

**JOINT ELECTRICITY REGULATORY COMMISSION
(FOR THE STATE OF GOA AND UNION TERRITORIES)
GURUGRAM**

CORAM

Shri Alok Tandon, Chairperson
Smt. Jyoti Prasad, Member (Law)

Petition No.: 132/2025

Date of Hearing: 09.04.2025

Date of Order: 06.05.2025

In the matter of:

Petition for approval of agreement for “Purchase of Power through DG Sets at Bambooflat, South Andaman – Supply of power on round the clock basis to the two 33 KV Distribution Feeders at Bambooflat having an average day & night load to the tune of 4 MW and average evening Peak load of 4.5 MW (05.00 PM to 10.00 PM) with a targeted monthly generation of 2.5 Million Unit per month for a period of three years”.

And in the matter of:

The Electricity Department, A&N Administration,
Vidyut Bhawan Sri Vijaya Puram - 744101.

.....Petitioner

And in the matter of:

M/s. Modern Hiring Service, SAM House, Plot No-136,
D'Lima Street Road, Dockyard, Mumbai Pin – 400010

.....Respondent

Present: -

For the Petitioner

1. Ms. Madhuri Shukla, Superintending Engineer
2. Ms. Rizwana, Executive Engineer
3. Mr. K Nageshwar Rao, Executive Engineer
4. Mr. Suresh Kumar, Assistant Engineer
5. Ms. Usha Kapoor, Assistant Engineer
6. Ms. K. Jayashree, Assistant Engineer

For the Respondent

1. Mr. Narsing Agrawal, VP
2. Mr. Kapinjal Mishra, Tender Executive

ORDER

1. The Petitioner has filed instant Petition on 24.12.2024 u/s 86(1)(b) of the Electricity Act, 2003 with following prayers:
 - a. Accord approval to execute an agreement for Purchase of Power through DG sets at Bambooflat, South Andaman – Supply of power on round the clock basis to the two 33 KV Distribution Feeders at Bambooflat having an average day & night load to the tune of 4 MW and average evening Peak load of 4.5 MW (05.00 PM to 10.00 PM) with a targeted monthly generation of 2.5 Million Unit per month for a period of three years as submitted in the petition.
2. The Petitioner's submissions in brief are as under:
 - a. The Petitioner herein i.e. Electricity Department of A&N Administration (hereinafter called Electricity Department or the petitioner) is a Government department engaged in the generation, transmission and distribution of electricity in the Andaman & Nicobar Islands. To meet its obligation for supply of electricity to its consumers, the petitioner sources energy from its own generating stations and by purchasing of power from other sources. In terms of section 62, 63 & 86 of the Electricity Act. 2003, the Commission has the jurisdiction to approve the purchase of power from different sources.
 - b. The Power requirement of Sri Vijaya Puram & South Andaman area in the recent time especially during the last summer have increased to 52 MW. This is drastic demand compared to 45MW of last year demand.
 - c. This high time demand is predominantly due to the fast development activities at South Andaman especially at Bambooflat, Wimberligunj, Ferrargunj areas and the high humid heat wave condition prevailed in these Island, especially from January 2024 onwards. The existing two 33 KV Rural Feeders emanating from the Bambooflat sub-stations viz. Shoalbay – Ferrargunj Feeder & Panel – V are in overhead bare conductor configuration and susceptible to frequent line faults due its virtue of passing Forest and dense vegetation of coconut & Arecanut trees.
 - d. The line faults on the overhead bare conductor 33 KV lines are predominantly due to falling of trees, breakage of lines, and occurrence of intermittent faults due to high tension lines coming into contact with tree branches due to high wind flow which is a common phenomenon in Island.
 - e. The major portion of Power generating Plants are at Bambooflat and the frequent line fault occurring on these rural feeders on many occasions have become the major cause for volatile and fragile power evacuation to capital city. The Line faults generally travel up to the Power Plants at Bambooflat and cause complete shutdown of the Power Plants running in the parallel mode.
 - f. In the present scenario two 33 KV High Tension feeders emanate from the Bambooflat catering the complete load of the Rural Population from Bambooflat to Ferrargunj & Jirkatang including Shoalbay & Wimberlygunj covering a line length of 65 Km and

12,000 consumers. The average evening and day & night peak demand of the feeders are 4.5 to 5.0 MW and 4.0 to 4.5 MW respectively.

