. PFCC Limited a wholly owned subsidiary of Power Finance Corporation Limited (A Government of India Undertaking), is the Bid Process Coordinator for the process initiated in relation to the concerned long term power procurement and would manage the DEEP Portal on behalf of UPPCL. UPPCL in its affidavit also enclosed list of queries from prospective bidders in relation to the bidding process and UPPCL response thereto.
11. On 06.04.2026, UPPCL filed additional affidavit and provided information related to Thermal Capacity Addition Requirement as per UPPCL's Resource Adequacy estimates. It also enclosed an urgent listing application in the matter.
12. On 08.05.2026, UPPCL filed additional affidavit and sought fresh deviations. UPPCL submitted that pursuant to discussions with PFCCL, certain changes were required in the bidding documents as per the functional requirements of the DEEP Portal. The three broad categories of changes proposed are as provided hereinbelow:
 - a) Changes due to the DEEP Portal requirement based on the inputs of PFCCL.
 - b) Fuel Charge to be revised to provide greater clarity on the utilization, accounting, and consumption of all three categories of fuel, namely coal, secondary fuel oil, and biomass. This deviation was necessitated to ensure transparent computation of fuel charges and avoid ambiguity in treatment of different fuel components.
 - c) Alignment of Tender Fee, Bid Security, and Qualification Criteria with Installed Capacity against the offered Contracted Capacity.
13. UPPCL proposed following amendments in relation to the following clauses of SBD:
 - a) RFQ Clauses: 1.2.4, 1.2.5 and 2.2.2, Appendix –I point 23, Appendix –I Annex-VI Particulars of Power Stations





b) RFP Clauses: 1.2.1, 1.2.5, 3.3.1, Appendix –I point 34(f), 2.11.1, 3.3.4, 2.1.5

c) PSA Clauses: 9.1.1, 22.2.1, 22.2.2, 22.2.3, 22.2.4, 22.2.10

14. UPPCL also sought approval of new deviations from the Standard Bidding Documents, for the first time, in relation to the following clauses:

a) RFQ Clauses: N/A

b) RFP Clauses: 2.1.14, Appendix-I point 33

c) PSA Clauses: Definition of Biomass Pellets, Secondary fuel added

15. On 24.02.2026, JSW Energy Ltd. ("JSW") filed an application under Section 94(2) of the Electricity Act read with Regulation 57 of the UPERC Conduct of Business Regulations 2019, seeking permission to intervene and/or be impleaded in UPPCL's Petition and take on record its detailed objections and consider these while adjudicating the petition.

16. JSW has raised the following objections with respect to the draft Bid Documents:

16.1 **Unit size of only 800 MW is allowed:** Mandatory requirement of an 800 MW ultra supercritical unit size without permitting alternative unit configurations or mixed capacities is unwarranted, since it results in exclusion of otherwise qualified bidders with proven operational assets and experience in other standard unit sizes. Therefore, specification of a fixed unit size is not essential, and bidders could reasonably be permitted the flexibility to determine the appropriate unit size configuration, subject to fulfilment of their obligation to supply power in accordance with the total contracted capacity.

16.2 **Only new projects are eligible to participate in the tender:** The DBFOO guidelines dated 06.03.2019 permit existing and under construction projects. Further, exclusion of under-construction and existing projects, notwithstanding their advanced readiness, lower execution risk and potential for earlier commercial operation, eliminates viable and potentially lower cost supply options.

16.3 **Allow reduction of maximum capacity allocation of up to 1600 MW:** Permitting allocation of 2400 MW to a single bidder concentrates supply risk and



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undermines the objective of diversification of sources, which is a recognised principle in long term procurement.

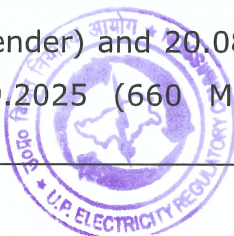
17. On 09.05.2026, Lalitpur Power Generation Co. Ltd. ("LPGCL") filed an application under Section 94(2) of the Electricity Act read with Regulation 57 of the UPERC CBR, seeking permission to intervene and/or be impleaded in UPPCL's Petition and take on record the suggestions made. Notably, LPGCL provided the following suggestions with respect to the draft Bid Documents:

17.1 **Permit bidders to furnish Insurance Surety Bonds ("ISB") as Bid/Performance Security:** In view of Rules 170 (i) and 171 (i) of the General Financial Rules, 2017 ("GFR 2017") issued by the Ministry of Finance ("MoF"), which expressly recognises ISBs as an acceptable alternative to BGs for furnishing Bid/ Performance Security. MoF's Office Memorandum dated 24.09.2024 ("MoF OM") urging all ministries to adopt and promote the use of ISB, as it would free up working capital, which is otherwise locked up as collateral for obtaining BGs.

17.2 Subsequently, MOP has issued amendments to the Bidding Guidelines for Procurement of Inter-State Transmission Services and that of Renewable energy Projects (Wind, Solar, Hybrid & FDRE) to this effect. Further, Mop's Office Memorandum dated 06.04.2026 ("MoP OM") advising all States/UTs and Procuring Utilities (including UPPCL) to suitably incorporate provisions for acceptance of ISBs and other instruments (per GFR 2017) for Bid Security/Performance Security in bidding documents for long/medium/short-term power procurement.

17.3 **Extension of timeline for Schedule Completion Date of 1st Unit to 60 months and by a further 6 months for each subsequent Unit:** Due to high demand and supply chain constraints, supply timelines for BTG packages have been adversely affected since Limited indigenous suppliers (BHEL & L&T) are available for supply of major plant equipment (including the BTG package).

17.4 State Commissions, as enumerated below, have extended the timelines for achieving the SCD in recent bidding processes, in view of the difficulty and delay in sourcing equipment from domestic suppliers. West Bengal Electricity Regulatory Commission has prescribed the SCD for the 1st Unit as 60 months in Orders dated 05.03.2026 (800 MW tender) and 20.08.2025 (1600 MW tender) and 54 months in Order dated 01.09.2025 (660 MW tender). Madhya Pradesh Electricity





Regulatory Commission has also prescribed the SCD for the 1st Unit as 54 Months in Order dated 18.06.2025.

- 17.5 Domestic suppliers such as BHEL in recent supply orders have been granted 62 months (LOA dt. 29.03.2026); 58 months (LOA dt. 03.09.2025) and 54 months (LOA dt. 20.03.2025) for achieving SCD. Recent tenders have been amended by NTPC to reflect the SCD as 54 months.
- 17.6 Therefore, given the limited number of domestic suppliers capable of meeting such requirements, the 48-month timeline for achieving SCD of 1st Unit is commercially and practically unachievable.

Record of Proceedings:

18. The matter was listed for hearing on 12.05.2026. During the hearing, the Commission decided to first take up the intervention applications filed by JSW Energy Limited (JSW Energy) and Lalitpur Power Generation Company Limited (LPGCL), vide their affidavits dated 24.02.2026 and 11.05.2026, respectively.
19. Ms. Divya Chaturvedi, counsel appearing on behalf of JSW Energy Limited, submitted that an application for impleadment has been filed seeking intervention /impleadment in the present proceedings. She further placed on record the objections of the applicant in respect of the deviations sought by the Petitioner from the bidding documents. Ms. Divya Chaturvedi submitted that the objections primarily pertain to three aspects of the bid documents: (i) only new projects are eligible for participating in the tender (ii) unit size of only 800 MW is allowed (iii) the maximum capacity cap of 2400 MW to one bidder.
20. Subsequently, Sh. Akshat Jain, counsel appearing on behalf of LPGCL, submitted that an application has been filed on behalf of LPGCL seeking intervention /impleadment in the present proceedings. Sh. Akshat Jain requested the Commission to consider LPGCL's suggestions to the bid documents on two aspects: (i) Acceptance of Insurance Surety Bond (ISBs) as an acceptable form of Bid Security/Performance Security and (ii) Extension of timeline for Scheduled Completion Date of 1st unit to 60 months and 6 months for subsequent unit(s).
21. Sh. Deepak Raizada, Director (CP), UPPCL, and Sh. Mohit Goyal, Consultant, UPPCL, presented the proposed major deviations from the Model Bidding Documents. It was





submitted that these deviations are intended to enhance competitiveness, ensure compliance with future mandatory obligations for biomass pellet co-firing, and enhance transparency in the computation of Fuel Charges. The proposed major deviations are as follows:

- a) Selection of bidder and the bidding structure: UPPCL has proposed a two-stage bidding (i) First Round: e-Reverse Auction for tariff discovery (ii) Second Round: L1 matching to be done after e-RA
 - b) The inclusion of cost and Gross Calorific Value (GCV) of Biomass pellets in computation of Fuel Charges
 - c) The inclusion of the cost and GCV of Secondary fuel (oil) consumption in computation of Fuel Charges
 - d) The incorporation of CTU (Central Transmission Utility) losses in computation of Fuel Charges
22. Regarding intervening applications filed by JSW Energy Limited and LPGCL, the Commission observed that any deviation to model bidding documents is approved by the Commission only after satisfying itself on the merits thereof. Further, if such requests are allowed then it will open floodgates for intervention and satisfaction of the Commission may get marred by dissonant viewpoints and unstructured discussions.
23. Accordingly, the Commission decided not to allow the request of JSW Energy Limited and LPGCL for Impleadment as an intervener. However, in the interest of a transparent competitive bidding process, the Commission allowed both the applicants to place their further submissions, if any, within one week with a copy to UPPCL. UPPCL is directed to file its response thereto within one week thereafter. The Commission reserved the order with the remarks that the final order will decide about the sought deviations in the bidding documents / guidelines on merit as well as Commission's view on the issues raised by JSW Energy Limited and LPGCL.
24. **JSW additional submission dated 27.05.2026:** In compliance to the Commission's order, JSW has filed its submission whereas LPGCL has not filed any submission after the hearing. JSW has filed its submission dated 27.05.26 and stated the following:





I. Re. Mandatory requirement of an 800 MW ultra-supercritical unit size

- 24.1 The DBFOO Guidelines read with MBDs issued thereunder, do not prescribe any fixed or mandatory unit size. This mandatory requirement of an 800 MW ultra-supercritical unit in the bid invited by UPPCL size excludes otherwise qualified bidders having proven operational assets and experience in other standard unit sizes.
- 24.2 Given that the procurement is premised on meeting the total contracted capacity at the "Delivery Point", the insistence on a fixed unit size is not essential. Furthermore, under Section 63 of the Act, wherein procurement is structured on a per-unit tariff basis with payment obligations determined accordingly, there exists no rational nexus for mandating unit-size restrictions.
- 24.3 Additionally, the Petitioner/UPPCL has sought to justify the requirement by relying on a select few bidding processes under the DBFOO Guidelines issued by other distribution companies which cannot be treated as a conclusive benchmark to justify the present requirement, specifically where the Petitioner/UPPCL has nowhere in its Petition justified such procurement from a project having unit size of 800 MW only.
- 24.4 On the contrary, reliance may be placed on bidding processes undertaken by Gujarat Urja Vikas Nigam Limited ("GUVNL") under the DBFOO Guidelines in 2021 and 2023 for procurement of 3000 MW and 2400 MW respectively, wherein no mandatory unit size was prescribed, and flexibility was afforded to bidders. Also, GUVNL had initially prescribed a minimum bid quantum of 300 MW without specifying any mandatory unit size, which was subsequently reduced to 150 MW, as also approved by the Gujarat Electricity Regulatory Commission ("GERC") in its Order dated 01.08.2022 passed in Petition No. 2050 of 2022 and Order dated 09.02.2024 passed in Petition No. 2263 of 2023.
- 24.5 In addition to above, the bidding process initiated by Power Company of Karnataka Limited ("PCKL") on 19.06.2025 under the DBFOO Guidelines for procurement of 2000 MW also does not prescribe any mandatory unit size requirement. While a minimum bid quantum was specified, the same was 100 MW. In this regard, relevant extracts of the bidding document, i.e., Request for Proposal, floated by PCKL are reproduced below:



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"1.1.1.1 The Power Company of Karnataka Ltd. (PCKL), hereinafter referred to as "Authorized Representative", on behalf of five Distribution Companies (the "Utility") of Karnataka namely Bangalore Electricity Supply Company Ltd (BESCOM), Hubli Electricity Supply Company Ltd. (HESCOM), Gulbarga Electricity Supply Company Ltd. (GESCOM), Mangalore Electricity Supply Company Ltd. (MESCOM), and Chamundeshwari Electricity Supply Corporation Limited (CESC Ltd) has decided to procure electricity on a long term basis for a period of 25 years from a power station (the "Project") through Public Private Partnership (the "PPP") on Design, Build, Finance, Own and Operate (the "DBFOO") basis through transparent Bidding Process for selection of a corporate entity as the Bidder to whom the contract may be awarded for production of electricity and supply thereof to DISCOMs of Karnataka as per the terms and conditions specified in the Bidding Documents.

