

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 190/AT/2023**

**Coram:**

**Shri Jishnu Barua, Chairperson  
Shri I.S. Jha, Member  
Shri Arun Goyal, Member  
Shri P.K. Singh, Member**

**Date of order: 5<sup>th</sup> September, 2023**

**In the matter of:**

Application under Section 63 read with Section 79(1)(c) & (d) of the Electricity Act, 2003 for adoption of transmission charges with respect to the Transmission System being established by KPS1 Transmission Ltd.

**And**

**In the matter of:**

**KPS1 Transmission Limited,**  
Core-4, Scope Complex 7,  
Lodhi Road, South Delhi  
Delhi-110003

... **Petitioner**

**Vs**

**1. REC Power Development and Consulting Limited,**

REC Corporate Head Quarter,  
D Block, Plot No. I -4,  
Sector 29 Gurugram – 122 001

**2. Central Transmission Utility of India Limited,**

Saudamini, Plot No.2, Sector-29,  
Gurgaon-122 001.

**3. Chhattisgarh State Power Distribution Company Limited,**

P.O. Sunder Nagar, Dangania,  
Raipur- 492013,  
Chhattisgarh

**4. Goa Electricity Department-WR,**

Goa Electricity Dept,  
Curti, Ponda-403401.

**5. Gujarat Urja Vikas Nigam Limited,**

Vidhyut Bhavan, Race Course,  
Vadodara-390007

- 6. Heavy Water Board,**  
O Floor, Vikram Sarabhai Bhavan,  
Trombay, Anushaktinagar,  
Mumbai 400094, Maharashtra
- 7. HVDC Bhadrawati, PGCIL,**  
PGCIL RHQ, WR-I, Sampriti Nagar,  
Off National Highway No. 8,  
Taluka: Kamrej, PO: Uppalwadi,  
Nagpur, 440026 Maharashtra
- 8. HVDC Vindhyachal, PGCIL,**  
PGCIL RHQ, WR-I, Sampriti Nagar,  
Off National Highway No. 8, Taluka: Kamrej,  
PO: Uppalwadi, Nagpur, 440026 Maharashtra
- 9. M.P. Power Management Company Limited,**  
14, Shakti Bhawan, Rampur,  
Jabalpur - 482008
- 10. Maharashtra State Electricity Distribution Company Limited,**  
Prakashgad, 4<sup>th</sup> Floor, Bandra (East),  
Mumbai – 400051
- 11. ACB India Limited,**  
7th Floor, Corporate Tower, Ambience Mall,  
NH-8, Gurgaon-122 001(Haryana)
- 12. Torrent Power Limited,**  
Naranpura Zonal Office,  
Sola Road, Ahmedabad, 380013
- 13. West Bengal State Electricity Distribution Company Limited,**  
6th Floor Vidyut Bhawan, Karunamoyee, Salt Lake,  
Kolkata-700091, West Bengal,
- 14. Thermal Powertech Corporation India,**  
6-3-1090, Clock C, Level 2, TSR, Towers,  
Raj Bhavan Road, Somajiguda,  
Hyderabad- 500082, Telangana
- 15. Bhabha Atomic Research Centre,**  
Anushakti Nagar,  
Mumbai-400085, Maharashtra
- 16. GMR Warora Energy Limited,**  
Plot B-1, Mohabala MIDC Growth Centre,  
Post-Warora, District Chandrapur-442907,  
Maharashtra.

- 17. HVDC Champa,**  
PGCIL RHQ, WR-I, Sampriti Nagar,  
Off National Highway No. 8, Taluka: Kamrej,  
PO: Uppalwadi, Nagpur, 440026 Maharashtra
- 18. West Central Railway Head Office,**  
General Manager's Office, Electrical Branch,  
Jabalpur-482 001
- 19. Western Railway,**  
Office of Chief Electrical Engineer, Mumbai
- 20. East Central Railway,**  
CEDE, Office of Chief Electrical Engineer, ECR,  
Zonal Head Quarter,  
Dighikala, Bihar-844101
- 21. DB Power Limited- Untied,**  
Opp Dena Bank, C-31, G- Block, Mumbai
- 22. Chhattisgarh State Power Trading Company Limited,**  
2<sup>nd</sup> Floor, Vidyut Sewa Bhawan, Raipur
- 23. TRN Energy Private Ltd-Untied,**  
7th Floor, Ambience Office Block,  
Gurugram, Haryana.
- 24. Adani Power (Mundra) Limited,**  
Adani Corporate House, Shantigram,  
Near Vaishnavdevi Circle,  
S G Road, Ahmedabad - 382421
- 25. Raigarh HVDC Station,**  
RPT HVDC Office, Hebbal,  
Bangalore – 560094
- 26. Arcelor Mittal Nippon Steel India Limited,**  
27, AMNS House, 2th KM Surat Hazira road,  
Hazira-394270, Gujarat
- 27. Central Railway,**  
Pcee's office,  
2nd Floor, Parcle Building, CSMT,  
Mumbai-400001
- 28. Dadra and Nagar Haveli and Daman and Power Distribution Corporation Ltd.,**  
1st & 2nd Floor, Vidyut Bhavan,  
NexSilvassa & Daman