- g. Under the above circumstances, a 5MW Aggregate capacity dedicated standalone Power Plant proposed to cater to the complete load of the Rural feeders emanating from the Bambooflat Substation so as to meet the increasing demand and to minimize the power grid failure in Sri Vijaya Puram and South Andaman.
- h. Andaman & Nicobar Administration vetted the draft tender document and accorded approval for the Purchase of Power through DG sets at Bambooflat, South Andaman – Supply of power on round the clock basis to the two 33 KV Distribution Feeders at Bambooflat having an average day & night load to the tune of 4 MW and average evening Peak load of 4.5 MW (05.00 PM to 10.00 PM) with a targeted monthly generation of 2.5 MUs per month for a period of three years at an estimate contractual cost of Rs. 9,18,00,000/- (Rupees Nine Core Eighteen Lakh only).
- i. Tender Published in CPP Portal vide Tender ID No. 2024_ED_15268_1 dated 23.08.2024. The bidding process in respect of the aforesaid tender is detailed as under:

23.08.2024	Bid Published with bid opening date scheduled on 12.09.2024
12.09.2024 to 26.09.2024	Bid due date extended due to Poor participation of Bidders.
07.10.2024	Technical bid opened with three bidders namely i. M/s. Express Gensets Consortium Pvt. Ltd, Delhi ii. M/s. Sudhir Sales & Services Ltd, Gurgaon iii. M/s. Modern Hiring Services.
07.10.2024	Technical evaluation meeting held and after scrutiny of the bid document submitted by the bidders, the Committee found that all the three bidders technically qualified and notice was issued for opening of Price Bid.
15.10.2024	The Financial Bid of all the three Technically qualified Bidders opened, wherein M/s. Modern Hiring Services emerged as the lowest bidder by offering @ 86 Paisa per unit.

- j. Details of the lowest bidder given as under: -

Name of the Firm	Description	Per Unit (KWh)
M/s. Modern Hiring Service, SAM House, Plot No-136, D'Lima Street Road, Dockyard, Mumbai Pin – 400010	Cost of per unit energy (KWh) at specific fuel consumption of 3.7 units/ lit (0.270 lit/unit) the rate inclusive of operation & maintenance charges, lub oil, taxes & duties but excluding the cost of HSD oil (as HSD will be supplied by Electricity Department).	86 Paisa (Eight six paisa only)

- k. The A&N administration vide Order No. 2779 dated 19.11.2024 has accorded Administration approval and expenditure sanction for acceptance of L1 rate of 86 Paisa per unit and expenditure sanction for acceptance of L1 rate of 86 paisa per unit and

awarding the contract to M/s Modern Hiring Service, Dockyard, Mumbai, for Purchase of Power through DG sets at Bambooflat, South Andaman – Supply of power on round the clock to the two 33 KV Distribution Feeders at Bambooflat having an average day & night load to the tune of 4 MW and average evening Peak load of 4.5 MW (05.00 PM to 10.00 PM) with a targeted monthly generation of 2.5 Million Unit per month at contractual cost of Rs 7,74,00,000/- (Rupees Seven Crore, Seventy Four lakh only).

1. The copy of draft Power Purchase Agreement to be executed between the Electricity Department, A&N Administration and M/s Modern Hiring Service, Mumbai, duly approved by Law and Finance wing of A&N Administration, submitted for approval of the Commission.
3. The Petition was heard on 16.01.2025. The Commission after hearing admitted the Petition. Further during the hearing, the Commission sought certain information vide deficiency note dated 13.02.2025. The Petitioner has submitted its reply along with revised draft PPA on 25.03.2025 against the information sought by the Commission. The reply of the Petitioner as well as revised draft PPA is taken on record.
4. The Petition was listed for hearing on 09.04.2025. The Commission after hearing, directed the parties to submit their written submission within a week. The Petitioner's submission dated 16.04.2025 is as under:
 - a. The present evening peak demand of Port Blair and south Andaman is to the tune of around 43 to 45 MW as against the available capacity of 39 MW. The deficit and shortfall of 5-6 MW is managed by curtailing 2 MW Load of Defence and the remaining by exercising rotational feeder-wise load shedding on as & when required basis. It is also experienced that the peak demand has even reached around 51 MW during summer.
 - b. This 5 MW Power purchase is proposed in lieu of 5 MW Power Sale Agreement with M/s. NVVN Ltd, whose original contract has expired and is under extended mode to meet the Power demand of the capital city of Andaman & Nicobar Islands.
 - c. Simultaneous action for augmentation of generation capacity through RE is also under mission mode. The SECI on behalf of Andaman & Nicobar Administration has floated tender for 30 MW RTS in RESCO mode for residential and commercial buildings in A&N Islands 3(three) times, However, these tenders could not be finalized due to non-participation of bidders. Now the Ministry of Home Affairs, GoI on 21.03.2025 has directed A & N Administration to initiate tendering action on their own, which is being expedited.
 - d. It is important to mention that, as per the Action Plan, the 30 MW RE plant was earlier expected by 2027, however due to aforesaid decision of GoI, the timeline may extend up to 2028, as the tender document need to be modified in accordance with procurement policy of A & N Administration and participation in this tender by prospective bidders cannot be anticipated at this stage.