PCKL invites bids **from the existing/new Projects** which can supply power for 25 years as per the bidding documents. Projects which are as on the date of notification of this RFQ under the Insolvency and Bankruptcy Code (IBC), 2016 proceedings either through direct participation in the Corporate Insolvency Resolution Process (CIRP) as a resolution applicant or by way of Lenders 's backed Resolution Plan shall not be able to participate in the power procurement process.

Brief particulars of the Project are as follows:

Capacity Required at Delivery Point (in MW)	Minimum Capacity not less than 10% (ten per cent) of Capacity Required (in MW)	Period when supply must commence
2000	100 MW per Phase	Phase I - 1000 MW from 01-04-2026 Phase II - 1000 MW from 01-04-2027

...."

24.6 JSW has countered the Petitioner/UPPCL's reliance, during the hearing on 12.05.2026 that JSW, pursuant to a bidding process conducted by West Bengal State Electricity Distribution Company Limited ("WBSEDCL"), has entered into a Power Supply Agreement for supply of long-term power from a new power station of 2×800 MW to be set up on a DBFOO basis at Medinipur, West Bengal; therefore, JSW having itself participated in a similar bid in West Bengal, cannot now contend that such conditions restrict competition. JSW in response, has submitted that the bid floated by WBSEDCL was a location-specific bid whereas under the present





bidding process, the bid is open to projects proposed to be set up anywhere in India.

II. Allocation of up to 2400 MW to a single bidder

24.7 It has submitted that by permitting allocation of up to 2400 MW (i.e., roughly about 60% of the 4000 MW tender) to a single bidder will result in excessive concentration of supply risk and undermine the principle of diversification of sources and will expose the procurer, and ultimately consumers, to significant concentration risk, including heightened vulnerability in the event of delays, non-performance, operational failures, or financial stress affecting the successful bidder. It has also contended that a diversified allocation structure will also promote wider market participation and more robust competitive behaviour, while discouraging outcomes where a limited number of bidders corner a substantial portion of the procurement capacity, adversely affecting effective tariff discovery.

III. Complete exclusion of under-construction and existing projects

24.8 JSW has reiterated that the complete exclusion of under-construction and existing projects, notwithstanding their advanced stage of readiness, lower execution risk, and potential for earlier commercial operation, eliminates viable and potentially lower-cost supply options from the bidding process. Further, it has submitted that it would narrow the competitive field by excluding credible and capable projects that are already operational or under construction and are otherwise capable of supplying power within the required timelines.

24.9 Advocating the benefits of Under-construction projects, particularly those which have achieved substantial progress, JSW has submitted that such Under-Construction Projects may present significantly lower execution risk and enable earlier commencement of supply, reducing procurement uncertainty and mitigating the risk of future capacity shortfalls. Therefore, permitting participation by existing and under-construction projects would improve competition, improve tariff efficiency, and reduce delivery risk.

24.10 It has also submitted that in addition to the above, the bidding process initiated by Power Company of Karnataka Limited ("PCKL") on 19.06.2025 under the DBFOO





Guidelines for procurement of 2000 MW also allowed "existing projects", as evident from the bidding documents:

"PCKL invites bids from the existing/new Projects which can supply power for 25 years as per the bidding documents. Projects which are as on the date of notification of this RFQ under the Insolvency and Bankruptcy Code (IBC), 2016 proceedings either through direct participation in the Corporate Insolvency Resolution Process (CIRP) as a resolution applicant or by way of Lenders 's backed Resolution Plan shall not be able to participate in the power procurement process."

(i) **Power Supply Agreement:**

" ...

ARTICLE 11

CONSTRUCTION OF THE POWER STATION[£] - OMITTED

...

£ - In case the Power Station is under construction on the Bid Date, or has been completed prior to that date, all provisions in respect of construction of the Power Station shall apply only to the extent they can be applied prospectively to the construction undertaken after such date, and this Power Supply Agreement shall be deemed to be modified accordingly. In particular, the relevant provisions of Clauses 4.1, this Article 11, Articles 12, 13, 14, 19 and 20, Clauses 22.4 and 22.5, and Schedules B, C, E, F, G and I shall be deemed to be modified to the extent necessary for and in respect of events that shall have occurred prior to COD of this Agreement.

...

Annex - I

(Schedule-A)

Site for the Power Station⁵²

...

⁵² In the event the Power Station of any Bidder is already under construction or has been constructed, the provisions of this Annex-I may be specified in more generic terms to conform with Applicable Laws.

..."

(Emphasis Supplied)

24.11 JSW has submitted that the Petitioner/UPPCL has incorrectly sought to rely upon Recital 3 read with Clause 2 of the DBFOO Guidelines to contend that only new projects are envisaged under the DBFOO framework for the following reasons:

- (i) Firstly, Recital 3 of the DBFOO Guidelines merely states that the Central Government has evolved a standard contractual framework for long-term





procurement of electricity by distribution licensees from power producers who undertake to construct and operate thermal power generating stations on a DBFOO basis. The said **provisions do not expressly stipulate that only projects commencing construction after issuance of the LoA are eligible to participate in the bidding process**. In this regard, the relevant extracts from the DBFOO Guidelines are set out below:

"Whereas the Central Government has evolved a standard contractual framework for long term procurement of electricity by the distribution licensees from power producers who agree to construct and operate thermal power generating stations on a 'Design, Build, Finance, Own and Operate ("DBFOO") basis"

- (ii) Secondly, Clause 2 of the DBFOO Guidelines only provides that *"application of these Guidelines shall be restricted to projects constructed and operated in accordance with a Power Supply Agreement signed for Supply of electricity for a period of 7 years and above upto a period of 25 years from the Date of Commencement of supply of Power with provision of extension of 5 years at the option of either party in accordance with the Power Supply Agreement."* Thus, evidently, even Clause 2 of the DBFOO Guidelines does not envisage that the said Guidelines will only be applicable to the projects, whose construction has commenced after the date of LoA.

25. **UPPCL additional submissions and reply dated 03.06.26:** UPPCL, has filed its reply to the JSW application dated 24.02.26, its additional submission dated 27.05.26 and LPGCL application dated 08.05.26 stating the following:

I. Consistent Regulatory Practice Does Not Contemplate Intervention by Prospective Bidders

- 25.1 The regulatory framework, read with consistent past practice demonstrates that such proceedings are confined to the procuring entity and the Commission in its regulatory capacity, do not contemplate participation or intervention of prospective bidders at the stage of approval under Section 63. The Commission, in Petition No. 2084 of 2024 filed by UPPCL seeking approval of a long-term Power Purchase Agreement and approval of deviations from the Standard Bidding Documents for procurement of 1600 MW of power, had held that any deviation from the Model Bidding Documents was considered and approved by the Commission upon due



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satisfaction of the material placed before it, and such satisfaction did not necessitate participation of external parties.

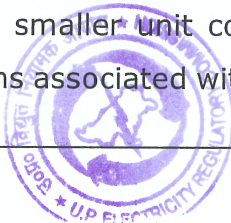
25.2 The bidding documents were initially circulated through the DEEP Portal and thereafter subjected to a structured pre-bid consultation process during which prospective bidders were expressly afforded adequate opportunity to submit queries, comments, clarifications, and suggestions in relation to the proposed bid conditions and procurement framework. Pursuant thereto, a pre-application conference was duly conducted by the Petitioner, wherein queries and representations received from prospective bidders were considered and evaluated. Thereafter, responses to the pre-bid queries were uploaded on the DEEP Portal along with the revised bidding documents. Therefore, the opportunity to raise commercial, technical, or procedural concerns pertaining to the bidding documents was duly availed by stakeholders, including the Intervener. Hence present attempt by the Intervener to intervene in the proceedings and seek substantive restructuring of the bidding framework after completion of the consultation process is wholly misconceived and contrary to the settled scheme governing competitive procurement

25.3 The intervention application preferred by the Intervener constitutes a manifestly self-serving attempt to reopen and reshape the bidding architecture after completion of the prescribed consultation process and finalization of the bidding documents by the Petitioner. The same is liable to be rejected as being dehors the statutory scheme governing approval proceedings under Section 63 of the Act.

II. Rationale for Prescribing 800 MW Unit Size

25.4 The requirement of procurement from new 800 MW units is premised on sound technical and commercial considerations, inter alia, the following:

- (i) Higher Thermal Efficiency resulting in improved heat rates and optimized fuel utilization leading to reducing variable cost implications over the long-term procurement period which ultimately benefits end consumers in the State of Uttar Pradesh. In particular, the normative Operation and Maintenance ("O&M") cost parameters prescribed for 800 MW units are materially lower than those applicable to smaller unit configurations, thereby reflecting the recognized efficiency gains associated with larger unit sizes. The Comparative





O&M Cost for FY 2026-27 for 600/660 MW and 800 MW Units under CERC and UPERC norms is as provided hereunder:

Allowed O&M Cost for FY 2026-27	Unit Size 600/660 MW	Unit Size 800 MW
UPERC	28.56 Lakh/MW	25.70 Lakh/MW
CERC	28.56 Lakh/MW	25.70 Lakh/MW

- (ii) The unit size of 800 MW in the present bid is in consonance with the earlier DBFOO based thermal power procurement for 1600 MW.
- (iii) Several States (Madhya Pradesh, Maharashtra, West Bengal, Bihar etc.) have also adopted and considered 800 MW unit configurations in large-scale thermal procurement and generation planning, owing to the technical and economic advantages associated with such unit sizes. A State-wise List of recent procurement processes mandating 800 MW unit size is reproduced hereinbelow:

S. No.	State/Procurer	Capacity (MW)	Unit Size (MW)
1.	Maharashtra (MSEDCL) - 1st bid	1600	800
2.	Maharashtra (MSEDCL) - 2nd bid	1600	800
3.	West Bengal (WBSEDCL) - 1st bid	1600	800
4.	West Bengal (WBSEDCL) - 2nd bid	1600	800
5.	Bihar (BSPHCL)	2400	800
6.	Madhya Pradesh (MPPMCL)	3200 + 800 (Greenshoe)	800
7.	Assam (APDCL)	3200	800

- (iv) Presently, major Boiler-Turbine-Generator (BTG) manufacturers are primarily manufacturing and standardizing equipment for 800 MW ultra-supercritical units. Adoption of the same unit size would therefore ensure ease of equipment availability, and improved supply-chain support.
- (v) Larger unit sizes facilitate economies of scale, operational reliability, and better alignment with the State's projected load growth and resource adequacy planning.





