

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 140/AT/2023

Coram:

Shri I. S. Jha, Member

Shri Arun Goyal, Member

Shri P. K. Singh, Member

Date of order: 6th July, 2023

In the matter of:

Application under Section 63 of the Electricity Act, 2003 for adoption of Transmission Charges with respect to the Transmission System being established by the Dharamjaigarh Transmission Limited.

And

In the matter of:

Dharamjaigarh Transmission Limited,
(Now known as POWERGRID Dharamjaigarh Transmission Limited)
B-9, Qutab Institutional Area, Katwaria Sarai,
New Delhi-110 016.

....Petitioner

Vs

1. Central Transmission Utility of India Limited,
Saudamini, Plot No.2, Sector-29,
Gurgaon-122 001
2. PFC Consulting Limited,
9th Floor, A-Wing, Statesman House,
Connaught Place,
New Delhi - 110001, India
3. Gujarat Energy Transmission Corporation Limited,
Sardar Patel Vidyut Bhawan,
Race Course, Vadodara -390 007
4. Maharashtra State Electricity Transmission Company Limited,
4th Floor, "Prakashganga", Plot No. C-19,
E-Block, Bandra – Kurla Complex,
Bandra (East),
Mumbai- 400051
5. Chhattisgarh State Power Transmission Company Limited,
Dangania, Raipur- 492 013, Chhattisgarh.

6. Madhya Pradesh Power Transmission Company Limited,
Block No. 3, Shakti Bhawan,
Rampur, Jabalpur-482 008, Rajasthan
7. Administration of Union Territory of Dadra & Nagar Haveli and Daman & Diu,
Secretariat, Moti Daman - 395 220.
8. Electricity Department,
Government of Goa, Panaji.
9. Chhattisgarh State Power Distribution Company Limited,
CSPDCL, Post: Sundernagar,
Dangania, Raipur-492013
10. Gujarat Urja Vikas Nigam Limited,
Sardar Patel Vidyut Bhavan, Race Course,
Vadodara - 390007
11. Heavy Water Board
O Floor, Vikram Sarabhai Bhawan, Trombay,
Anushaktinagar, Mumbai - 400094, Maharashtra
12. HVDC Bhadrawati, PGCIL
PGCIL RHQ, WR-I, Sampriiti Nagar,
Off National Highway No. 8,
Taluka: Kamrej, PO: Uppalwadi,
Nagpur, 440026 Maharashtra
13. HVDC Vindhyaachal, PGCIL
PGCIL RHQ, WR-I, Sampriiti Nagar,
Off National Highway No. 8,
Taluka: Kamrej, PO: Uppalwadi,
Nagpur, 440026 Maharashtra
14. M.P. Power Management Company Limited,
Shakti Bhawan, Rampur,
Jabalpur - 482008
15. Maharashtra State Electricity Distribution Company Limited,
Plot No 9, "Prakashgad", A K Marg, Bandra East,
Mumbai 400051
16. ACB India Limited,
7th Floor, Corporate Tower,
Ambience Mall, NH-8,
Gurgaon-122 001(Haryana)
17. Torrent Power Limited,
Naranpura Zonal Office,
Sola Road, Ahmedabad, 380013

18. West Bengal State Electricity Distribution Company Limited,
6th Floor Vidyut Bhawan, Karunamoyee, Salt Lake,
Kolkata-700091, West Bengal,

19. Thermal Powertech Corporation of India,
6-3-1090, Clock C, Level 2, TSR, Towers,
Raj Bhavan Road, Somajiguda ,
Hyderabad-500082, Telangana

20. Bhabha Atomic Research Centre,
Anushakti Nagar,
Mumbai– 400085, Maharashtra

21. GMR Warora Energy Limited,
Plot B-1, Mohabala MIDC Growth Centre,
Post- Warora, District Chandrapur-442907, Maharashtra

22. HVDC Champa
PGCIL RHQ, WR-I, Sampati Nagar,
Off National Highway No. 8,
Taluka: Kamrej, PO: Uppalwadi ,
Nagpur-440026 Maharashtra