Further, the upcoming 100 MW RE project with BESS at Sri Vijayapuram is also awaiting CRZ clearance, only after which the tender for the same can be floated, which is also likely to come after 2028.

Further, it was already submitted that the 30 MW RE installations including Ground Mounted SPV and RTS Plants have been completed in Sri Vijaya Puram. Any further huge capacity can only be added with BESS. Two BESS projects are yet to be tendered, one by SECI and other by Japan International Corporation Agency (JICA) under Grant-in-aid and hence anticipated to be executed in 2027-28.

- e. The SFC of this proposed standalone Power plant is 3.7 units/litre (0.27litre/Unit) which is at par with already operating standalone Power plant at Baratang and the PPA has been approved by the Commission. This SFC is recommended on the ground that the plant will be operated in standalone mode by taking complete load of the two vulnerable rural feeders with fluctuating load condition. These feeders passing through thick vegetation are very susceptible to faults, which often result in total collapse of the grid. Hence to increase the reliability of the grid and to provide stable power in these local pockets, a 5 MW Power plant is proposed in standalone a mode.

This SFC is due to the reason that any fault on the T&D lines including seasonal loading of domestic consumption pattern, rainy days and tropical climate shall directly affect the loading pattern of this Power plant. Under such circumstances resulting in variable load, the Standalone Power plants will find it hard to meet the SFC prescribed for plants operating in grid connected mode.

- f. On declaration of CoD (Commercial operation Date) by the proposed 5 MW Standalone Power Plant at Bambooflat, the extended 5MW PSA with M/s. NVVN Ltd will be closed.
- g. It is humbly submitted that the PPA shall be allowed by the Commission for a period of three years with provision for two years extension, as the bidder while quoting the rates in the tender has taken into account the firm period of 3(three) years. The provision for two years extension has been kept on mutual consent and it is needless to mention that the same shall come into effect only in the event of delay in inception of 50 MW LNG Power Plant or RE Projects of adequate capacity in Sri Vijaya Puram. Considering the timelines and current status of these two projects, their inceptions are not anticipated before 2028.

Analysis and Decision

- 5. The Commission has considered the submissions of the Petitioner. It has also examined the revised draft Power Purchase Agreement (PPA) dated 25.03.2025, along with additional information submitted by the Petitioner.
- 6. It is noted that as per the Petitioner, present peak demand of Sri Vijaya Puram and South Andaman is to the tune of around 43 to 45 MW as against the available capacity of 39 MW.

The deficit and shortfall of 5-6 MW is managed by curtailing 2 MW Load of Defence and the remaining by exercising rotational feeder-wise load shedding on as & when required basis.