- (vi) The bid design, as envisioned under the Model Bidding Documents and the DBFOO Guidelines, is the prerogative of the procurer. The reliance on tenders floated by Gujarat Urja Vikas Nigam Limited ("GUVNL") and Power Company of Karnataka Limited ("PCKL") is, accordingly, misplaced. Both tenders were premised upon the individual exigencies of the procurers. This is evident from a bare perusal of the Intervener's averments, where they note that the two GUVNL tenders specified minimum bid capacities of 300 MW (Petition No. 2050 of 2022) and 150 MW (Petition No. 2263 of 2023), while the PCKL tender specified a minimum capacity of 100 MW per phase.

III. Rationale for Procurement Exclusively from New Projects

- 25.5 The present procurement is envisaged for a long-term duration of 25 years, commencing approximately five years from the present date. Thus, permitting participation from already commissioned generating stations would inherently entail substantial uncertainty with respect to sustained operational reliability, efficiency retention, and long-term availability over the entire contract tenure. Further, existing generating stations, by virtue of age and operational usage, are likely to require significant Renovation and Modernization ("R&M") expenditure and life-extension measures during the subsistence of the procurement period. Such additional capital expenditure would inevitably be factored into the tariffs quoted by bidders, thereby adversely impacting tariff competitiveness and ultimately imposing a higher financial burden upon consumers in the State of Uttar Pradesh.
- 25.6 The objections raised by the Intervener in relation to the requirement of procurement from new projects are manifestly self-serving and are directly aligned with the Intervener's existing commercial asset profile. The Intervener itself has disclosed the existence of substantial under-construction generating capacity. It is further evident from information available in the public domain that the said under-construction capacity substantially comprises sub-critical thermal units of 600 MW each. The Intervener's request to permit participation from under-construction projects is therefore clearly intended to render its existing pipeline assets eligible under the present bidding process.
- 25.7 Further, the policy framework adopted by the Petitioner is also consistent with the broader national objective of promoting cleaner, more efficient, and technologically





advanced thermal generation infrastructure. The Government of India has, in recent years, consciously emphasized transition towards advanced high-efficiency thermal technologies with the objective of reducing coal consumption, improving operational efficiency, and minimizing environmental impact associated with thermal power generation.

- 25.8 Moreover, the very structure of the DBFOO model contemplates development of new generating stations wherein the successful bidder is required to Design, Build, Finance, Own, and Operate the project. The Intervener's interpretation of clause 2 of the DBFOO Guidelines is wholly misconceived. The relevant extract of the Guidelines is reproduced hereinbelow for the ready reference of this Hon'ble Commission:

"2. The application of these Guidelines shall be restricted to projects constructed and operated in accordance with a Power Supply Agreement signed for Supply of electricity for a period of 7 years and above upto a period of 25 years from the Date of Commencement of supply of Power with provision of extension of 5 years at the option of either party in accordance with the Power Supply Agreement."

(Emphasis Supplied)

- 25.9 The above clause notes in express terms that the DBFOO Guidelines shall be made applicable only to projects that have been constructed in accordance with the PSA entered into between the parties. In common industry practice, a PSA is entered into only upon the completion of the bidding process under the guidelines read with section 63 of the Act. The terms and conditions of such a PSA shall govern the construction of the project itself. It is submitted that if pre-existing or under-construction projects were to be made eligible for participation under the DBFOO Guidelines, their construction to be governed by the stipulations of the PSA would be rendered an impossibility.

- 25.10 It is further submitted that the extant regulatory and policy framework already envisages the inclusion of pre-existing or under-construction projects to meet the power requirements of coal linkage under the SHAKTI Policy vide the Finance, Own and Operate ("**FOO**") basis. Notably, the clause for applicability of the FOO Guidelines does not make the existence of a PSA a condition precedent for the



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construction of the project. The relevant extract of the FOO Guidelines is reproduced hereinbelow for the ready reference of this Hon'ble Commission:

"3. Scope of the Guidelines

These guidelines are being issued under the provisions of Section 63 of the Electricity Act, 2003 for procurement of electricity by States/ distribution licensees (Procurer) for:

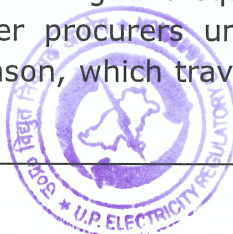
- (a) long-term procurement of electricity for a period of 12 years to 15 years;*
- (b) Medium term procurement for a period of up to 7 years but exceeding 1 year.*

These Guidelines shall come into effect from the date of publication in the official gazette."

25.11 Even otherwise, and without prejudice to the averments hereinabove, it is submitted that the stipulation for procurement solely from new projects is a component of the bid design and is, accordingly, the prerogative of the procurer. The reliance placed by the Intervener on the procurement processes of other DISCOMs presents only a portion of the prevailing industry practice. The following tenders have been recently floated and contain bid designs either analogous to, or even more restrictive than, the proposed procurement by UPPCL:

- a) Madhya Pradesh Power Management Corporation Limited ("MPPMCL") bid for 3200 MW DBFOO power procurement;
- b) Assam Power Distribution Company Limited ("APDCL") bid for 3200 MW DBFOO power procurement.
- c) Bihar State Power Holding Company Limited ("BSPHCL") bid for 2400 MW DBFOO power procurement; and
- d) Maharashtra State Electricity Distribution Company Limited ("MSEDCL") bid for 1600 MW DBFOO power procurement.

25.12 It is a settled principle of law that a judicial authority cannot be made to perpetuate an illegality on the premise of negative equality. Merely because certain tenders have been floated by other procurers unrelated to the present procurement process, for whatsoever reason, which travel beyond the mandate of the DBFOO





Guidelines, the Petitioner must not be directed to commit the same violation. Reliance in this regard is place on the decision of the Hon'ble Supreme Court in Tinku v. State of Haryana, 2024 INSC 867, whereby the Hon'ble Court held as follows:

"11. The very idea of equality enshrined in Article 14 is a concept clothed in positivity based on law. It can be invoked to enforce a claim having sanctity of law. No direction can, therefore, be issued mandating the State to perpetuate any illegality or irregularity committed in favour of a person, an individual, or even a group of individuals which is contrary to the policy or instructions applicable. Similarly, passing of an illegal order wrongfully conferring some right or claim on someone does not entitle a similar claim to be put forth before a court nor would court be bound to accept such plea. The court will not compel the authority to repeat that illegality over again. If such claims are entertained and directions issued, that would not only be against the tenets of the justice but would negate its ethos resulting in the law being a causality culminating in anarchy and lawlessness. The Court cannot ignore the law, nor can it overlook the same to confer a right or a claim that does not have legal sanction. Equity cannot be extended, and that too negative to confer a benefit or advantage without legal basis or justification."

(Emphasis Supplied)

IV. Rationale for Ceiling of 2400 MW Allocation from a Single Bidder

25.13 The objective of prescribing a cap of 2400 MW is to:

- a) Ensure participation and selection of at least two successful bidders;
- b) Promote competition and mitigate concentration risk;

25.14 The abovesaid condition has been formulated by the Petitioner upon due consideration of commercial prudence, procurement efficiency, competition considerations, and long-term supply security requirements. The said ceiling has been prescribed in the context of the overall procurement quantum of 4000 MW and represents a balanced approach between ensuring adequate competitive participation on the one hand and preserving economies of scale and tariff efficiency on the other.

25.15 Excessive fragmentation of procurement by reducing the ceiling to 1600 MW may necessitate participation from a larger number of geographically dispersed





generating stations. This may lead to additional complexities relating to transmission connectivity, corridor availability, evacuation planning, scheduling, and network augmentation requirements. Any delay in development of associated transmission infrastructure, generation project execution, or connectivity arrangements may disproportionately affect availability of the contracted power quantum. Accordingly, maintaining a more balanced allocation structure is considered prudent from the perspectives of competitive bidding, tariff optimization, and transmission system reliability etc.

25.16 Larger integrated generating projects permit substantial optimization of Balance of Plant ("BoP") infrastructure and associated common facilities. Infrastructure components such as water intake and treatment systems, railway connectivity and handling infrastructure, coal handling plants, ash handling systems, emission control systems, internal roads, and other auxiliary facilities involve significant fixed costs which may be more efficiently distributed over larger installed capacities. Such optimization materially improves project economics and contributes towards lower tariff discovery. The benefits arising from such integrated infrastructure optimization are substantially diminished where procurement capacity is excessively fragmented amongst multiple smaller projects.

25.17 The ceiling of 2400 MW has also been determined keeping in view considerations of project bankability and financing efficiency. Larger projects possessing assured long-term offtake are generally viewed more favourably by lenders and financial institutions on account of improved risk allocation, operational viability, and revenue certainty. Enhanced bankability directly contributes towards lower financing costs and consequently improved tariff competitiveness. The procurement framework adopted by the Petitioner accordingly seeks to strike an appropriate balance between promoting competition and ensuring that projects remain commercially and financially viable so as to achieve optimal tariff outcomes.

25.18 At the same time, the prescribed ceiling of 2400 MW ensures that the entire procurement quantity is not concentrated in the hands of a single generating company. The condition has therefore also been designed to ensure participation and selection of at least two successful bidders, thereby mitigating concentration risk, promoting competitive tension within the bidding process, avoiding excessive





dependence upon a single supplier for the State's long-term power requirements, and safeguarding security and diversity of supply in the larger public interest.

V. Rational of refusal to recognise and include Insurance Surety Bonds as an acceptable form of Bid Security/Performance Security

25.19 UPPCL has allowed for ISBs to be excluded from the allowable instruments for both the Bid Security (EMD) and the Performance Bank Guarantee based on CERC order dated 04.05.2026 in Petition no. 739/MP/2025.

VI. Rational to First Unit Completion Schedule

25.20 The stipulated 48 months from the Appointed Date is to ensure lower financial costs in establishing the project. As any greater delay has a direct and consequential impact on the Interest During Construction and, consequently, the fixed cost of the Projects.

25.21 Further, the developer shall have 15 months to satisfy the Conditions Precedent (CP) as per Clause 4.1 of PSA which is defined as Appointed dated. Hence the developer shall have effectively 63 months from the date of entering into the PSA for the commissioning of the first unit, and six months for each subsequent unit.

Commission's Views on JSW and LPGCL application:

26. Both JSW and LPGCL has filed application for allowing as intervention/impleadment in the in the present Petition filed by UPPCL for approval of bidding documents including Request for Qualification, Request for Proposal, and Power Supply Agreement for invitation of e-Tender on DEEP Portal for Long Term Procurement of 4000 MW Power on Design, Build, Finance, Own and Operate basis by sourcing fuel under B(IV) of SHAKTI Policy, 2017.

