

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.337/AT/2023

- Subject : Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff of 600 MW Wind Power Projects (Tranche XIII) connected to the inter-State Transmission System and selected through competitive bidding process as per the Guidelines dated 8.12.2017 of the Ministry of Power, Government of India as amended from time to time and interpreted and modified by the Central Government vide subsequent communications/ Notifications.
- Petitioner : Solar Energy Corporation of India Limited (SECI)
- Respondents : GRIDCO Limited and 4 Ors.
- Date of Hearing : **6.2.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Parties Present : Ms. Shikha Ohri, Advocate, SECI
Shri Karthik Sharma, Advocate, SECI
Ms. Subhi Sharma, Advocate, TGPPL
Shro Deepak Thakur, Advocate, TGPPL
Shri Adarsh Bhardwaj, Advocate, SIROPL
Shri Divyansh, Advocate, SIROPL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking the adoption of the tariff of 600 MW Wind Power Projects (Tranche XIII) connected to the inter-State Transmission System and selected through a competitive bidding process as per the "*Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Wind Power Projects*" dated 8.12.2017 ("Wind Guidelines") as issued by the Ministry of Power, Government of India under Section 63 of the Electricity Act, 2003 along with subsequent amendments made thereto. Learned counsel for the Petitioner mainly submitted as under:

- (a) On 12.1.2022, SECI issued the Request for Selection document along with the draft Power Purchase Agreement (PPA) and the Power Supply Agreement (PSA) documents for setting up the 1200 MW ISTS connected Wind Power Projects (Tranche XIII) in line with the provisions of the Wind Guidelines.
- (b) In terms of Clause 5.1(b) of the Wind Guidelines, SECI duly intimated to the Commission about the initiation of the bid process by its letter dated 31.1.2022.
- (c) In response to the RfS, 14 bids were received from the bidders, all of whom were found to be techno-commercially qualified. As per the short-listing criteria

provided in the RfS, 13 bidders were held to be eligible for the e-reverse auction, which was conducted on 22.12.2022.

(d) Pursuant to the above, total 3 bidders, namely, SJVNL Limited (100 MW @ Rs. 2.90/kWh), Scatee India II BV (300 MW @ Rs 2.95/kWh) and Tew Green Power XI Pvt. Ltd. (200 MW @ Rs 2.95/kWh) were declared successful and Letter of Awards were issued to them on 19.1.2023.

(e) SECI has tied up this entire 600 MW capacity under the PSA dated 9.6.2023 with GRIDCO Limited and PPAs dated 30.6.2023 with Teq Green Power XI Pvt. Ltd., dated 17.7.2023 with SJVN Green Energy Ltd. and dated 28.6.2023 with Scatee India Renewables One Pvt. Ltd.

(f) SECI has filed Conformity Certificates to the effect that the Bid Evaluation Committee constituted for the evaluation of bids has conducted the techno-commercial and financial bid evaluation in conformity with the provisions of the RfS and that Wind Guidelines along with subsequent amendments/clarification issued by the Govt. of India were followed for the bidding process and no deviation was taken from the Wind Guidelines in the RfS documents.

(g) Accordingly, the Commission may adopt the tariff in respect of the 600 MW Wind Power Projects as discovered pursuant to the competitive bidding process conducted in terms of the Wind Guidelines.

2. Learned counsel for Respondent No.5, Scatec India Renewables One Private Limited, submitted that Respondent has already filed its reply in the matter and further pointed out that after the conclusion of the bid process and issuance of the Letter of Awards, the Ministry of Power by its order dated 9.6.2023 has modified and limited the benefits of waiver of the ISTS charges. Learned counsel submitted that by the said Order, the Ministry of Power has introduced a new condition, namely, that waiver will be applicable only if an extension in the Scheduled Commissioning Date (SCD) is granted for six (6) months at a time and not more than two (2) times and as a result of this if the SCD of Respondent's Project gets extended beyond 30.6.2026, it will not be eligible to avail the waiver of ISTS charges. Learned counsel further submitted that the Project of Respondent is already facing various uncertainties relating to the availability/readiness of the Koppal II sub-station, delays in the adoption of proceedings and other ancillary issues, as pointed out, which are likely to impact the implementation of the Project. Learned counsel further submitted that Respondent has already filed a separate Petition, Petition No. 26/MP/2024, *inter-alia* seeking a declaration of Ministry of Power's order dated 9.6.2023 as Change in Law event and by reiterating the submissions made therein, urged to take up the said matter before or along with the present tariff proceedings.

3. Learned counsel for Respondent No.3, Teq Green Power XI Private Limited, submitted that the Respondent has filed its reply in the matter. Learned counsel submitted that the Respondent is merely seeking a declaration that the Respondent's Project will be exempted from the levy of ISTS charges for the period beyond 30.6.2025 (being the ISTS waiver deadline) on account of the valid and legitimate extension of SCD of the Project and/or that, in any event, the Respondent will not be liable in any manner for payment of the ISTS charges due to extension of SCD beyond 30.6.2025 as per the express provisions of Ministry of Power's orders dated 23.11.2021, 30.11.2021 and 9.6.2023 read with Articles 2.1.3, 2.14 and 4.2.6 of the PPA.

4. In response, learned counsel for the Petitioner, SECI, strongly opposed the request of Respondent No. 5 to tag the present tariff adoption proceedings with Petition No. 26/MP/2024. Learned counsel further sought liberty to file rejoinder(s) in the matter and prayed that the matter may be reserved for order.

5. After hearing the learned counsel for the parties, the Commission permitted the Petitioner to file rejoinder(s) in the matter within a week. The Commission also deemed it appropriate to list the matter for another oral hearing thereafter.

6. The Petition will be listed for hearing on **6.3.2024**.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**