23. West Central Railway Head Office,
General Manager's Office,
Electrical Branch, Jabalpur– 482 001

24. Western Railway,
Office of Chief Electrical Engineer,
Mumbai,

25. East Central Railway,
CEDE, Office of Chief Electrical Engineer, ECR,
Zonal Head Quarter, Dighikala, Bihar-844101

26. DB Power Limited,
Opp Dena Bank, C-31, G- Block, Mumbai

27. Chhattisgarh State Power Trading Company Limited,
2nd Floor, Vidyut Sewa Bhawan, Raipur

28. TRN Energy Private Limited,
7th Floor, Ambience Office Block, Gurugram

29. Adani Power (Mundra) Limited.
Adani Corporate House, Shantigram,
Near Vaishnavdevi Circle,
S G Road Ahmedabad- 382421

30. Raigarh HVDC Station,
RPT HVDC Office, Hebbal,
Bangalore – 560094

31. Arcelor Mittal Nippon Steel India Limited,
27, AMNS House, 2th KM Surat Hazira Road,
Hazira-394270, Gujarat

32. Central Railway,
Pcee's office, 2nd Floor
Parcle Building, CSMT, Mumbai-400001.

33. Dadra and Nagar Haveli and Daman and Power Distribution Corporation
Limited,
1st & 2nd Floor, Vidyut Bhavan,
Silvassa & Daman

34. MPSEZ Utilities Limited,
3rd Floor, Adani Corporate House,
Ahmedabad, Gujarat.

....Respondents

Parties present:

Shri D Sudharshan, DTL
Shri Mani Kumar, DTL
Shri Prashant Kumar, DTL
Shri Swapnil Verma, CTUIL
Shri Ajay Kumar, CTUIL
Shri Ranjeet Rajput, CTUIL
Ms. Kavya Bhardwaj, CTUIL

ORDER

The Petitioner, Dharamjaigarh Transmission Limited, has filed the present Petition under Section 63 of the Electricity Act, 2003 (hereinafter referred to as 'the Act') for adoption of transmission charges in respect of "Western Region Expansion Scheme- XXVIII (WRES-XXVIII) & XXIX (WRES-XXIX)" (hereinafter referred to as 'the Transmission System' or 'the Project') to be established on Build, Own, Operate and Transfer (BOOT) basis. The Petitioner has made the following prayers:

"a) Adoption of Transmission Charges for Inter-State Transmission System for "Western Region Expansion Scheme- XXVIII (WRES-XXVIII) & XXIX (WRES-XXIX)" discovered through competitive bidding process.

b) *Allow the sharing and recovery of Transmission Charges for Inter-State Transmission System for “Western Region Expansion Scheme- XXVIII (WRES-XXVIII) & XXIX (WRES-XXIX)” as per Sharing of Inter-state Transmission Charges and Losses CERC Regulations 2020 and any other amendment thereon issued from time to time by CERC.*

c) *Pass such other order / orders, as may be deemed fit and proper in the facts and circumstances of the case.”*

2. On receipt of the present Petition, the Bid Process Coordinator (BPC), PFC Consulting Limited, vide letter dated 9.5.2023 was directed to submit the relevant documents regarding complete process of competitive bidding. The necessary details have been filed by the BPC under affidavit dated 30.5.2023.

Hearing dated 20.6.2023

3. During the course of the hearing on 20.6.2023, the representative of the Petitioner submitted that owing to certain issue relating to the acknowledgment of petition filing fees and delay in registration of the Petitioner company for filing the Petitions, there has been a delay in filing of these Petitions as against the timeline prescribed in the RfP and as extended by the BPC, which may be condoned. He further added that Petitioner has already impleaded the Western Region beneficiaries, CTUIL and BPC as party to the Petition and has also served copy of Petitions on them. However, no response has been received from them.

4. The representative of CTUIL submitted that CTUIL has already filed its recommendations, under Section 15(4) of Act for the grant of transmission licence to the Petitioner for executing the Project.