27. At the outset, the Commission, as discussed in Paragraph 22 and 23 of this order that any deviation to model bidding documents is approved by the Commission only after satisfying itself on the merits thereof. This was apprised to JSW and LPGCL, during the hearing on 12.05.2026 as well, that they can raise their concerns as intervenors but would not be impleaded as respondents. Therefore, in the interest of a transparent competitive bidding process, the Commission has allowed JSW and





LPGCL to make their suggestions/comments so that their concerns can be suitably addressed. UPPCL agreed with such an approach.

28. **Both JSW and LPGCL have submitted their objections and suggestion on the bid configuration. The Commission, having pursued the facts presented and gone through submissions during the proceeding in the matter, has first dealt with their objections and suggestions and thereafter has proceeded for approval of deviations sought by UPPCL.**

29. The following are the key parameters of bid configuration as submitted by UPPCL:

Bid Configuration

Sl. No.	Particulars	Proposed Bid Provisions
1	Installed Capacity	4,000 MW (5 x 800 MW)
2	Location of plant	Anywhere in India
3	Minimum Bid Capacity required at delivery point	To be quoted corresponding to 800 MW unit after accounting for auxiliary energy consumption of 5.25%, transmission losses (other State STU, ISTS, dedicated transmission line losses, as applicable), free power to host State (if applicable) and adequate margin to ensure contracted capacity at delivery point
4	Maximum Bid Capacity required at delivery point	To be quoted corresponding to 2400 MW (3 x 800 MW) unit after accounting for auxiliary energy consumption of 5.25%, transmission losses (other State STU, ISTS, dedicated transmission line losses, as applicable), free power to host State (if applicable) and adequate margin to ensure contracted capacity at delivery point
5	Mode of submission of Bid / Performance security	Bidders are required to furnish Bid Security/Performance Security in the form of an electronic Bank Guarantee ("BG")
6	Scheduled completion of 1 st and subsequent unit(s)	The Scheduled Completion Date for construction of the 1 st Unit of the proposed Power Station has been stipulated as 48 (forty-eight) months from the Appointed Date (date when Conditions Precedents are satisfied) and 6 months thereafter for each subsequent unit.

I. Bidding allowed for only new Thermal Projects





30. The present petition has been filed by the Petitioner, UPPCL, in terms of the extant guidelines dated 06.03.2019 issued by the Ministry of Power for approval of bidding documents including Request for Qualification, Request for Proposal, and Power Supply Agreement for invitation of e-Tender on DEEP Portal for Long Term Procurement of 4000 MW Power on Design, Build, Finance, Own and Operate basis by sourcing fuel under B(IV) of SHAKTI Policy, 2017. Therefore, both the Shakti Policy, 2017 and DBFOO guidelines dated 06.03.2019 need to be analysed first.

31. The Clause B(iv) of Shakti Policy, 2017 has the following provision:

(B) The following shall be considered under a New More Transparent Coal Allocation Policy for Power Sector, 2017-SHAKTI (Scheme for Harnessing and Allocating Koyala (Coal) Transparently in India):

(iv) Coal linkages may also be earmarked for fresh PPAs, by pre-declaring the availability of coal linkage with description, to the States. States may indicate these linkages to Discoms/SDAs.

I. The States/Discoms may, based on such linkages, undertake tariff based competitive bidding for long-term and medium-term procurement of power as per the guidelines issued by Ministry of Power and may recommend grant of these linkages to successful bidders. In case of the commissioned capacities, FSA shall be signed with the successful bidder after completion of the auction process. In case of the likely to be commissioned capacities, a Letter of Assurance may be issued by CIL/SCCL to the successful bidder and FSA shall be signed on commissioning of the unit. The successful bidder shall be required to meet the conditions specified in the Letter of Assurance and FSA. The existing FSA/LoA holders may also participate in the competitive bidding for PPA and, if successful, shall surrender proportionate quantity of the FSA/LoA for the corresponding tenure; or

II. The States/Discoms may recommend grant of the earmarked linkages to capacities that are covered under exceptions and proviso clauses of para 5.2 of the Tariff Policy dated 28.01.2016. A Letter of Assurance may be issued by CIL/SCCL to such capacities and FSA shall be signed on commissioning of the unit.

Provided

(a) The priority between (iv) I and (iv) II above will be decided by the State Government concerned considering its public interest and based on its requirements.

(b) The quantity remaining unutilized for 2 years continuously shall lapse. Detailed policy guidelines for sub para (iv) shall be formulated by Ministry of Power.



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32. Therefore, under Shakti Policy B(iv), the states/discoms may, based on such linkages, undertake tariff based competitive bidding for long- and medium-term procurement of power as per guidelines issued by Ministry of Power. Ministry of power, keeping in view that the requirement of power is dynamic and may occur after five to seven years or immediately after a short span of time, has issued two different documents one each for long term and medium term. The guidelines dated 06.03.2019 are for long term, called DBFOO guidelines, wherein the power producers are to construct and operate thermal power station on a Design, Built, Finance, own and operate basis.
33. The Commission observes that the genesis of long-term Model Bidding Documents, issued under guidelines dated 06.03.2019, envisaged the supply from new power projects under DBFOO basis as the model documents include the provisions related to design, build/construction and monitoring of the power station. Furthermore, the Commission notes that Guidelines notified by the Ministry of Power on 06.03.2019 for long term Procurement of Electricity on DBFOO basis, strictly limited to projects constructed and operated under the DBFOO framework. The relevant extract of the Guidelines is reproduced below:

"... ..

*Whereas the Central Government has evolved a standard contractual framework for long term procurement of electricity by the distribution licensees **from power producers who agree to construct and operate thermal power generating stations on a 'Design, Build, Finance, Own and Operate ("DBFOO") basis;***

... ..

These Guidelines shall come into effect from the date hereof subject to the following terms and conditions:

... ..

*2. The application of these Guidelines **shall be restricted to projects constructed and operated in accordance with a Power Supply Agreement** signed for Supply of electricity for a period of 7 years and above up to a period of 25 years from the Date of Commencement of supply of Power with provision of extension of 5 years at the option of either party in accordance with the Power Supply Agreement." **(emphasis added)***





From the above, it is abundantly clear that the contractual framework under DBFOO guidelines contemplate power procurement from those projects which agree to construct and operate the thermal power generating station in accordance with Power Supply Agreement to be signed pursuant the bidding process.

34. Further, the Commission has observed that the Model Bid Documents include the following provisions related to design, build/construction and monitoring of the power station:

- (i) **Article 11 -Construction of the Power Station** – This provides obligations and conditions regarding construction of the power station.
- (ii) **Article 12 - Monitoring of Construction** – This provides quarterly progress reports, inspections and monitoring for delays in construction.
- (iii) **Article 13 - Completion Certificate** – This provides terms and conditions for tests, synchronisation, provisional and completion certificates.
- (iv) **Article 14 – Entry into commercial service** – This provides terms and conditions for declaring commercial operation date and damages for delay.
- (v) **Schedule A – Site of the Project** – This provides details of site of project, on which the plant is to be constructed.
- (vi) **Schedule B – Development of Power Station** – This provides the details of power stations and dedicated transmission line system required for construction of the power station
- (vii) **Schedule C – Specification and Standards** – This provides specifications and standards of the power station to be constructed as per agreement
- (viii) **Schedule E** – This provides the Project Completion Schedule, giving phase wise timeline for completion of project.

35. The Commission observes that the **Power Supply Agreement** clearly includes the provisions relating to design, construction and monitoring of the plant, which are applicable to only for New Thermal Projects. Hence, the application of guidelines is



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allowed to only new projects, and not for existing projects. Hence the objection of JSW, that the DBFOO document allows existing projects to participate is not tenable.

36. The conditions prescribed in the bidding documents accordingly reflect a conscious and forward-looking procurement approach intended to ensure long-term operational efficiency, environmental sustainability, and tariff competitiveness for consumers in the State of Uttar Pradesh.
37. Moreover, if existing projects are allowed, then there would be mismatch in terms of duration of the Agreement. The requirement of supply period of ~25 years cannot be fulfilled by existing projects considering their remaining asset life as on date of bid hence, the Commission is not inclined to allow such mismatch leading to uncertainty in supply of power at fag end of the contract period.
38. **In view of the clear mandate of the Ministry of Power Guidelines and the structural design of the DBFOO contractual framework, the Commission recognizes that this procurement is intended for new capacity addition and not for the existing projects. Accordingly, the Commission approves the Petitioner's proposal to allow the eligibility of the bid to New Thermal Power Projects only.**

II. Unit Size and Minimum Bid Capacity

39. The Commission observes that Coal India Ltd. in its communication dated 02.08.2024 has mentioned that the allocated coal linkage is based on the **norms specified by the CEA for Super Critical Thermal Projects**. The Energy Task Force, in its meeting dated 03.07.2025, approved the proposal for utilization of the allocated coal linkage for 4000 MW thermal generation projects in accordance with SHAKTI Policy and DBFOO Guidelines.
40. The Commission has noted that the clause 5.6.2 of National Electricity Policy emphasizes to introduce efficient technologies like Super Critical Technologies and large size units in generation for their cost effectiveness. The Commission is also of the considered view that adoption of latest technology for thermal projects i.e., super critical technology promotes the operational efficiency and long-term sustainability as Ultra Super Critical technology is the most advanced and thermally most efficient coal-based generation technology currently available in the market.





The operational efficiencies associated with large ultra-supercritical units also contribute towards improved environmental performance and reduced emissions intensity. Given that this technology is now being extensively developed and manufactured domestically it minimises the risk of availability of spares which is applicable for fading size units. Thus, the Commission approves the unit size of 800 MW for the proposed procurement.

41. **The Petitioner has stipulated a Minimum Bid Capacity to be quoted as 800 MW. This requirement aligns with the technical parameters of the project, which mandate a unit size of 800 MW based on Ultra-Supercritical (USC) technology. The Commission observes that this threshold is consistent with the procurement framework adopted by UPPCL in earlier tender which has been approved by the Commission. It is also noteworthy that existing coal linkage is available for 4000 MW so machine size different from 800 MW will sub-optimally utilize the coal linkage for 4000 MW. The Commission finds the Minimum Bid Capacity of 800 MW to be appropriate and hereby approves the same.**

III. Lowering the Maximum bid capacity from 2400 MW to 1600 MW

42. **The Commission observes that any prescription of maximum bid size would always have pro and cons in terms of concentration of supply risk with competitive cost advantage, diversified but lesser project cost and administrative expenses. It is noteworthy that increase in unit size will always lead to economics of scale in terms of lesser project cost, optimization on both fuel transportation cost as well as in power evacuation cost. Further, large size thermal synchronous units provide efficient transmission islanding, which again is a major advantage, but it cannot be denied that large bid size project increase the risk in terms of over dependence on one large size project. So maximum bid unit size increases efficiency, however, consideration must be given to prevent risk in terms of overdependence & concentration of power on one project to increase stability in the system. A classic strategy i.e., 60:40 portfolio is considered prudent where 60% weightage is given to efficiency and 40% to stability. Hence, in terms of above strategy also, a maximum bid size is recommended for 2400 MW. Finally, and most importantly it is**



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administrative decision of UPPCL, and the Commission does not intend to intervene with it. Further Hon'ble Supreme Court also in catena of judgement has held as follows:

Afcons Infrastructure Ltd. vs Nagpur Metro Rail Corporation Ltd.: 2016 (16) SCC818:2016

The Court held, "the owner or employer of a project, having authored the tender documents is the best person to understand and appreciate its requirement and interpret the documents. Courts must defer to this understanding unless there is mala fide or perversity. A different interpretation by the courts is not a reason for interference."