**29. MPSEZ Utilities Limited,**  
3rd Floor, Adani Corporate House,  
Ahmedabad

**30. Gujarat State Electricity Corporation Limited,**  
Vidyut Bhavan, Race Course,  
Vadodara, Gujarat

**31. Adani Green Energy Ltd.,**  
4<sup>th</sup> Floor, South Wing, Adani Corporate House,  
Shantigram, SG Highway, Ahmedabad 382421

**32. Adani Renewable Energy Holding Four Ltd.,**  
4<sup>th</sup> Floor, South Wing, Adani Corporate House,  
Shantigram, SG Highway,  
Ahmedabad-382421.

...Respondents

**Parties present:**

Ms. Abiha Zaidi, Advocate, KPS1TL  
Shri Vishal Kaushik, KPS1TL  
Shri Ranjeet S Rajput, CTUIL  
Shri Bhaskar Wagh, CTUIL

**ORDER**

The Petitioner, KPS1 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 to the "Transmission scheme for injection beyond 3 GW RE power at Khavda PS1 (KPS1)" (hereinafter referred to as 'the Project') on a Build, Own, Operate and Transfer (BOOT) basis. The Petitioner has made the following prayers:

*"(a) Adopt the levelized Transmission Charges of INR 862.29 Million discovered through transparent competitive bidding process, for Inter-State "Transmission scheme for injection beyond 3 GW RE power at Khavda PS1 (KPS1)" comprising of the elements/ assets as detailed in the present petition/ application;*

*(b) Allow the "Transmission scheme for injection beyond 3 GW RE power at Khavda PS1 (KPS1)" to be part of the Inter-State Transmission System and direct that the recovery of transmission charges shall be in accordance with the terms of the Central Electricity Regulatory Commission (Sharing of Inter-state Transmission Charges and losses 2020);*

*(c) Pass any 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), REC Power Development and Consultancy Limited (RECPDCL), vide its letter dated 19.6.2023, was directed to submit the relevant documents regarding the complete process of the competitive bidding. The necessary details have been filed by the BPC under an affidavit dated 5.7.2023.

3. Vide Record of Proceedings for the hearing dated 31.7.2023, the Petitioner was directed to implead the beneficiaries of the Western Region as parties to the Petitions and to file a revised memo of parties. The Petitioner, vide its affidavit dated 8.8.2023, has submitted that it has impleaded the beneficiaries of the Western Region as parties to the Petition and has placed on record a copy of the revised memo of parties.

4. Vide Record of Proceedings for the hearing dated 31.7.2023, the Respondents were directed to file their respective replies. However, no reply has been received from the beneficiaries.

5. We have considered the submissions of the Petitioner 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.”*

6. The Ministry of Power, Government of India, 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 the procurement of transmission services for the transmission of electricity through tariff based competitive bidding for the selection of the Transmission Service Provider (TSP) for new transmission system on a Build, Own, Operate and Transfer basis.

(b) For the 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 shall 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 an 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 the 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 the 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 the 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 & safety criteria to be met by the bidder/TSP, and the requirement of obtaining a transmission licence from the Appropriate Commission.

(g) The TSP on the date of acquisition of the 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 the 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, the 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 the 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 charges as per the evaluation procedure, shall be considered for the award.

(i) The 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 the grant of a transmission licence to the Appropriate Commission within five (5) working days from the date of execution of the share purchase agreement for acquisition of the SPV.