5. We have considered the submissions of the Petitioner, BPC & CTUIL and perused the documents available on record. Section 63 of the Act provides as under:

“Section 63: Determination of tariff by bidding process: Notwithstanding

anything contained in section 62, the Appropriate Commission shall adopt the tariff if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government.”

5. Government of India, Ministry of Power has notified the “Tariff based Competitive-bidding Guidelines for Transmission Service” and “Guidelines for Encouraging Competition in Development of Transmission Projects” (hereinafter referred to as “the Guidelines”) under Section 63 of the Act vide Resolution No. 15/1/2017-Trans dated 10.8.2021 as amended from time to time. The salient features of the Guidelines are as under:

(a) The Guidelines are applicable for procurement of transmission services for transmission of electricity through tariff based competitive bidding for selection of Transmission Service Provider (TSP) for new transmission system on Build, Own, Operate and Transfer basis.

(b) For procurement of transmission services, required for any inter-State transmission Project, the Central Government shall notify the CTUIL or any Central Government Organization/ Central Public Sector Undertaking or its wholly owned subsidiary (Special Purpose Vehicle) to be the Bid Process Coordinator (BPC) who would be responsible for coordinating the bid process.

(c) The BPC shall prepare the bid documents in accordance with the Guidelines and obtain approval of the Appropriate Government or alternatively, the BPC can use the Standard Bid Documents notified by the Ministry of Power. Any material deviation from the Standard Bidding Documents shall be made only with the prior approval of the Appropriate Government. Intimation about initiation of the bidding process shall be sent by the BPC to the Appropriate Commission.

(d) For the procurement of transmission services under the Guidelines, BPC shall adopt a single stage two envelope tender process featuring Request for Proposal (RFP). The entire bidding process shall be conducted online through electronic medium under e-reverse bidding framework.

(e) RFP notice should be published in at least two national newspapers, website of the BPC and preferably in trade magazines also, so as to accord it wide publicity. The bidding shall necessarily be by way of International Competitive Bidding (ICB). For the purpose of issue of RFP, minimum conditions to be met by the bidder shall be specified in the RFP.

(f) Standard documentation to be provided in the RFP shall include definitions of requirements including brief description of the Project, commissioning milestones to be achieved by the bidders, Qualification requirements to be met by bidders including, minimum net-worth, etc. with necessary proof of the same, as outlined in the bid documents, Specified target dates/months for commissioning and commercial operations, Standard Transmission Service Agreement (TSA), agreement(s) under Central Electricity Regulatory Commission (Sharing of Inter State Transmission Charges and Losses) Regulations as amended from time to time, period of validity of offer of bidder, TSA proposed to be entered with the SPV including amendments, bid evaluation methodology to be adopted by the BPC, specification regarding bid bond as well as the Contract Performance Guarantee to be furnished by the bidders, proposed indemnification agreement between the TSP and the Nodal Agency, liquidated damages that shall apply in event of delay in start of providing the transmission services and technical, operational and safety

criteria to be met by the bidder/TSP and requirement of obtaining transmission licence from the Appropriate Commission.

(g) The TSP on the date of acquisition of SPV from the BPC will enter into a Transmission Service Agreement with the Nodal Agency.

(h) To ensure competitiveness, the minimum number of qualified bidders shall be two. For inter-State transmission system, bids shall be opened in the office of CEA by a bid committee comprising of at least one member from CEA and one member from BPC. For inter-State transmission system, CEA shall constitute a committee for evaluation of the bids with at least one representative from CEA and not less than two representatives from the concerned Regional Power Committees and one independent member. Further, in case project is inter-regional, there shall be at least one representative from every concerned RPC. The technical bids shall be examined to ensure that the bids submitted meet minimum eligibility criteria set out in the bid documents on all technical evaluation parameters. Only the bids that meet all elements of the minimum technical criteria set out in the bid documents shall be considered for further evaluation on the transmission charges bids. The online initial price bids shall be electronically opened by the bid opening committee in presence of the bid evaluation committee. The bidder, who has quoted the lowest transmission charge as per the evaluation procedure, shall be considered for the award.