M/s Agmatel India Pvt. Ltd. Vs M/s Resoursys telecom: 2022

The Court observed "the tender document author is the best person to understand its requirements. Courts should exercise restraint unless the interpretation is arbitrary, unreasonable, or against public interest."

Balaji Ventures Pvt' Ltd' Vs Maharashtra State Power Generation Company Ltd.; 2022

The Court observed, "The eligibility criteria in the tender document applied to all the bidders. The owner has the freedom to set criteria unless they are arbitrary or mala fide. Bidders cannot challenge criteria that do not suit them. Courts have limited roles in reviewing tender conditions, as it is an offer to Compete."

Therefore, maximum bid capacity of 2400 MW is approved by the Commission.

IV. Inclusion of Insurance Surety Bonds for Bid and Performance Security

43. The Commission observes that ISBs have emerged as a valid and recognized financial instrument in the power sector. Ministry of Finance, via amendments to Rules 170(i) and 171(i) to the General Financial Rules (GFR), 2017 dated 02.02.2022 and subsequent Office Memorandums (including OM dated 24.09.2024), has expressly recognized ISBs as acceptable substitutes for conventional security instruments. Furthermore, the MoP, vide Office Memorandum dated 06.04.2026, has advised all States, Union Territories, and procuring utilities to suitably incorporate ISBs into their respective bidding documents for power procurement. This would facilitate wider and more competitive participation in the bidding process and significantly reduce working capital blockage, credit exposure and liquidity





constraints. Since ISBs have already been allowed to be an alternate to PBGs in the Bidding Guidelines for Procurement of Inter-State Transmission Services, Wind, Solar, Hybrid & FDRE power, it would only be logical to allow bidders to avail of ISBs as an acceptable form of Bid Security/Performance Security.

44. **However keeping in view the reservation expressed by UPPCL, the Commission hereby approves the use of Insurance Surety Bonds (ISBs) as a valid alternative instrument for Bid Security but not for the purpose of Performance Security in the instant procurement process. Consequently, the Petitioner is hereby directed to suitably amend the tender documents to incorporate necessary provisions for the acceptance of ISBs, ensuring alignment with the General Financial Rules, 2017 and the latest directives issued by the Ministry of Power.**

V. Extension of Timeline of SCOD of 1st unit to 60 months and by 6 months thereafter for subsequent units

45. The Commission notes that in earlier approval Orders in Petition No. 2084 of 2024, timeline for SCOD of the first unit has been approved as 48 months from Appointed date (the date of satisfaction of the conditions precedents) as against time of 36 months stipulated in Model Bidding Documents. The deviation was approved considering the prevailing market conditions at that time. The Commission takes note of the evolving market dynamics and supply chain constraints currently affecting the power sector. Given the recent surge in fresh tenders for thermal capacity addition across various states to meet baseload requirements, there is significant pressure on the indigenous manufacturing pipelines of these domestic suppliers, BHEL and L&T.
46. The Commission has reviewed the prevailing regulatory trends and benchmarks across the sector. UPPCL has submitted that some of the DBFOO tenders viz. APDCL, BSPHCL and MSEDCL, have been concluded with the timeline of 48 months or less. LPGCL has suggested that some of the DBFOO tenders viz. WBSEDCL and MPPMCL, have been concluded with the timeline of more than 48 months going up to 60 months. Notably, NTPC Ltd. ("NTPC") has issued Tender for Supply of Main Plant Package (NIT No. CS-8013/8038/8027-001A-2) for the following thermal power





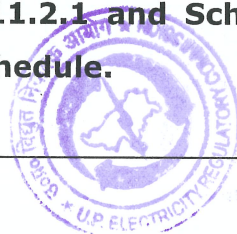
stations, wherein the timelines for achieving COD have been revised to reflect 54 months:

i. NTPC Lara STPP Stage III (2 x 800 MW)

ii. DVC-CIL Chandrapura TPP (2 x 800 MW)

iii. NTPC IB Thermal Power Station Stage III Unit 5 & 6 (2 x 660 MW)

47. The Commission also observed that Financial Closure is one of the Condition Precedent to be satisfied before the Appointed date, therefore the Developer would face difficulty to place award for the equipment with manufacturer without financial tie up. Hence the period before the Appointed Date may be useful for groundwork or pre-construction activities and not for construction of the project which has been stipulated in the bidding documents as 48 months.
48. Further, based on the documents placed on record by LPGCL and UPPCL, the Commission observes that, in the recent tenders, other State Regulatory Commissions, including those in West Bengal (WBERC) and Madhya Pradesh (MPERC), have acknowledged and approved extended timelines ranging from 54 to 60 months for the completion of 800 MW units. Also, recent data from equipment orders placed with BHEL for projects such as NTPC-Telangana Stage II (62 months) and GSECL-Ukai Extension (54 months) indicates that the standard 48-month window is increasingly becoming unachievable in the current industrial climate.
49. **The Commission is of the view that prescribing aggressive timeline may lead to higher risk premiums in the discovered tariff, and an increased likelihood of legal disputes due to time and cost overruns. To ensure the successful and timely commissioning of these critical infrastructure projects in the interest of the consumers of Uttar Pradesh, the Commission finds it prudent to align the completion schedule with current market realities. Accordingly, the Commission hereby approves the extension of the timeline for the Scheduled Completion Date for the first unit to 54 (fifty-four) months from the Appointed Date, with a further interval of 6 (six) months for each subsequent unit. The Petitioner is directed to carry out the necessary amendments in Article 11.2.1 and Schedule E of the Bidding Documents to reflect this revised schedule.**





Commission's Analysis on Deviations from Model Bidding Documents and Approval of Power Procurement

I. Overall power procurement of 4000 MW Thermal Power Capacity

50. The Commission vide its Suo Motu Order dated 23.06.2023 took cognizance of demand-supply position of UP Discoms for the period from FY 2024 to FY 2040, wherein the Commission identified the RTC deficit from FY 2029-30 onwards and allowed UPPCL to tie-up long term power through coal, hydro, nuclear and gas, depending upon fuel source availability to meet its power demand RTC basis from 2029 onwards.
51. The Petitioner referred to the observations made during the 9th Governing Council Meeting of NITI Aayog held on 27.07.2024. It is imperative to mention that the NITI Aayog, in its 9th Governing Council Meeting held on 27.07.2024, has emphasized that while renewable energy is critical, the base load requirements of the nation can only be met through the combined contribution of nuclear, hydro, and thermal power. The Council expressly urged States to overcome inertia in establishing power generation units and to accelerate capacity addition. The relevant extract is stated below:

"The country must be prepared for the substantial rise in demand for power and water in a Viksit Bharat. While Renewable Energy is certainly important, the base load can only be met with the combined contribution of nuclear, hydro, as well as thermal power. States must overcome any inertia regarding the establishment of power generation units. While work on 50,000 MW power generation is underway, there is a pressing need to accelerate the process."

52. UPPCL in its Petition has relied upon the *Central Electricity Authority (CEA) Resource Adequacy Plan for UPPCL from FY 2024-25 to FY 2033-34*, issued in 2024, to justify its proposal for the procurement of 4000 MW thermal power capacity. However, the Commission notes that, in Petition No. 2380 of 2026, UPPCL has also submitted revised & updated *CEA Resource Adequacy Plan (Generation) for UPPCL, Uttar Pradesh (2026-27 to 2035-36) (version-2)*, issued in April 2026. The year-wise comparison of coal-based planned contracts, additional capacity requirements and retirement assumptions across the two reports is presented in the table below:





	CEA RAP, 2024 (through 2033-34)			CEA RAP, 2026 (through 2035-36))		
	Coal			Coal		
Year	Planned Contracts	Additional Requirement	Retirement assumed	Planned Contracts	Additional Requirement	Retirement assumed
2024-25	2739	0	0	-	-	-
2025-26	0	0	-110	-	-	-
2026-27	0	5027	0	615	0	0
2027-28	0	2312	-110	0	0	0
2028-29	800	0	-110	0	224	-2740
2029-30	0	0	-110	267	3607	0
2030-31	0	0	-110	267	710	-420
2031-32	0	699	0	1500	0	0
2032-33	0	1574	0	0	1225	0
2033-34	0	1183	0	0	1448	0
2034-35	-	-	0	0	1508	0
2035-36	-	-	0	0	1967	0
Total	3539	10795	-550	2649	10688	-3160

53. As per as per the Resource Adequacy Plan (RAP) 2024, the total contracted capacity as on 31st March 2023 was 30589 MW, out of which 20121 MW comprised coal-based capacity. In the said report, the CEA projected a coal-based capacity requirement of 36807 MW by FY 2033-34.
54. The Commission further notes that, as per RAP 2026, the total contracted capacity as on January 2026 stood at 35995 MW, out of which 25137 MW comprised coal-based capacity. The increase in contracted coal-based capacity from 20,121 MW to 25,137 MW is primarily attributable to the commissioning of approximately 5,145 MW of capacity during this period, including projects of UPRVUNL (5x660MW), THDC (854 MW), and the Ghatampur TPP (2X495.5MW).
55. The Commission further notes that, in RAP 2026, CEA has projected a coal-based capacity requirement of 35,313 MW by FY 2035-36. Considering the existing coal-based contracted capacity of 25,137 MW as on January, 2026 and the retirement of 3,160 MW of capacity during the intervening period, the additional coal-based





capacity requirement works out to 13,336 MW (35,313 MW – 25,137 MW + 3,160 MW).

56. The Commission observes that, out of the aforesaid additional capacity requirement of 13,336 MW, a capacity of 2,649 MW has already been planned as provided below.

Planned Capacities	
Generator	Capacity (MW)
Ghatampur TPP/ NLC JV U-3	615
NTPC Singrauli Stage-III	534
DBFOO	1,500
Total	2,649

Further, the Commission notes that the tendering process for the 1,600 MW coal-based project under the DBFOO mode has been completed and the Letter of Award (LoA) has been issued.

Accordingly, the balance additional coal-based capacity required through future contracts would be 10,687 MW (13,336 MW – 2,649 MW).

57. UPPCL, against the above requirement of 10,688 MW has already planned for procurement of 5000 MW of thermal capacity addition through following projects in the coming years, as detailed below:

Generator	Capacity Tie up (MW)	Status
Obra -D	1,600	MoU Signed in 2023
Anpara- E	1,600	MoU Signed in 2023
Meja-III	1,800	PPA Signed in 07.12.2024
Total	5,000	

58. The Commission further notes that, vide its additional affidavit dated 06.04.2026, UPPCL highlighted the uncertainties surrounding the proposed thermal projects namely, Obra D and Anpara E. UPPCL submitted that, although Memoranda of Understanding (MoUs) have been signed in respect of said projects, significant uncertainties continue to subsist regarding their execution and development, owing to which the corresponding Power Purchase Agreements (PPAs) have not yet fructified. In the absence of concluded PPAs and firm milestones for implementation,





reliance on the said projects may not be prudent from the perspective of resource adequacy and long-term planning.