(k) The 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 the tariff discovered



from the quoted annual transmission charges during the e-reverse bidding process in terms of Section 63 of the Act.

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

8. The Ministry of Power, Government of India, vide its Gazette Notification No. 15/3/2018-Trans-Pt(1) dated 6.12.2021, has notified the REC Power Development and Consultancy Limited (RECPDCL) as a Bid Process Coordinator (BPC) for the purpose of selection of the bidder as a Transmission Service Provider to establish the Inter-State Transmission System for the “Transmission scheme for injection beyond 3 GW RE power at Khavda PS1 (KPS1)” on a Build, Own, Operate and Transfer basis through tariff based competitive bidding process.

9. KPS1 Transmission Limited (the Petitioner) was incorporated on 6.5.2022 under the Companies Act, 2013 as a wholly owned subsidiary of RECPDCL with the objective to establish the Inter-State Transmission System for “Transmission scheme for injection beyond 3 GW RE power at Khavda PS1 (KPS1)” 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”.*

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

11. BPC started the process of selecting o the successful bidder with the publication of a Global Invitation for Qualification for the selection of a developer on a BOOT basis for the Project. The notice of the RfP was published on 25.7.2022 in all editions of the Times of India (English), Nab Bharat Times (Hindi) and Times Tribute (English) with the last date of the submission of responses to the RfP being 26.9.2022. Intimation regarding the initiation of the bid process was given to this Commission in accordance with Clause 4.2 of the Guidelines vide letter No. RECPDCL/ISTS/TBCB/2022-23/2022-23/1173 dated 25.7.2022.

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

<b>S. No.</b>	<b>Events</b>	<b>Date</b>
1	Publication of Request for Proposal	25.07.2022
2	Technical & Price Bid Submission	03.02.2023
3	Technical Bid Opening	03.02.2023
4	Initial Price Opening (IPO)	14.03.2023
5	e-Reverse Auction	15.03.2023
6	Final Bid Evaluation Committee Meeting	20.03.2023
7	Issuance of Lol	23.03.2023
8	Signing of Agreements & Transfer of SPV	20.04.2023

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

<b>S. No.</b>	<b>Name of Transmission Element</b>	<b>Scheduled COD in months from Effective Date</b>
1.	Augmentation of Khavda PS1 by 4X1500MVA, 765/400 kV transformation capacity* with 1x330 MVAR 765 kV bus reactor and 1x125 MVAR 420 kV bus	21 months from the date of SPV acquisition

	reactor on 2nd 765 kV and 400 kV bus section respectively	
2.	KPS1-Khavda PS GIS (KPS2) 765 kV D/C line	

\*2<sup>nd</sup> Bus Section is to be created at Khavda PS1

**Note:**

M/s KBTL (Adani Transmission Limited) to provide space for bays for implementation of ICT Augmentation works and termination of KPS1-Khavda PS GIS (KPS2) 765 kV D/C line at KPS1;

The above scheme shall be implemented in a timeframe of 21 months and matching the implementation time frame of ‘Establishment of Khavda Pooling Station-2 (KPS2) in Khavda RE Park’

14. For the purpose of evaluating the bids, a Bid Evaluation Committee (BEC) comprising the following was constituted:

1.	Sh. Umesh Kumar Madan, Regional Head Delhi, SBI Capital Market	Chairman
2.	Sh. N.P. Jadav, Chief Engineer(P&C) Gujarat Energy Transmission Corporation Limited (GETCO)	Member
3.	Sh. Rajan Joshi, Executive Engineer, Maharashtra State Electricity Transmission Company (MAHATRANSCO)	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.	Shri Saurabh Rastogi, Chairman, KP1 Transmission Limited	Convener-Member

15. The responses to the RfP were received from the four bidders as per details given below:

S. No.	Name of Bidders
1	Adani Transmission Limited
2	Megha Engineering & Infrastructures Limited
3	Power Grid Corporation of India Limited
4	Sterlite Grid 7 Limited

16. The responses of the bidders were opened on 3.2.2023 in the presence of the representatives of the bidders. Based on the recommendations of the Bid

Evaluation Committee, the following three bidders were found eligible to participate in the next stage of bidding:

<b>S. No.</b>	<b>Name of Bidders</b>
1	Power Grid Corporation of India Limited
2	Sterlite Grid 7 Limited
3	Megha Engineering & Infrastructures Limited