(i) BPC is required to complete e-reverse bidding after opening of the initial offer within 75 days. The procurer may give extended time-frame indicated

herein based on the prevailing circumstances and such alterations shall not be construed to be deviation from these guidelines.

(j) The TSP shall make an application for grant of transmission licence to the Appropriate Commission within five (5) working days from the date of execution of share purchase agreement for acquisition of SPV.

(k) BPC shall make the final result of evaluation of all bids public. The final TSA, along with the certification by the bid evaluation committee, shall be forwarded to the Appropriate Commission, for adoption of tariff discovered from the quoted annual transmission charges during the e-reverse bidding process in terms of Section 63 of the Act.

6. Therefore, we have to examine whether the Guidelines issued by the Central Government has been followed in the present case in a transparent process of bidding.

7. Ministry of Power, Government of India, vide its Gazette Notification No. CG-DL-E 25072022-237560 dated 25.7.2022 has notified PFC Consulting Limited (PFCCL) as Bid Process Coordinator (BPC) for the purpose of selection of bidder as Transmission Service Provider to establish Inter-State Transmission System for “Western Region Expansion Scheme- XXVIII (WRES-XXVIII) & XXIX (WRES-XXIX)” on Build, Own, Operate and Transfer basis through tariff based competitive bidding process.

8. Dharamjaigarh Transmission Limited (the Petitioner) was incorporated on 18.11.2022 under the Companies Act, 2013 as a wholly owned subsidiary of

PFCCCL with the objective to establish Inter-State Transmission System for “Western Region Expansion Scheme- XXVIII (WRES-XXVIII) & XXIX (WRES-XXIX)” and to act as the Transmission Service Provider after being acquired by the successful bidder. The main objectives of the Petitioner Company in its Memorandum of Association are as under:

“To plan, promote and develop an integrated and efficient power transmission system network in all its aspects including planning, investigation, research, design and engineering, preparation of preliminary, feasibility and definite project reports, construction, operation and maintenance of transmission lines, sub-stations, load dispatch stations and communication facilities and appurtenant works, coordination of integrated operation of regional and national grid system, execution of turn-key jobs for other utilities/organizations and wheeling of power in accordance with the policies, guidelines and objectives laid down by the Central Government from time to time”.

9. BPC prepared the bidding document RfP in accordance with the Standard Bid Documents issued by the Ministry of Power, Government of India.

10. BPC started the process of selection of successful bidder with the publication of Global Invitation for Qualification for selection of developer on BOOT basis for the Project. The notice of RfP was published on 20.9.2022 in all editions of Indian Express (English), Financial Express (English), Jansatta (Hindi) and Financial Times (English) with the last date of submission of response to RfP as 22.11.2022. Intimation regarding initiation of the bid process was given to the Commission in accordance with Clause 4.2 of the Guidelines vide letter No. 04/22-23/ITP-55/RFP dated 26.9.2022.

11. The key milestones in the bidding process were as under:

S. No.	Events	Date
1	Publication of RFP	20.09.2022
2	RFP (Technical) & Price Bid Submission	10.01.2023
3	RFP (Technical) Bid Opening	10.01.2023

4	RFP (Financial) Initial Price Offer -Opening	16.02.2023
5	e-Reverse Auction	17.02.2023
6	Final Bid Evaluation Committee Meeting	24.02.2023
7	Issuance of Lol	01.03.2023
8	Signing of Agreements & Transfer of SPV	28.03.2023