59. Hence, based on the submissions of the Petitioner and CEA's Report on Resource Adequacy Plan 2026, the Commission observes that, even if we consider the entire 5000 MW capacity of above 3 projects as tied up, a capacity gap of 5688 MW (10,688 MW – 5000 MW) still remains to be procured.
60. For the State of Uttar Pradesh, being inherently constrained in terms of indigenous renewable resource potential, particularly with respect to wind and hydro resources and materially less favourable solar irradiation profile of the State as compared to high-resource States such as Rajasthan, Gujarat and Madhya Pradesh, the requirement for firm and dispatchable thermal capacity assumes greater importance to support the developmental aspirations. Thermal generating stations also provide critical grid support and system services, including dependable round-the-clock supply, ramping support for balancing renewable variability, frequency and voltage support, as well as spinning reserves and contingency support, all of which are essential for maintaining grid stability and reliability. Therefore, augmentation of thermal power capacity remains a critical requirement to ensure resource adequacy, grid reliability and least-cost supply of power in support of sustained economic development.
61. The Commission is also aware that the prevailing geopolitical environment also carries the potential risk of disruption in the supply of critical fuels such as crude oil, LPG and natural gas, which may give rise to broader energy security concerns and fuel availability constraints. In such a scenario, there is a significant likelihood of accelerated substitution of conventional fuel consumption with electricity across sectors, including increased adoption of electric vehicles, higher use of electric cooking and heating appliances at domestic as well as commercial establishments and higher electrification of industrial processes. Such developments may materially alter the existing load curve, peak demand profile and consumption pattern of the State, thereby further reinforcing the necessity of augmenting firm and dispatchable thermal capacity in advance to maintain system adequacy, grid stability and reliable supply.





62. **The Commission also notes that, Government of Uttar Pradesh has secured a coal linkage equivalent to 4,000 MW capacity from Mahanadi Coalfields Ltd. (Talcher and IB fields) under Para B (IV) of the SHAKTI Policy, 2017. In view of the above, the Commission hereby approves the procurement of the additional capacity requirement of 4,000 MW by UPPCL on behalf of UP Discoms.**

II. Approval of Bidding documents and deviations sought therein

63. In line with the UPERC (Modalities of Tariff) Regulations, 2023, UPPCL has prepared the document of bidding on the basis of guidelines for long term procurement of electricity from thermal power stations on Design-Build-Finance-Own-Operate (DBFOO) basis and sourcing of fuel as provided under Model Bidding Documents (MBDs)/Standard Bidding Documents (SBDs) including allocation of coal under B(IV) of Shakti Scheme.
64. Further, Clause 4 of Guidelines dated 06.03.2019 issued by Ministry of Power (MOP) for long term Procurement of Electricity from Thermal Power Stations set up on DBFOO basis and sourcing fuel as provided under Model Bidding Documents including allocation of coal under B (I), B(III) and B(IV) of SHAKTI policy (Scheme for Harnessing and Allocating Koyala (Coal) Transparently in India), stipulates that any deviations from MBDs shall be made only with prior approval of Appropriate Commission.
65. The Commission vide its Order dated 04.07.2024 and corrigendum Order dated 09.07.2024 in Petition No. 2084 of 2024 and Order dated 30.09.2024 in Petition No. 2133 of 2024 ("**Earlier Approval Orders**") approved the deviations in MBDs for procurement of 1600 MW of power from Thermal Station to be set up on DBFOO basis. The Commission notes that UPPCL in its Petition has sought certain deviations which are already approved by the Commission in these Orders. Hence, the Commission in the present Order does not repeat the same for the sake of brevity and in the subsequent paragraphs considers the deviations which are different than the earlier approved deviations.

A. Changes in the bidding documents as per the functional requirements of the DEEP Portal.





66. UPPCL, vide affidavit dated 08.05.2026 has proposed deviation with regard to alignment of Tender Fee, Bid Security, and Qualification Criteria with Installed Capacity against the offered Contracted Capacity. UPPCL has submitted that since the tendering framework is structured based on the installed capacity of the project, it is appropriate that key parameters such as tender fee, bid security, financial qualification requirements, etc are also linked to the installed capacity rather than the contracted capacity. Further, the bidding portal has also suggested that such parameters be aligned with the installed capacity to ensure uniformity and ease of implementation within the portal framework.
67. **Since linking of key parameters such as tender fee, bid security and financial requirements with installed capacity would ensure uniformity and ease of implementation within portal framework, the Commission allows these proposed deviations.**

B. Location of the plant

68. In the instant Petition, UPPCL has submitted that the bidding process for the 4,000 MW capacity is specifically designed for the establishment of new Thermal Power Plants. The technical requirements stipulate a standardized unit size of 800 MW based on Ultra-supercritical technology. Furthermore, the Commission notes the Petitioner's submission that the bid is location-agnostic i.e., thermal power station may be located anywhere in India.
69. Regarding the Petitioner's proposal for a location-agnostic bidding process, the Commission observes that the Standard Bidding Documents (SBD) issued by the Ministry of Power on 05.03.2019 grants Procurer the discretion to determine the location of the project based on its specific requirements. The Commission acknowledges the liberty provided under the Guidelines and SBD and thus, approves UPPCL's proposal to invite bids on a location-agnostic basis, allowing for project development anywhere in India.
70. The Commission further observes that the Petitioner has proposed a restriction regarding the relocation of projects. The Supplier/Generator is allowed to change project location up to financial closure in the following manner:





Original location of project in Bid	Re-location of the plant within State of UP	Re-location of the plant to a place outside State of UP
Inside State of UP	Allowed	Not Allowed
Outside State of UP	Allowed	Allowed

Further, it is submitted that, any savings to the Supplier on account of change in location shall be passed on to the Utility. The Supplier shall be obligated to file a petition before the Commission seeking approval for the pass-through of such benefits to the Utility. Also, any additional burden, liability or cost arising from the change in location shall be borne solely by the Supplier. This will prevent pass through of any additional burden on end consumer on account of change in location.

71. The Commission notes that, once a project has achieved Financial Closure, the developer shall not be permitted to relocate the project. The Commission recognizes that the location of a power plant is a fundamental factor in determining the bid price, as it directly influences critical cost components such as distance to coal mine, fuel transportation cost and transmission charges. If the bidder has quoted the Fuel Charges considering the location of the plant within State of U.P. then any subsequent re-location outside the State after the financial parameters have been finalized could significantly alter the cost structure and potentially impact the tariff discovered through the competitive bidding process. **Accordingly, the Commission finds the restriction on the re-location of projects after Financial Closure to be reasonable and hereby approves the same.**

C. E-Reverse Auction (E-RA)

72. The UPPCL has submitted that the selection of Bidder shall be done after E-RA and L-1 Matching. During the e-RA, Bidders shall be permitted to reduce only Base Fixed Charges, since ISTS charges are notified by the Utility and Fuel Charges are pass-through. Fuel Charges shall not be allowed to be reduced during e- reverse auction and there would not be any alteration in Fuel Charges post price bid. However, evaluation of Bids shall be carried out on total tariff. Similarly, in the L1 matching stage, Bidders shall only be permitted to reduce Base Fixed Charges to match the discovered L1 tariff.

73. **The Commission has reviewed E-RA procedure stipulated in Clause 3.3 of the Request for Proposal (RFP) document, including trigger condition &**



ranking rule and the Commission hereby approves the E-RA process as stipulated in the Tender Documents.

D. Transmission Line and Delivery Point

74. As regards dedicated transmission lines and delivery point, the Petitioner has proposed as under:
- I. Delivery Point shall be UP State Transmission Utility (UP-STU) periphery for plants within U.P, and UP-STU & Central Transmission Utility (CTU) interconnection point at UP-STU end for plants outside U.P.
 - II. The construction of power station shall include construction of dedicated transmission system for point-to-point transmission of electricity from the generating station to the point of grid connection i.e., nearest STU/CTU sub-station or interconnection point.
 - III. The construction of dedicated transmission line from the project to the nearest STU/CTU sub-station or interconnection point shall be governed in accordance with the applicable regulations of the respective State Electricity Regulatory Commission or the Central Electricity Regulatory Commission, as the case may be.
 - IV. For the Project located in the State of Uttar Pradesh, the Utility shall make available, the transmission system required for evacuation of power from switchyard bus bar of the Power Station at the least (2) months prior to the scheduled Completion Date of first unit.
75. The Commission observes that the construction of dedicated transmission line from the project to the nearest STU/CTU sub-station or interconnection point shall be governed in accordance with the applicable regulations of the respective State Electricity Regulatory Commission or the Central Electricity Regulatory Commission, as the case may be. Further, the Commission also notes that for the projects located in the State of U.P., in terms of Regulation 6.1 of UPERC (Modalities of Tariff Determination) Regulations, 2023, the responsibility to make available the transmission system required for evacuation of power from the power station shall lie with UPPCL as given in clause 6.1.7 and 11.2.1 of the PSA.





76. Therefore, with a view to providing comprehensive clarity regarding the responsibility, manner, framework and to eliminate any ambiguity for construction of Dedicated Transmission Lines associated with Intra-State Generating Stations, the existing provisions of Clause 6.1.7 of the Power Supply Agreement are hereby amended and substituted with the following:

"The responsibility for connecting intra-State power station where the Point of Delivery is at the Bus-bar of the Power Station, to the grid via Dedicated Transmission Line lies with Utility viz. UPPCL (and/or the STU or transmission licensee), and not with the Supplier as per Regulation 10. 1 of UPERC (Grant of Connectivity to intra-State Transmission System) Regulations, 2010 and Regulation 6.1 of UPERC (Modalities of Tariff Determination) Regulations, 2023. The transmission system as mentioned above, shall be made available by the Utility at least 2 (two) months prior to the Scheduled Completion date of first Unit."