7. That as per the Petitioner, M/s NTPC Vidhyut Vyapar Nigam (NVVN) Limited had established a 5 MW Power Plant at Chatham Power House Complex. The Commercial operation of the 5 MW Power Plant Chatham Power House achieved COD on 29.04.2018. After expiry of the original three years Power Sale Agreement, A & N Administration was procuring power under extended contract from M/s NVVN. The 5 MW extended PSA with M/s NVVN at Chatham shall be expiring on 26.07.2025.
8. That as per the Petitioner, presently two 33 KV Rural Feeders emanating from the Bambooflat sub-stations viz. Shoalbay – Ferrargunj & Panel – V are in overhead bare conductor 33 KV lines configuration and passing through Forest and dense vegetation of coconut & Arecanut trees. It is susceptible to frequent line faults due to falling of trees, breakage of lines, and occurrence of intermittent faults due to high tension lines coming into contact with tree branches due to high wind flow which is a common phenomenon in Island. The major portion of Power generating Plants are at Bambooflat and the frequent line fault occurring on these rural feeders on many occasions have become the major cause for volatile and fragile power evacuation to capital city. The Line faults generally travel up to the Power Plants at Bambooflat and cause complete shutdown of the Power Plants running in the parallel mode.
9. That as per the Petitioner, the present scenario two 33 KV Rural feeders i.e. Shoalbay – Ferrargunj & Panel – V emanate from the Bambooflat for catering the complete load of the rural population from Bambooflat to Ferrargunj & Jirkatang including Shoalbay & Wimberlygunj covering a line length of 65 Km and around 12,000 consumers. The present average & peak demand of the feeders are 4 MW and 4.5 MW respectively. Accordingly, a 5 MW Aggregate capacity dedicated standalone power plant proposed to cater the complete load of the Rural feeders emanating from the Bambooflat Substation so as to meet the increasing demand and to minimise the power grid failure in Sri Vijaya Puram and South Andaman.
10. That two consecutive meetings were held under the Chairmanship of the Chief Secretary, A&N Administration in the presence of Commissioner-cum-Secretary (Power), Director (Power) and Superintending Engineer (Tech) on 29.05.2024 and 12.06.2024 to the Review the Power Scenario in A&N Island. Accordingly, it was apprised that installation of suitable size DG plant to operate on standalone mode explored for two locations to feed 33 KV Rural feeders namely Shoalbay – Ferrargunj, Panel-V, Outer & Tiger in Port Blair so as to reduce the size of lengthy feeders required for improvement in power supply reliability.
11. That Andaman & Nicobar Administration has vetted the draft tender document and accorded approval for the Purchase of Power through DG sets at Bambooflat, South Andaman – Supply of power on round the clock basis to the two 33 KV Distribution Feeders at Bambooflat having an average day & night load to the tune of 4 MW and average evening Peak load of 4.5 MW (05.00 PM to 10.00 PM) with a targeted monthly generation of 2.5 MUs per month for a period of three years at an estimate contractual cost of Rs.

9,18,00,000/- (Rupees Nine Core Eighteen Lakh only). The tender notice no. EL/PR/58A/5MW-Bambooflatstandalone/T-23/2024/3227 issued on dated 22.08.2024 with the EMD fixed as Rs. 18,36,000/- (Rupees Eighteen Lakh Thirty six Thousand Only).

12. That tender published in CPP Portal vide Tender Id. 2024_ED_15268_1 dated 23.08.2024 with Pre-bid meeting and Bid opening date scheduled on 30.08.2024 and 13.09.2024. Due to poor bidder participation bid Corrigendum:1 published on 06.09.2024 for due date extended to 20.09.2024 and Corrigendum:2 published on 19.09.2024 for bid due date extended to 26.09.2024.

13. That technical bid was opened on 26.09.2024 and found 3 (Three) bidders participated in the bid. Details of the Bidder is given as under:

- i. M/s. Express Genset Consortium Private Limited. Patparganj Delhi.
- ii. M/s. Sudhir Sales & Services Limited, Gurgaon, Haryana.
- iii. M/s. Modern Hiring Services, Mumbai, Maharashtra.

14. That Tender Evaluation Committee meeting held on 07.10.2024, after evaluating the technical bids, the committee found that all three bidders meet the prequalification requirements outlined in tender. The Corrigendum vide No. EL/PR/58A(5MW)/T-23/2024/94 dated 14.10.2024 issued for opening of price bid on 15.10.2024 of the technically qualified bidders.

15. It is noted that the financial bid was opened on 15.10.2024. The details of rate offered by the bidder is as under:

Sl. No.	Name of the Firm	Rate per Unit inclusive of taxes in (Rs.)	Total contract price as per estimated 9,00,00,000 Units for period of three years in (Rs.)	
i	M/s. Express Genset Consortium Private Limited. Patparganj Delhi.	0.88/-	7,92,00,000/-	L2
ii	M/s. Sudhir Sales & Services Limited, Gurgaon, Haryana	1.25/-	11,25,00,000/-	L3
iii	M/s. Modern Hiring Services, Mumbai, Maharashtra	0.86/-	7,74,00,000/-	L1

16. That M/s. Modern Hiring Services, Mumbai, Maharashtra is the lowest bidder offered at rate per unit (inclusive of taxes) Rs. 0.86/- (Paisa Eighty six Only) with a total contract price of Rs. 7,74,00,000/- (Rupees Seven Crore Seventy four Lakh Only) against estimated 9,00,00,000 Units for period of three years for supply of power on round the clock basis to the two 33 KV Distribution Feeders at Bambooflat having an average day & night load to the tune of 4 MW and average evening Peak load of 4.5 MW (05.00 PM to 10.00 PM) with a targeted monthly generation of 2.5 Million Unit per month and minimum specific fuel consumption of 3.7 units/litre (0.270 litre/Unit).