12. The scope of the Project as per the Request for Proposal and the Transmission Service Agreement is as under:

A. Western Region Expansion Scheme- XXVIII (WRES-XXVIII):

Sl. No.	Name of the Transmission Element	Scheduled COD in months from Effective Date	Element(s) which are pre-required for declaring the commercial operation (COD) of the respective Element
1.	Creation of 220 kV level (GIS) at 765/400 kV Raipur Pool S/s with Installation of 2x500 MVA, 400/220 kV ICTs along with associated ICT bays (220kV-GIS). • 500MVA, 400/220kV ICT: 2 nos. • 400kV ICT bays: 2 nos. • 220kV ICT bays: 2 nos.(GIS)	18 months	Elements marked at Sl. No. i & ii are required to be commissioned simultaneously as their utilization is dependent on the commissioning of each other.
2.	2 nos. 220kV line bays (GIS) at Raipur Pool S/s for termination of Raipur Pool – Rajnandgaon 220 kV D/c line. • 220kV line bays: 2 nos.(GIS)		
3.	Augmentation of 1x500 MVA, 400/220 kV ICT at Raipur Pool S/s along with associated ICT bays (220kV-GIS) • 500MVA, 400/220kV ICT: 1 no. • 400kV ICT bays: 1 no. • 220kV ICT bays: 1 no. (GIS)	December, 2024	Elements marked at Sl. No. iii & iv are required to be commissioned simultaneously as their utilization is dependent on the commissioning of each other.
4.	6 nos. 220kV line bays (GIS) at Raipur Pool S/s for termination of various lines planned by CSPTCL* • 220kV line bays: 6 nos. (GIS)		

Note:

- (i) Powergrid to provide space for implementation of above scope of works at Raipur (pool) 765/400 kV sub-station.
- (ii) Downstream system associated with the scheme to be implemented by CSPTCL as an Intra-State scheme:
 - Raipur Pool-Rajnandgaon 220 kV D/c line

- *Raipur Pool – Gendpur 220 kV D/c line
- *Raipur Pool – Bemetra 220 kV D/c line
- *LILO of Borjhara – Urla 220kV S/c line at Raipur

B. Western Region Expansion Scheme- XXIX (WRES-XXIX):

Sl. No.	Name of the Transmission Element	Scheduled COD in months from Effective Date	Element(s) which are pre-required for declaring the commercial operation (COD) of the respective Element
1.	Creation of 220 kV level at 765/400 kV Dharamjaigarh S/s with Installation of 2x500 MVA, 400/220 kV ICTs along with associated ICT bays <ul style="list-style-type: none"> • 500MVA, 400/220kV ICT: 2 nos. • 400kV ICT bays: 2 nos. • 220kV ICT bays: 2 nos 	March 2025	Elements marked at Sl. No. i & ii are required to be commissioned simultaneously as their utilization is dependent on the commissioning of each other.
2.	2 nos. 220kV line bays at Dharamjaigarh S/s (for termination of Dharamjaigarh–Chhuri 220 kV D/c line) <ul style="list-style-type: none"> • 220kV line bays: 2 nos 		
3.	2 nos. 220kV line bays at Dharamjaigarh S/s (for termination of Dharamjaigarh – Dharamjaigarh CSP 220 kV D/c line) <ul style="list-style-type: none"> • 220kV line bays: 2 nos 	March, 2025	Elements marked at Sl. No.i is required to be commissioned prior to Element at Sl.No.iii

Note:

- Powergrid to provide space for implementation of the above scope of works at Dharamjaygarh 765/400 kV sub-station.
- The downstream system associated with the scheme to be implemented by CSPTCL as an Intra-State scheme:
 - Dharamjaigarh- Chhuri 220 kV D/C line.
 - Dharamjaigarh- Dharamjaigarh CSP 220 kV D/C line

13. For the purpose of evaluation of bids, the Bid Evaluation Committee (BEC) comprising of the following was constituted:

1.	Sh. Umesh Kumar Madan, Head, SBI Capital Market	Chairman
2.	Smt. Kalpana Ghate, Additional Chief Engineer (Planning), Chhattisgarh State Power Transmission	Member

	Company Limited (CSPTCL)	
3.	Sh. Prasanna Gosavi, Superintendent Engineer, O/o ED (Project), Chhattisgarh State Power Transmission Company Limited (CSPTCL)	Member
4.	Shri Y. K. Swarnkar, Director, PSETD Division, Central Electricity Authority	Member
5.	Ms. Manjari Chaturvedi, Director, PSPA-I Division, Central Electricity Authority	Member
6.	Sh. Milind M Dafade, Chairman, Dharamjaigarh Transmission Limited,	Convener-Member