E. Quoted Tariff

77. As regards the Quoted tariff, the provisions/conditions of the Bid documents as submitted by the Petition is summarised as under:

- I. The Base Fixed Charge shall not be more than 70% of the Tariff and the Base Fuel Charge shall not be more than 50% of the Tariff. The ceiling of Based Fixed Charges is exclusive of the ISTS charges to be loaded for evaluation purpose; and the aforesaid ceilings on the Base Fixed Charge and Base Fuel Charge shall be applicable only at the time of bid submission (i.e., as on the Bid Due Date). During the e-RA and L1 matching stages, where only the Fixed Charge is allowed to be reduced, the ceiling shall not be applicable.
- II. Bidder is to quote the two-part tariff viz. Fixed Charges and Fuel Charges. The quoted tariff shall be considered of the following components:

Base Fixed Charges	(i)Base Fixed Charges in Rs./kWh (ii)ISTS Charges in Rs./kWh as notified by UPPCL
Fuel Charges	(i)Cost of Coal in Rs./kWh (ii)Transportation of coal in Rs./kWh (iii)Washing Charges in Rs./kWh



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	(iv) Cost of Secondary Oil in Rs./kWh (v) Cost of Biomass Pellets in Rs./kWh (vi) % CTU losses as notified by UPPCL
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78. The Petitioner has requested a deviation to include the cost of biomass pellets, secondary fuel oil, and transmission losses as components of the overall Fuel charge. Furthermore, it is proposed that transmission charges be integrated into the Fixed Charge component of the tariff. The Commission has gone through the submission of the petitioner and SBD and has deliberated on the deviation in the components of Quoted tariff in below paragraphs:

a) Cost of Biomass pellets

79. During the hearing held on 12.05.2026, the Commission specifically enquired about the proposed inclusion of biomass pellets and secondary fuel oil costs within the fuel cost component. UPPCL, subsequently, vide affidavit dated 08.05.2026 has revised clauses in the bidding documents pertaining to Fuel Charge to provide greater clarity on the utilization, accounting, and consumption of biomass to elucidate computation of fuel charges.
80. The Commission observes that, unlike the previous DBFOO tender for 1,600 MW (Petition No. 2084 of 2024), the Petitioner is now seeking these as deviations. Though there is key distinction exists between the two tenders in respect to project location, the Commission notes that in the previously concluded DBFOO tender for 1,600 MW, the Petitioner did not seek deviations for the inclusion of biomass pellets or secondary fuel oil in the fuel charges, although the Revised Biomass Policy dated 08.10.2021 was applicable to new Thermal power plants.
81. The Commission notes that Revised Biomass Policy dated 08.10.2021 and its subsequent amendment dated 16.06.2023 stipulates that all thermal power plants shall on annual basis mandatorily use 5% of blend of biomass pellets, which is reproduced as under:

"3. In order to further promote the use of biomass pellets in coal based thermal power plants, the above Policy is further modified. The modifications in the above Policy are as under:

(i) All coal based power plants of power generation utilities with bowl mill , shall on annual basis mandatorily use 5 percent blend of biomass





pellets made, primarily of agro residue along with coal with effect from one year from date of issue of this guideline. The obligation shall increase to 7 percent with effect from two years after the date of issue of this order and thereafter." (**emphasis added**)

82. Further, Ministry of Power notified Comprehensive Policy for co-firing of biomass pellets in coal-based power plants on 07.11.2025, superseding earlier policy dated 08.10.2021. The said policy stipulates as under:

"4. The details of the Comprehensive Policy are given below:

(i) All Coal based Thermal Power Plants (TPPs) of power generation utilities **in NCR shall on annual basis use 5% blend (by weight) of biomass pellets** and additional 2% (by weight) either from biomass pellets and/or torrefied charcoal made from Municipal Solid Waste (MSW) along with coal with effect from FY 2025-26.

However, TPPs in other regions shall on annual basis use 5% blend (by weight) either from biomass pellets and/or torrefied charcoal made from Municipal Solid Waste (MSW) along with coal with effect from FY 2025-26.

... .." (**emphasis added**)

83. From the above, the Commission notes that, in the Comprehensive Policy dated 07.11.2025, the word "mandatorily use of biomass pellets" has been removed for TPPs (Thermal power plants) in regions other than NCR, thus making use of *torrefied charcoal made from Municipal Solid Waste (MSW)* as an option to biomass pellets. Also, coal-based power plants may seek relaxation or exemptions based on recommendations of CEA. The relevant clause is reproduced herein below:

"5. Any TPP seeking exemptions/ relaxation from the above co-firing may be considered on a case-to-case basis. Based on recommendations of CEA. A Committee headed by Chief Engineer (TE&TD), CEA, NTPC, BHEL, CPRI, Ministry of Agriculture and SAMARTH Mission shall examine the request of power plants for their exemption/relaxation from co-firing targets. "

84. Further, the Commission notes that inclusion of the cost of biomass pellets in fuel charge could allow bidders to have more head room in the fixed charges of their quoted tariff considering ceiling limit of 70% on total tariff. To ensure a clear and fair price discovery that protects consumer interests, the Commission directs that cost of biomass pellets shall be removed from the fuel cost computation. Once the implementation of Comprehensive Policy becomes mandatory, the impact of co-



54.



firing of biomass pellets shall be allowed to the Supplier under Change in law only after implementation of Comprehensive Policy by the thermal power station. Therefore, any inclusion of clauses and changes proposed with regard to use of biomass pellets in the bidding documents is not approved by the Commission.

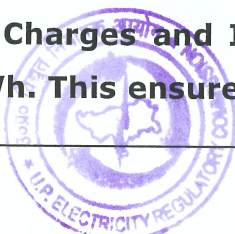
b) Cost of Secondary Fuel Oil

85. The Commission approves the inclusion of cost of Secondary fuel oil as part of Fuel Charges as it is aligned to the tariff structure of the thermal power plants.

c) Inclusion of Transmission charges and Transmission losses in Quoted Tariff

86. The Commission notes that, as part of Bid documents, UPPCL has notified ISTS Charges as Rs. 0.54/kWh and ISTS Losses as 3.90%. Further, UPPCL vide affidavit dated 08.05.2026 sought modification in deviation regarding transmission losses wherein Bidders are required to quote CTU losses in % terms or Rs. /kWh as notified by Utility considering the inputs and functional requirement of bidding portal.
87. As regards the inclusion of ISTS Charges under Base Fixed Charges, Article 5.5 of draft Power Sale Agreement stipulates that the Supplier shall be liable for payment of all charges, except ISTS (GNA) charges. Since, ISTS Charges are to be borne by UPPCL and to be loaded in total tariff for the purpose of bid evaluation only, the same shall not be made as part of Fixed Charges. **The Commission directs to consider the ISTS Charges separately, but not as part of Fixed Charges.**
88. Regarding the inclusion of transmission losses in the Fuel Charge, the Commission observes that consideration of transmission losses as part of Fuel Charge would make the computation of fuel charge more complex and increase the fuel charge. This could allow bidders to have more head room in the fixed charges of their price bid considering ceiling limit of 70% on total tariff.
89. **In line with the standard practice followed in DBFOO tenders, the Commission directs that Transmission Charges and Transmission Losses shall be considered only for the purpose of bid evaluation to determine the landed cost of power and not for computation of ceiling Fixed charges and Fuel Charges. Both ISTS Charges and ISTS Losses are to be notified by UPPCL in terms of Rs./kWh. This ensures a transparent and "level playing**

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field" comparison between bidders located at different distances from the delivery point.

d) Approved Quoted Tariff

90. The Commission is inclined to make bidding simple and clear to avoid any ambiguity thus, requiring any additional and implausible monitoring and control. Accordingly, for the purpose of identifying the Lowest Bidder (L1), the Tariff shall be computed using the following elements:

Tariff (Rs/kWh) = Fixed Charge (Rs/kWh) + Fuel Charge (Rs/kWh) + Transmission Charges including ISTS Charges (Rs/kWh) + Transmission losses (Rs/kWh)

Wherein: -

Fuel Charge (Rs/kWh) = Cost of Coal (Rs/kWh) + Transportation Charges (Rs/kWh) + Secondary Fuel Oil (Rs./kWh) + Washing Charges (Rs/kWh)

91. The Petitioner is hereby directed to make the necessary amendments in the RFQ, RFP, and PSA ensuring consistent terminology throughout the bidding documents.

e) Quotation of fuel charge in Bid

92. The Commission takes note that a specific coal linkage has been secured from Mahanadi Coalfields Limited (MCL) for this procurement. An allocation of G13 grade coal has been confirmed, totalling 20.40 Million Tonnes (MT) for Pit-head plants and 20.52 MT for Non-pit-head plants, starting from the year 2030-31. This coal allocation is a critical component of fuel security for the 4,000 MW capacity.
93. Further, the Commission approves that for the purpose of computation of Fuel Charges, the source of the coal has been considered as IB field. Accordingly, the Commission directs UPPCL to notify the price and GCV of coal as well as details of secondary fuel oil to be used for bidding purposes, at least 7 days prior to submission of bid.

f) GCV Measurement for Payment of Fuel Charges

94. In alignment with the Commission's Order in Petition No. 2084 of 2024 dated 24.06.2024 and previously approved Tender document, GCV for the purpose of calculation of fuel charges shall be considered on "As received basis". UPPCL shall





appoint an Independent Agency to conduct the measurement of the average Gross Calorific Value (GCV) of coal at the unloading point. Difference in GCV between the unloading point and firing end, on an average basis, would be determined in the manner as notified by the Commission as per UPERC Generation Tariff Regulations from time to time, to account for stacking/storage losses. Such average GCV at the firing end would be used for computing the fuel charges payable by UPPCL. Guidelines of the Government of India regarding Independent agency sampling of coal at loading/ unloading point would be abided by.

F. Tariff for Alternate Source of Supply

95. Regarding the provision for Alternate Supply, the Commission directs that the principles established in its previous Orders in Petition No. 2084 of 2024 (dated 24.06.2024 and 04.07.2024) shall be retained in the current bidding framework. Accordingly, in the event that the Supplier opts to provide power from an alternate source, the tariff would be compared at the delivery point and any additional transmission charges and losses would be to the account of the Supplier.

Commission's Decision

96. In view of all aforesaid and considering the reasons explained by the Petitioner for each deviation in the Petition, additional submission and during the hearing held on 12.05.2026, the Commission in continuation with earlier Order dated 04.07.2024 and corrigendum Order dated 09.07.2024 in Petition No. 2084 of 2024 and Order dated 30.09.2024 in Petition No. 2133 of 2024 hereby accords approval, in terms of Clause 4 under terms and conditions of the DBFOO Guidelines dated 06.03.2019 for the deviations as explained above. The details of deviations submitted by the Petitioner in RFQ, RFP and PSA and rulings of the Commission are summarized in the following Table:



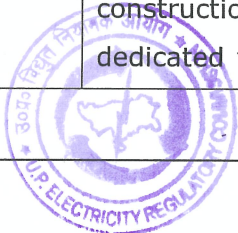


S. No.	Issue Concerned	Provision in bid document submitted before the Commission	Rulings of the Commission
1.	Project Location & Relocation	Bids are invited on a location-agnostic basis (i.e., from projects located anywhere in India). Bid document allows to change the location of project except from original location within State of U.P. to outside U.P. Further, any cost savings are passed to UPPCL, and any increase in cost shall be solely borne by the developer.	Approved. Bid invited on location agnostic basis aligns with the flexibility granted under the Model Bidding Document dated 05.03.2019. The terms of change of location of the project are approved because location determines fuel/transmission cost structures.
2.	Eligibility of Existing or New Projects	Only new projects are to be set up and allowed for bidding.	Approved. The Clause 2 of Guidelines notified by Ministry of Power dated 06.03.2019 for long term procurement of power under DBFOO basis restricted the application of guidelines to projects constructed and operated under the designated Power Supply Agreement.
3.	Unit Size & Minimum Bid Capacity	Mandatory unit size of 800 MW utilizing Ultra-Supercritical (USC) technology and a corresponding Minimum Bid Capacity of 800 MW subject to adjustment of auxiliary consumption, transmission losses, etc. till delivery point.	Approved. A unit size of 800 MW with Ultra Supercritical technology ensures maximum operational efficiency and long-term sustainability as Ultra-Supercritical technology represent most advanced thermal efficient coal based technology available in the market. Further, the requirement of minimum bid capacity aligns with technical