17. As per Clause 2.5 of the RfP document, Initial Offers shall be ranked on the basis of ascending order for the determination of the qualified bidders. The bidders holding the first fifty percent of the ranks (with any fraction rounded off to a higher integer) or four qualified bidders, whichever is higher, shall be considered to be qualified to participate in the electronic reverse auction stage and submit their final offers. In the BEC meeting held on 14.3.2023, it was noted that the lowest transmission charges from the Initial Offer submitted by the bidders was Rs. 989.85 million which shall be the initial ceiling for quoting the final offer during the e-Reverse Auction. Accordingly, the rank of the bidders for participation in the e-reverse auction as under:

<b>S. No.</b>	<b>Name of the Bidder</b>	<b>Quoted Transmission Charges from the Initial Offer (in Rs. Million)</b>	<b>Rank</b>
1.	Power Grid Corporation of India Limited	989.85	L1
2.	Sterlite Grid 7 Limited	999.87	L2
3.	Megha Engineering & Infrastructures Limited	1777.70	L3

18. As per the provisions of the RfP documents, BEC recommended three qualified bidders to participate in the electronic reverse auction stage and submit their final offer. E-reverse auction was carried out at the MSTC portal on 15.3.2023, in the presence of members of BEC after informing the bidders regarding the lowest initial price offer. The transmission charges for the following bidders (in ascending order)

emerged as under:

S. No.	Name of the Bidder	Quoted Transmission Charges from the Initial Offer (in Rs. Million)	Single Annual Transmission Charges from the Final Offer (Rs.in Million)	Rank
1.	Megha Engineering & Infrastructures Limited	1777.70	862.29	L1
2.	Sterlite Grid 7 Limited	999.87	864.46	L2
3.	Power Grid Corporation of India Limited	989.85	904.39	L3

19. Based on e-reverse bidding, BEC, in its meeting held on 20.3.2023, recommended Megha Engineering & Infrastructures Limited, with the lowest transmission charges of Rs. 862.29 million as the successful bidder.

20. A Letter of Intent was issued by the BPC on 23.3.2023 to the successful bidder, i.e. Megha Engineering & Infrastructures Limited. In accordance with Clause 12.3 of the Guidelines, the BPC has hosted on the website of RECPDCL the final result of the evaluation of the bids for the selection of a developer for the Project.

21. In accordance with the provisions of the bid documents and upon the issuance of the Lol to the successful bidder (Megha Engineering & Infrastructures Limited) and the acquisition of the SPV (the Petitioner) by the successful bidder, the Petitioner has prayed for the adoption of the transmission charges for the Project, which have been discovered through the process of competitive bidding.

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

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

Agency;

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

c) Acquire, for the acquisition price, one hundred percent (100%) equity shareholding of KPS1 Transmission Limited from the REC Power Development and Consultancy Limited, along with all its related assets and liabilities;

23. In accordance with Clause 2.15.4 of the 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 the grant of a transmission licence and make an application to the Commission for adoption of the transmission charges, as required under Section 63 of the Act.

24. 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 23.3.2023, BPC, vide its letters dated 20.4.2023, in terms of Clause 2.15.2 of the RfP, extended the date up to 27.4.2023 for completion of all activities by the successful bidder. The selected bidder furnished the Contract Performance Guarantee to the Nodal Agency (CTUIL) of the Project for an amount of Rs. 20.40 crore on 4.4.2023 and has acquired a hundred percent equity-holding in the applicant company on 20.4.2023 after execution of the Share Purchase Agreement. The Petitioner entered into a Transmission Service Agreement with the Nodal Agency (CTUIL) on 20.4.2023. The TSP filed the present Petition through e-filing for adoption

of the tariff on 27.4.2023.

25. The Petitioner has approached the Commission with a separate application for the grant of a transmission license. The Commission, vide order dated 31.8.2023 in Petition No. 189/TL/2023 being satisfied that the Petitioner, prima facie, qualifies for grant of a transmission licence 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.