14. Responses to RfP were received from the four bidders as per details given below:

Sr. No.	Name of Bidders
1	Adani Transmission Limited
2	G R Infra Projects Limited
3	Power Grid Corporation of India Limited
4	Sterlite Grid 11 Limited

15. The responses of the Bidders were opened on 10.1.2023 in the presence of the Bidders' representatives. Based on the recommendations of the Bid Evaluation Committee, the Initial Offer of all the four bidders were opened on 16.2.2023 in the presence of Bid Evaluation Committee. In BEC meeting held on 16.2.2023 it was noted that the lowest Transmission Charges from the Initial Offer submitted by the bidders was Rs. 286.90 Million which shall be the initial ceiling for quoting the Final Offer during e-Reverse Auction. Accordingly, the rank of the bidders for participation in e-reverse auction is as under:

Sr. No.	Name of Bidder	Single Annual Transmission Charges from Initial Offer (Rs.in Million)	Rank
1.	Power Grid Corporation of India Limited	286.90	L1
2.	Sterlite Grid 11 Limited	299.30	L2
3.	Adani Transmission Limited	316.00	L3
4.	G R Infra Projects Limited	629.77	L4

16. E-reverse auction was carried out at MSTC portal on 17.2.2023 in the

presence of members of BEC after intimating to the bidders regarding lowest initial price offer. However, no bidder participated in e-reverse auction. The transmission charges for four bidders (in ascending order) emerged as under:

Sr. No.	Name of Bidder	Single Annual Transmission Charges from the Final Offer (Rs.in Million)	Rank
1.	Power Grid Corporation of India Limited	286.90	L-1
2.	Sterlite Grid 11 Limited	299.30	L-2
3.	Adani Transmission Limited	316.00	L-3
4.	G R Infra Projects Limited	629.77	L-4

17. Based on e-reverse bidding, BEC in its meeting held on 24.2.2023 recommended Power Grid Corporation of India Limited with the lowest transmission charges of Rs. 286.90 million per annum as the successful bidder.

18. Letter of Intent was issued by the BPC on 1.3.2023 to the successful bidder i.e. Power Grid Corporation of India Limited. In accordance with Clause 12.3 of the Guidelines, the BPC has hosted on the website of PFCCL, the final result of the evaluation of the bids for selection of developer for the Project.

19. In accordance with the provisions of the bid documents and upon issuance of Lol to the successful bidder (Power Grid Corporation of India Ltd.) and acquisition of SPV (the Petitioner) by the successful bidder, the Petitioner has prayed for adoption of transmission charges for the Project which has been discovered through the process of competitive bidding.

20. In accordance with Clause 2.15.2 of RfP, the selected bidder shall within 10 days of issue of the Letter of Intent, accomplish the following tasks:

- a) Provide the Contract Performance Guarantee in favour of the Nodal

Agency, namely, CTUIL;

b) Execute the Share Purchase Agreement and the Transmission Service Agreement;

c) Acquire, for the Acquisition Price, one hundred percent (100%) equity shareholding of Dharamjaigarh Transmission Limited from PFC Consulting Limited, along with all its related assets and liabilities;

21. In accordance with Clause 2.15.4 of RfP, the selected bidder shall within five (5) working days of the issue of the acquisition of the SPV by the Successful Bidder, the TSP shall apply to the Commission for grant of Transmission License and make an application to the Commission for the adoption of Transmission Charges, as required under Section 63 of the Act.