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			parameters of the project which mandate unit size of 800 MW. The approach aligns with the earlier approval Order dated 04.07.2024 in Petition No. 2084 of 2024.
4.	E-Reverse Auction (E-RA)	The selection of bidder shall be done after E-reverse auction and L-1 Matching. During the e-RA, Bidders shall be permitted to reduce only Base Fixed Charges, since ISTS charges are notified by the Utility and Fuel Charges are determined by notified CIL/Indian Railways costs and are pass-through.	Approved. E-reverse auction procedure stipulated in Clause 3.3 of the Request for Proposal (RFP) document, including trigger condition and ranking rule. E-reverse auction will provide the lower price discovery compared to earlier approach of price bid evaluation.
5.	Delivery Point & Dedicated transmission line	Delivery Point shall be UP State Transmission Utility (UP-STU) periphery for plants within U.P, and UP-STU & Central Transmission Utility (CTU) interconnection point at UP-STU end for plants outside U.P. Also, the scope of the project includes the construction of the dedicated transmission line	Approved as Clarified Existing Clause 6.1.7 to be worded as follows for clarity: "The responsibility for connecting intra-State power station where the Point of Delivery is at the Bus-bar of the Power Station, to the grid via Dedicated Transmission Line lies with Utility viz. UPPCL (and/or the STU or transmission licensee), and not with the Supplier as per Regulation 10. 1 of UPERC (Grant of Connectivity to intra-State Transmission





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		from the Project to the nearest STU/CTU sub-station or interconnection point and it shall be governed in accordance with the applicable regulations of the respective State Electricity Regulatory Commission or the Central Electricity Regulatory Commission, as the case may be.	System) Regulations, 2010 and Regulation 6.1 of UPERC (Modalities of Tariff Determination) Regulations, 2023. The transmission system as mentioned above, shall be made available by the Utility at least 2 (two) months prior to the Scheduled Completion date of first Unit."
6.	Ceiling on Quoted Fixed Charges and Fuel Charges	The Base Fixed Charge shall not be more than 70% of the Tariff and the Base Fuel Charge shall not be more than 50% of the Tariff. The ceiling of Based Fixed Charges is exclusive of the ISTS charges to be loaded for evaluation purpose; and the aforesaid ceilings on the Base Fixed Charge and Base Fuel Charge shall be applicable only at the time of bid submission (i.e., as on the Bid Due Date). During the e-RA and L1 matching stages, where only the Fixed Charge is allowed to be reduced, the ceiling shall not be applicable.	Approved. The ceiling on Base Fixed Charge of 70% of the Tariff and the Base Fuel Charge of 50% of the Tariff is in line with the Model Bidding Documents dated 05.03.2019. Since, the bidding is called from the projects located anywhere in India, the additional tariff components viz. ISTS charges and transmission losses to be considered for the evaluation purpose. Moreover, consideration of such charges for computing ceiling of Fixed Charges would affect the fairness of competitive bidding process. Hence, the Commission clarifies that, for the purpose of the computation of ceiling of Fixed Charges, total tariff shall comprise of Base Fixed Charge and Base Fuel Charge, wherein, Base Fuel Charge will comprise of cost of fuel and cost of transportation only.





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7.	Cost of Biomass Pellets	Deviation sought to include the cost of biomass pellets as part of Fuel Charge.	Rejected and required to be modified. The Comprehensive Policy for co-firing of biomass pellets in coal-based power plants dated 07.11.2025 supersedes earlier policy dated 08.10.2021 and , the word "mandatorily" for use of biomass pellets has been removed from the earlier policy, making it optional for coal-based power stations. Also, coal-based power plants may seek relaxation or exemptions based on recommendations of CEA. The Commission notes that in the previously concluded DBFOO tender for 1,600 MW, the Petitioner did not seek deviations for the inclusion of biomass pellets in the fuel charges, although the then Revised Biomass Policy dated 08.10.2021 was applicable to new Thermal power plants. Further, inclusion of cost of biomass pellets in fuel charge could allow bidders to manipulate their tariff, which may increase the Fuel Charges and thereby Fixed Charges considering ceiling limit of 70% on total tariff. To ensure a clear and fair price discovery that protects consumer interests, the Commission directs that cost of biomass pellets shall be removed from the fuel cost computation. Once the implementation of Comprehensive Policy becomes mandatory, the impact of co-firing of





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			biomass pellets shall be allowed to the Supplier under Change in law only after implementation of Comprehensive Policy by the thermal power station.
8.	Cost of Secondary Fuel Oil	Deviation sought to include the cost of secondary fuel oil as part of Fuel Charge.	Approved. The Commission accepts the inclusion of cost of Secondary fuel oil as part of Fuel Charges as it is aligned to the tariff structure of the thermal power plants. The inclusion of secondary fuel oil in Fuel Charges is accepted.
9.	Treatment of Transmission Charges and Transmission losses	As part of Bid documents, UPPCL has notified ISTS Charges as Rs. 0.54/kWh and ISTS Losses as 3.90%. Deviation sought to blend ISTS Charges as part of Base Fixed Charge and transmission losses into the Fuel Charge by grossing up Fuel Charges with applicable transmission losses. Further, UPPCL vide its affidavit dated 08.05.2026 submitted a deviation for consideration of	Requires to be modified. Article 5.5 of draft Power Sale Agreement stipulates that the Supplier shall be liable for payment of all charges, except ISTS (GNA) charges. Since, ISTS Charges are to be borne by UPPCL and to be loaded in total tariff for the purpose of bid evaluation only, the same shall not be made as part of Base Fixed Charges. The Commission directs to consider the ISTS Charges separately, but not as part of Base Fixed Charges. Further, consideration of transmission losses as part of Fuel Charge would make computation of Fuel Charge more complex and also increase the fuel charge. This could allow bidders to manipulate their price bid with increase in Fuel Charge thereby increasing Fixed





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		Transmission losses in % or in Rs./kWh.	Charges considering ceiling limit of 70% on total tariff. In line with the standard practice followed in DBFOO tenders, the Commission directs that Transmission Charges and Transmission Losses shall be considered only for the purpose of bid evaluation to determine the landed cost of power. Both ISTS Charges and ISTS Losses are to be notified by UPPCL in terms of Rs./kWh.
10.	Quoted Tariff	The following is tariff to be quoted by the Bidder: Base Fixed Charges (i) Base Fixed Charges in Rs./kWh (ii) ISTS Charges in Rs./kWh as notified by UPPCL Fuel Charges (i) Cost of Coal in Rs./kWh (ii) Transportation of coal in Rs./kWh (iii) Washing Charges in Rs./kWh	Approved with part modification: The Commission is inclined to make bidding simple and clear to avoid any ambiguity thus, requiring any additional and implausible monitoring and control. Accordingly, the quoted tariff shall comprise of the following elements: <i>Tariff (Rs/kWh) = Fixed Charge (Rs/kWh) + Fuel Charge (Rs/kWh)</i> <i>Wherein: -</i> <i>Fuel Charge (Rs/kWh) = Cost of Coal (Rs/kWh) + Transportation Charges (Rs/kWh) + Secondary Fuel Oil (Rs./kWh) + Washing Charges (Rs/kWh)</i> The Petitioner is hereby directed to make the necessary amendments in RFQ, RFP, and PSA ensuring consistent



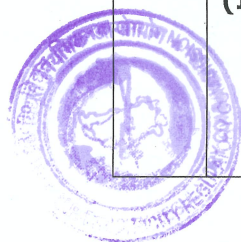


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		(iv) Cost of Secondary Oil in Rs./kWh (v) Cost of Biomass Pellets in Rs./kWh (vi) % CTU losses as notified by UPPCL (grossed up all above components (i) to (v) by Losses)	terminology throughout the bidding documents.
11.	Timeline for SCOD for Contracted Capacity/First Unit	Extension of the Scheduled Commercial Operation Date (SCOD) of the 1st unit to 48 months from the Appointed Date (i.e., date of financial closure), with a 6-month interval for subsequent units.	Approved with part modification. In earlier approval Orders in Petition No. 2084 of 2024 for DBFOO Tender of 1600 MW, timeline for SCOD of the first unit has been approved as 48 months from Appointed date i.e., date of financial close, as against time of 36 months stipulated in Model Bidding Documents, considering the prevailing market conditions at that time. In view of the evolving market dynamics and supply chain constraints currently affecting the indigenous manufacturing pipelines of domestic suppliers because of surge in fresh tenders for thermal capacity addition across various states, the Commission has reviewed the prevailing regulatory trends and benchmarks across the sector. The Commission is of the view that prescribing aggressive timeline may lead to higher risk premiums in the discovered tariff, and a greater





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			likelihood of legal disputes due to time and cost overruns. To ensure the successful and timely commissioning of these critical infrastructure projects in the interest of the consumers of Uttar Pradesh, the Commission finds it prudent to align the completion schedule with current market realities and approves the extension of the timeline for the Scheduled Completion Date for the first unit to 54 (Sixty) months from the Appointed Date, with a further interval of 6 (six) months for each subsequent unit. The Petitioner is hereby directed to make the necessary amendments in the RFQ, RFP, and PSA ensuring consistent terminology throughout the bidding documents.
12.	GCV Measurement for Fuel Billing	Determination of Gross Calorific Value (GCV) on an "As received basis" at the unloading point, adjusted for stacking/storage losses.	Approved. In alignment with the Commission's Order in Petition No. 2084 of 2024 dated 24.06.2024 and previously approved Tender document, GCV for the purpose of calculation of fuel charges shall be considered on "As received basis".
13.	Inclusion of Insurance Surety Bonds (ISBs)	No deviation sought by UPPCL. However, LPGCL submitted for allowing Insurance Security Bonds as an alternative financial instrument to Bank Guarantees (BGs) for Bid	Partly Amended. ISBs have emerged as a valid and recognized financial instrument in the power sector. Ministry of Finance, via amendments to Rules 170(i) and 171(i) to the General Financial Rules (GFR), 2017 dated 02.02.2022 and subsequent Office





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		Security and Performance Security.	Memorandums (including OM dated 24.09.2024), has expressly recognized ISBs as acceptable substitutes for conventional security instruments. Furthermore, the MoP, vide Office Memorandum dated 06.04.2026, has advised all States, Union Territories, and procuring utilities to suitably incorporate ISBs into their respective bidding documents for power procurement. Since ISBs have already been allowed to be an alternate to PBGs in the Bidding Guidelines for Procurement of Inter-State Transmission Services, Wind, Solar, Hybrid & FDRE power, it would only be logical to allow bidders to avail of ISBs as an acceptable form of Bid Security/Performance Security.
14.	Tariff for Alternate Source of Supply	Protocol for sourcing power from alternative generation units during operational contingencies.	Approved. The principles established in its previous Orders in Petition No. 2084 of 2024 (dated 24.06.2024 and 04.07.2024) shall be retained in the current bidding framework.
15.	Extension of contract period	Removal of the provision of Termination payment in the event of no extension in contract period by the Utility.	Approved. The Petitioner has sought deviation in Article 31.4 (extension of contract period) for removal of the termination payment in the event of non-extension of the contract period by the Utility. The Commission hereby approves the same.





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16.	Commercial Operation Date (CoD)	Provision of CoD of all units.	Since the allocated capacity of the Bidder may be from minimum one and maximum three units. Hence the term "CoD of all units" in Article 14.1.1 and other related Articles need to be clarified.

97. The Commission directs the Petitioner to amend Bid documents suitably in order to reflect the deviations approved by the Commission across the documents.

98. In view of the above, the Commission approves the bid documents and subsequent modifications placed on the record, subject to modifications as pointed out in Para 96 of this order.

99. The Petition is disposed of.


(Sanjay Kumar Singh)
Member




(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 17.06.2026