17. That A&N Administration's Order No. 2779, F. No. M/303/2024/-EE(PG)-ELE_AN dated 19.11.2024, the Commissioner-cum-Secretary (Power), A&N Administration had accorded

approval for acceptance of L1 rate of 86 Paisa (Eighty six Paisa) per Unit and award the contract to M/s. Modern Hiring Services, Mumbai, at total contract price of Rs. 7,74,00,000/- (Rupees Seven Crore Seventy four Lakh Only) towards Purchase of Power through DG sets at Bambooflat, South Andaman on round the clock basis to the two 33 KV Distribution Feeders at Bambooflat having an average day & night load to the tune of 4 MW and average evening Peak load of 4.5 MW (05.00 PM to 10.00 PM) with a targeted monthly generation of 2.5 Million Unit per month for a period of three years.

18. That the Respondent is required to supply, install and commission all weather proof DG Sets based standalone power plant of Aggregate capacity of 5 MW so as to meet existing average evening peak load of 4.5 MW (05.00 PM to 10.00 PM) and average day & night load to the tune of 4 MW with a targeted monthly generation of 2.5 Million Unit per month and minimum monthly generation of 1.5 Million Unit per month for a period of three years to the existing 33 KV T&D system at Bambooflat, South Andaman. The total operation & maintenance shall be the responsibility of the Respondent. The capacity, type and number of DG Sets, transformers, switch gears and allied auxiliaries may be decided/designed based on the available space, load pattern, grid characteristic, climatic condition etc. However, the age of the DG set should not be more than 6 (six) years as on the date of commissioning of DG set at the proposed site.
19. That the fuel i.e. HSD required for Power Generation will be supplied to the Respondent free of cost by Petitioner. The Respondent is required to establish, on his own cost, suitable capacity of HSD storage tank facilities at the plant site, so as to store HSD at least for 5 days requirement. The fuel efficiency of all weatherproof DG sets shall normally be maintained at 3.7 Units/Litre i.e. 0.270 Litre/Unit. However, for inefficient operation of DG sets i.e. less than 3.7 Units/Litre (equivalent to 0.270 Litre/unit), 100% cost of excess fuel (HSD) along with transportation charges (based on actuals), if any shall be recovered from Respondent. However, if the specific fuel consumption is better than 0.270 litre/Unit, the HSD will be accounted as per actual and no incentive will be paid to Respondent on account of HSD saved as the HSD will be supplied by the Petitioner. The HSD available in A&N Island is BS-VI grade.
20. It is noted that the installation & commissioning of all-weather proof DG Set shall be in such manner, (including transportation, shipment, erection, commissioning, testing etc.) so that power is made available within 120 days from the date of execution of power purchase agreement. The date on which full 5 MW Power to the two 33 KV feeders (ShoalBay-Ferrargunj & Panel - V) are delivered continuously at least for 8 hours will be considered as Commercial Operation date (COD) and the period of contract will be valid for three years from COD. No payment shall be made to the Respondent for the units generated during testing and commissioning period. The HSD for testing & commissioning period shall be supplied by the Petitioner. However, penalty will be imposed on account of excess HSD consumption of 0.270 Litre/KWh (below 3.7KWh/Litre) during the testing and commissioning period. The monthly invoice for the month in which COD is achieved shall be allowed on pro-rata basis, if the date of COD falls on any date other than 1st day of the

month, in such case the minimum guaranteed unit to be delivered will be calculated on pro-rata basis.

21. That the Performance Bond/Security amount @5% of the contract in favour of the Assistant Accounts Officer(C), Electricity Department, Port Blair is to be submitted, having validity from the date of execution of Power Purchase Agreement upto sixty days after the date of completion of all contractual obligation.
22. That the clause 2.0.0 (I) of the draft PPA stipulate contract period of 3 (three) years from COD and the agreement shall be extendable on the same terms & conditions for another 2 (two) year subject to amendment of the contract on mutual consent with the approval of competent authority of the ED A&N. As per submissions of the Petitioner most of the RE projects is to be commissioned by 2027. Therefore, there is no reason to grant approval beyond the year 2027.
23. The Commission has further noted that the procurement of power by the Petitioner was conducted through transparent tariff based competitive bidding process as envisaged u/s 63 of the Electricity Act 2003. The Petitioner is seeking adoption of tariff u/s 63 of the Electricity Act, 2003 and approval of the Power purchase Agreement u/s 86 (1)(b) of the Electricity Act, 2003.
24. It is relevant to highlight relevant legal Provisions:

The Section 63 of Electricity Act, 2003 provides that-

"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."