22. The proviso to Clause 2.15.2 of the RfP provides that "if for any reason attributable to the BPC, the above activities are not completed by the Selected Bidder within the above period of ten (10) days as mentioned in this Clause, such period of ten (10) days shall be extended, on a day for day basis till the end of the Bid validity period.". Though Lol was issued on 1.3.2023, BPC, vide its letter dated 28.3.2023 in terms of Clause 2.15.2 of RfP extended the date upto 28.3.2023 for completion of all activities by the successful bidder. The selected bidder furnished the Contract Performance Guarantee in favour of Nodal Agency (CTUIL) for an amount of Rs. 9.00 crore on 28.3.2023 and has acquired hundred percent equity-holding in the applicant company on 28.3.2023 after execution of the Share Purchase Agreement. The Petitioner entered Transmission Service Agreement with the Nodal Agency (CTUIL) on 28.3.2023. The Petitioner has submitted that it filed the application online on

5.4.2023 as it took time for approval of registration of the TSP on the online portal for submission of application. The Petitioner has prayed for condoning the delay in filing of application. Since the Petitioner could not file the Petition within the prescribed time due to procedural lapse, the delay in filing the Petition is condoned.

23. The Petitioner has approached the Commission by a separate application for grant of transmission license. The Commission vide order dated 5.7.2023 in Petition No. 139/TL/2023 on being satisfied that the Petitioner, prime facie, qualifies for grant of transmission license as prayed for, directed publication of notices under clause (a) of sub-section (5) of Section 15 of the Act, inviting suggestions/ objections to the proposal of the Commission.

24. In accordance with the Guidelines, BEC has to certify that the tariff has been discovered through a transparent process of bidding and the tariff discovered is in line with prevailing market prices. In the minutes of Fourth Meeting of Bid Evaluation Committee meeting held on 24.2.2023, the following has been recorded:

“..... Accordingly, following four (04) bidders were qualified to participate in the reverse auction:

- i. Adani Transmission Limited*
- ii. G R Infraprojects Limited*
- iii. Power Grid Corporation of India Limited*
- iv. Sterlite Grid 11 Limited*

5. The lowest Initial Offer at MSTC portal, i.e. Rs. 286.90 million per annum was communicated (duly acknowledged by bidders) to the above four (04) bidders qualified for participating in the e-reverse bidding process.

6. The e-reverse bidding process was carried out MSTC Portal on February 17, 2023 at 10.00 hrs (IST) and closed on same day i.e. February 17, 2023 at 12.00 hrs (IST). No bid was received during the e-reverse bidding process. The Evaluation Report is attached at Annexure-A.

7. The para 2 of clause 3.6.1. of RFP document stipulates..... “if no bid is received during the e-reverse bidding stage then the Bidder with lowest quoted initial transmission charges ("Initial Offer") during e-bidding stage shall be

declared as the Successful Bidder, subject to verification of the original hard copies of Annexure 3, Annexure 4 (if applicable), Annexure 6 (if applicable) and Annexure 14.....”

Further, the definition of final offer in the RFP document stipulates “Final Offer” shall mean the Quoted Transmission Charges, required to be submitted as part of the Financial Bid on the electronic bidding platform during the e-reverse bidding stage. In case, no Final Offer is received during the e-reverse bidding stage then the lowest “Initial Offer” shall be deemed to be the Final Offer.

8. As no bid was received during the e-reverse bidding stage, the lowest initial offer of Rs. 286.90 million per annum of ‘Power Grid Corporation of India Limited’ was considered as final offer. The ranking of the bidders as per initial offer is given below:

Sr. No.	Name of Bidder	Single Annual Transmission Charges from the Final Offer (Rs.in Million)	Rank
1.	Power Grid Corporation of India Limited	286.90	L-1
2.	Sterlite Grid 11 Limited	299.30	L-2
3.	Adani Transmission Limited	316.00	L-3
4.	G R Infra Projects Limited	629.77	L-4

9. As per the provisions of RFP document, ‘Power Grid Corporation of India Limited’ (the bidder with lowest Final Offer) vide letter dated 20.02.2023 has submitted the original hard copies of Annexure 3 (Power of Attorney) and Annexure 14 (Bid Bond) to BPC on 21.02.2023.

10. BPC has confirmed that the original hard copies of Annexure-3 and Annexure-14 submitted by ‘Power Grid Corporation of India Limited’ are in order and there is no discrepancy between the online submission and hard copies submitted by M/s Power Grid Corporation of India Limited.

11. In view of above, ‘Power Grid Corporation of India Limited’ with the Final Offer Quoted Transmission Charges of Rs. 286.90 million per annum, may be declared as the successful bidder.