26. In accordance with the Guidelines, BEC has to certify that the tariff has been discovered through a transparent process of bidding and that the tariff discovered is in line with prevailing market prices. In the minutes of the Fourth Meeting of the Bid Evaluation Committee held on 20.3.2023, the following has been recorded:

*“..... As per the provisions of RFP document, following three (3) bidders were qualified to participate in the electronic reverse auction stage and submit their Final Offer:*

<b>Sr. No.</b>	<b>Name of the Bidder</b>	<b>Transmission Charges from Initial Offer (in Rs. Million)</b>	<b>Rank</b>
1.	M/s Megha Engineering & Infrastructures Limited	989.85	L1
2.	M/s Sterlite Grid 17 Limited	999.87	L2
3.	M/s Power Grid Corporation of India Limited	1777.70	L3

• *To start e-Reverse auction on 15.03.2023 at 1030 Hrs (IST) after intimation to all the three (03) qualified bidders regarding lowest initial price offer.*

3. *Pursuant to the above, BPC confirmed to BEC that all the above three (03) qualified bidders were informed on 14.03.2023 (duly acknowledged by them) regarding the e-reverse auction start time and lowest initial offer.*

a. *The e-Reverse Auction started on 15.03.2023 at 1030 Hrs (IST) on MSTC portal. After 54 rounds of bidding, following transmission charges, as quoted by each bidder, emerged:*

<b>Sr. No.</b>	<b>Name of the Bidder</b>	<b>Transmission Charges from the Initial Offer (in Rs. Million)</b>	<b>Transmission Charges from the Final Offer (in Rs. Million)</b>	<b>Rank</b>
1.	Megha Engineering & Infrastructures Limited	1777.70	862.29	L1
2.	Sterlite Grid 7 Limited	999.87	864.46	L2
3.	Power Grid Corporation of India Limited	989.85	904.39	L3

The system generated bid history of e-reverse auction is enclosed at Annexure- 1.

4. As per above table, M/s Megha Engineering & Infrastructures Limited emerged as the successful Bidder after the conclusion of e-Reverse Auction with the lowest annual transmission charges of Rs. 862.29 Million which is also the Final Offer.

5. BPC, in their evaluation report (Annex-2) has confirmed the following:

a. Lowest annual transmission charges of Rs. 862.29 Million discovered through electronic reverse auction is less than the estimated annual transmission charges of Rs. 1916.82 Million, which is computed based on the estimated cost as communicated by cost committee and as per prevailing CERC norms.

b. As per provision of RFP document, successful bidder i.e. M/s Megha Engineering & Infrastructures Limited has submitted original hard copies of Annexure-3 and Annexure-14 and the same are found to be in order.

c. 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.

6. After detailed discussions on the evaluation report prepared by BPC (Annex-2), the Bid Evaluation Committee decided the following:

(a) "M/s Megha Engineering & Infrastructures Limited" with the lowest annual transmission charges of Rs. 862.29 Million, is the successful Bidder after the conclusion of the e-reverse auction.

(b) The transmission charges discovered after electronic reverse auction is lower than the transmission charges estimated by BPC (para (a)) and is acceptable.

7. In view of para 7 above, BEC recommends to issue the Letter of Intent (LOI) to M/s Power Grid Corporation of India Limited.



27. Bid Evaluation Committee (BEC), vide its certificate dated 20.3.2023 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. *M/s Megha Engineering & Infrastructures Limited, with the lowest annual transmission charges of Rs. 862.29 Million, emerged as the successful bidder after the conclusion of e-Reverse Auction.*

3. *Thus, transmission charges of Rs. 862.29 Million discovered through e-reverse auction is acceptable.”*

28. In the light of the discussions in the preceding paragraphs, it emerges that the selection of the successful bidder and the discovery of the annual transmission charges of the Project have 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 Guidelines issued by the Ministry of Power. BEC. in its certificate dated 13.2.2023, has certified that Megha Engineering & Infrastructures Limited emerged as the successful bidder after the conclusion of the e-reverse auction with the lowest transmission charges of Rs. 862.29 million. Based on the certification of the BEC, we approve and adopt the single annual transmission charges of Rs. 862.29 million as per the final offer of the successful bidder, subject to the grant of a transmission licence to the Petitioner. The transmission charges shall remain valid throughout the period covered by the TSA.

29. 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.

30. Let an extract copy of this order be sent to the Nodal Agency.

31. The Petition No. 190/AT/2023 is disposed of in terms of the above.

Sd/-  
**(P.K. Singh)**  
Member

sd/-  
**(Arun Goyal)**  
Member

sd/-  
**(I.S. Jha)**  
Member

sd/-  
**(Jishnu Barua)**  
Chairperson