Section 86 (1)(b) of Electricity Act, 20003 provides that-

"Section 86 (1)-The State Commission shall discharge the following functions, namely: b) Regulate electricity purchase and procurement process of licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State."

25. However, it is observed that the Central Government have not issued any guideline for the power purchase through tariff based competitive bidding to Deiseal Generator sets based plant. In this context, it is necessary to highlight the judicial determination of Hon'ble Supreme Court of India. In the matter of Energy Watchdog Versus. Central Electricity Regulatory Commission & Others (2017) 14 SCC (80), the Hon'ble Supreme Court has held that:

".....In fact, Sections 62 and 63 deal with "determination" of tariff, which is part of "regulating" tariff. Whereas "determining" tariff for inter-state transmission of electricity

is dealt with by Section 79 (1) (d), Section 79 (1) (b) is a wider source of power to "regulate" tariff. It is clear that in a situation where the guidelines issued by the Central Government under Section 63 cover the situation, the Central Commission is bound by those guidelines and must exercise its regulatory functions, albeit under Section 79(1)(b), only in accordance with those guidelines. As has been stated above, it is only in a situation where there are no guidelines framed at all or where the guidelines do not deal with a given situation that the Commission's general regulatory powers under Section 79(1)(b) can then be used."

Further, the Hon'ble Supreme Court of India in the judgment passed in Jaipur Vidyut Vitran Nigam Ltd. And Others v. MB Power (Madhya Pradesh) Limited and Others 2024 SCC Online SC 26, while relying upon its earlier judgements passed in Energy Watchdog v. CERC (2017) 14 SCC 80 and PTC India Ltd. Vs. CERC (2010) 4 SCC 603 held that:

"113. We have already referred to Section 86(1)(b) of the Electricity Act, which is analogous to Section 79 of the Electricity Act, Section 79 determines the functions of Central Commission, whereas Section 86 provides for the functions of the State Commission, Section 86 of the Electricity Act empowers the State Commission to regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State.

114. It can thus be seen that Section 86(1)(b) of the Electricity Act gives ample power on the State Commission to regulate electricity purchase and procurement process of distribution licensees. It also empowers the State Commission to regulate the matters including the price at which electricity shall be procured from the generating companies etc."

26. It emerges that where there are no guidelines or guidelines issued under Section 63 do not cover a situation, the Commission shall exercise its regulatory powers under Section 86 (1) (b) along with Section 63 for approval/adoption of tariff and procurement process of distribution licensee.
27. In the present Petition, the Commission has noted that the Central Government has not issued any guidelines for procurement of power from the DG Sets under Section 63. In the light of the principle enunciated in Energy Watchdog judgment and Jaipur Vidyut Vitran Nigam Ltd. judgement, the Commission adopts the tariff discovered through the tariff based transparent bidding process u/s 63 and approves Power Purchase Agreement u/s 86 (1)(b) of the Electricity Act, 2003.
28. In view of the above, the Commission accords approval of revised PPA with contract period for 3 (three) years from COD. The Commission directs the Petitioner and the Respondent to execute the Power Purchase Agreement as per terms & conditions duly approved by the Commission and place a duly notarized copy of the said PPA before the Commission within a week after execution of the said PPA. In case any extension of the PPA is required, the

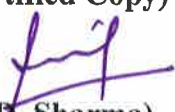
Petitioner may approach the Commission at least 6 (six) months before the expiry of existing PPA for approval of extension of contract period. The Petitioner is also directed to make efforts for addition of the RE projects to meet out the demand.

29. Further, the Petitioner is directed to submit the copy of Letter of Award (LoA) and copy of Performance Bond/Security to the Commission after execution of the said PPA. Also, the Petitioner is directed to submit the copy of COD letter and the details & specification of DG sets such as no. of DG sets, make, model, capacity, year of manufacturing, efficiency etc. to the Commission within a week after the COD.

30. Ordered accordingly.

Sd/-
(Jyoti Prasad)
Member (Law)

Sd/-
(Alok Tandon)
Chairperson

(Certified Copy)

(S.D. Sharma)
Secretary I/c, JERC

Place: Gurugram, Haryana
Date: 6th May, 2025