12. BPS, in their evaluation report (Annexure-A) has confirmed the following:

i. The levelised tariff for this said project as per CERC norms works out to Rs. 559.87 million per annum. This has been computed based on the estimated cost as communicated by cost committee by CEA and methodology for calculation of tariff as per prevailing CERC norms.

ii. The entire bid process has been carried out in accordance with the “Tariff based Competitive Bidding Guidelines for Transmission Service” and “Guidelines for encouraging competition in development of the

Transmission Projects” issued by Ministry of Power, Govt. of India under Section 63 of the Electricity Act, 2003 and as amended from time to time.

13. After detailed discussions on the evaluation report prepared by BPC (Annex-A), the BEC decided the following:

i. *“M/s Power Grid Corporation of India Limited” is the successful bidder after the conclusion of the e-reverse bidding process with the lowest annual transmission charges of Rs. 286.90 million per annum.*

ii. *The quoted tariff is lower than the Levelized Tariff estimated as per CERC norms. The quoted tariff discovered through e-reverse bidding process is acceptable.*

iii. *In view of (i) and (ii) above, ‘Power Grid Corporation of India Limited’ may be issued Letter of Intent (LoI).*

25. Bid Evaluation Committee (BEC) vide its certificate dated 24.2.2023 certified as under:

“It is hereby certified that:

1. *The entire bid process has been carried out in accordance with the “Tariff based Competitive Bidding Guidelines for Transmission Service” and “Guidelines for encouraging competition in development of the Transmission Projects” issued by Ministry of Power, Govt. of India under Section 63 of the Electricity Act, 2003 and as amended from time to time.*

2. *Power Grid Corporation of India Limited, emerged as the successful Bidder after the conclusion of e-reverse bidding process with the lowest Transmission Charges of Rs. 286.90 million per annum.*

3. *The quoted tariff is lower than the Levelized Tariff calculated based on CERC norms considering the Capital Cost as assessed by Cost Committee for the Project ‘Western Region Expansion Scheme- XXVIII (WRES-XXVIII) & XXIX (WRES-XXIX). The quoted tariff discovered through e-reverse bidding process is acceptable.”*

26. In the light of the discussions in preceding paragraphs, it emerges that selection of the successful bidder and the discovery of the annual transmission charges of the Project has been carried out by the BPC through a transparent process of competitive bidding in accordance with the Guidelines issued by the Ministry of Power, Government of India under Section 63 of the Act. BEC has certified that the process is in conformity with the Ministry of Power Guidelines. BEC in its certificate dated

24.2.2023 has certified that Power Grid Corporation of India Limited has emerged as the successful bidder after conclusion of e-reverse auction with lowest transmission charges of Rs. 286.90 million per annum. Based on the certification of the BEC, we approve and adopt the single annual transmission charges of Rs. 286.90 million as per the final offer of the successful bidder subject to the grant of transmission licence to the Petitioner. The transmission charges shall remain valid throughout the period covered in the TSA.

27. The sharing of the transmission charges by the designated ISTS customers (DICs) shall be governed by the provisions of the Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses) Regulations, 2020 as amended from time to time.

28. The Petitioner, vide its affidavit dated 6.6.2023, has informed that the name of the Petitioner company has been changed from 'Dharamjaigarh Transmission Limited' to 'POWERGRID Dharamjaigarh Transmission Limited' with effect from 23.5.2023. The certificate of change of name from 'Dharamjaigarh Transmission Limited' to 'POWERGRID Dharamjaigarh Transmission Limited' dated 23.5.2023 issued by the Registrar of Companies, Delhi has been placed on record. Accordingly, the name of the Petitioner has been changed to 'POWERGRID Dharamjaigarh Transmission Limited' on the record of the Commission.

29. Let an extract copy of this order be sent to the Nodal agency.

30. The Petition No. 140/AT/2023 is disposed of in terms of the above.

Sd/-
(P.K. Singh)
Member

Sd/-
(Arun Goyal)
Member

Sd/-
(I.S. Jha)
Member