



# उत्तर प्रदेश पावर कारपोरेशन लिमिटेड

(उत्तर प्रदेश सरकार का उपक्रम)

## U.P. POWER CORPORATION LIMITED

(Govt. of Uttar Pradesh Undertaking)

CIN No. U32201UP1999SGC024928

### Planning Wing

3<sup>rd</sup> Floor, Shakti Bhawan Extension,  
14-Ashok Marg, Lucknow 226001.

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नियोजन स्कन्ध

तृतीय तल, शक्ति भवन विस्तार,

14-अशोक मार्ग, लखनऊ 226001

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No 580 -Plg/UMPP/6000MW/

Dated: 26-04-2016

The Secretary,  
Uttar Pradesh Electricity Regulatory  
Commission 2<sup>nd</sup> floor, Kisan Mandi Bhawan  
Vibhuti Khand,  
Gomti Nagar, Lucknow.

**Sub : Petition for Adoption of Tariff obtained through a competitive Case-1 bidding process for a combined procurement of 6000MW base load power instituted by UPPCL in 2012 – PPA dated 15.03.2016 between M/s RKM Powergen Pvt. Ltd. and Procurers.**

Dear Sir,

Kindly find enclosed herewith a Petition in the matter of adoption of tariff obtained through a competitive Case-1 bidding process for a combined procurement of 6000 MW base load power instituted by UPPCL in 2012, based on the erstwhile Competitive Bidding Guidelines issued by MoP, GoI, for meeting the requirements of Dakshinanchal Vidyut Vitran Nigam Ltd., Madhyanchal Vidyut Vitran Nigam Ltd., Purvanchal Vidyut Vitran Nigam Ltd. and Paschimanchal Vidyut Vitran Nigam Ltd.

Also find attached herewith a Bankers Cheque no. 588234 dated 24.04.2016 of Rs. 1000.00 (Rupees one thousand only) issued by SBI, Lucknow, as miscellaneous fee against the subject petition.

Thanking you,

Encl: Petition (Five copies)



Yours faithfully,

(A.H. Khan)  
Chief Engineer (Planning)

भारतीय स्टेट बैंक  
 State Bank of India  
 Issuing Branch ASHOK MARG (LUCKNOW)  
 कोड नं. / CODE No: 03347  
 Tel No. 522-4159816

बैंकर्स चेक  
**BANKERS CHEQUE**

Key: YEJCOT  
 Sr. No: 191597

2 | 5 | 0 | 4 | 2 | 0 | 1 | 0  
 D | M | M | Y | Y | Y | Y

PAY SECRETARY UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION\*

ये या को मातृक  
 OR ORIGINAL

रुपये RUPEES One Thousand Only

अदा करें ₹

1000.00

IOI 000425588234

Key: YEJCOT Sr. No: 191597

AMOUNT BELOW 1001(1/4)

इसे भारतीय स्टेट बैंक  
 For STATE BANK OF INDIA

अहस्तांतरणीय / NOT TRANSFERABLE

अधिकृत हस्ताक्षर  
 AUTHORIZED SIGNATURE

*[Handwritten Signature]*  
 S-13648

आवृत्त नमूने द्वारा जारी किया गया है  
 VALID ONLY IF COMPUTER PRINTED

अवधि 3 महीने के लिए है  
 VALID FOR 3 MONTHS ONLY

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 \* 2. इस चेक को जारी करने वाले बैंक के अधिकृत अधिकारी के हस्ताक्षर होना चाहिए।

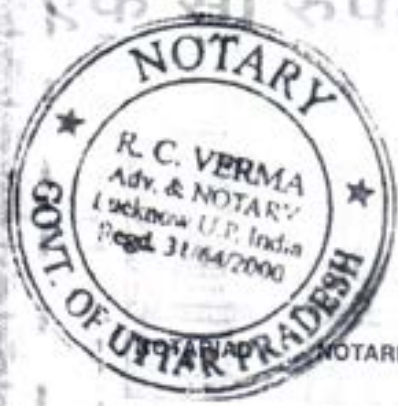
⑈ 588 234 ⑈ 00000 2000 ⑈ 0004 25 ⑈ 16

भारतीय न्यायिक

एक सौ रुपये

Rs. 100

ONE HUNDRED RUPEES



INDIA NON JUDICIAL



674006  
25 JUN 2016

**BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION, LUCKNOW**

FILE NO.  
CASE NO.

**IN THE MATTER OF:**

Request for Adoption of Tariff obtained through a competitive Case-1 bidding process for a combined procurement of 6000 MW base load power instituted by UPPCL in 2012, based on the erstwhile Competitive Bidding Guidelines issued by MoP, GoI, for meeting the requirements of Dakshinanchal Vidyut Vitran Nigam Ltd., Madhyanchal Vidyut Vitran Nigam Ltd., Purvanchal Vidyut Vitran Nigam Ltd. and Paschimanchal Vidyut Vitran Nigam Ltd.

AND

**IN THE MATTER OF :**

Uttar Pradesh Power Corporation Ltd

...Petitioner

**AFFIDAVIT**

*R. C. Verma*  
92/4/16

**R. C. VERMA**  
Adv & NOTARY  
Collectorate's Court  
Lucknow U.P. India  
Regd. 31, 64/2000

I, Athar Husain Khan, son of Late Shri M.H. Khan, aged about 54 years, residing at 8-B Jopling Road, Lucknow, do hereby solemnly affirm and state as under:


.....2/-

*Athar Husain Khan*  
22/4/16

1. That I am the Chief Engineer (Planning) of Uttar Pradesh Power Corporation Ltd. the petitioner in the above matter and am duly authorized by the said petitioner to make this affidavit on its behalf.
2. The statements made in above paragraphs are true to my knowledge and belief; no part of it is false and nothing material has been concealed there from and I believe them to be true.

Verified at Lucknow April on the day of 2016

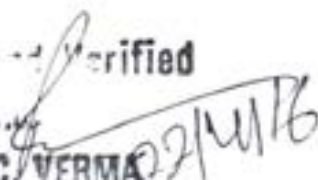
Deponent  
Petitioner

  
22/04/16  
(Athar Husain Khan)  
Chief Engineer (Planning)  
Uttar Pradesh Power Corporation Limited  
3<sup>rd</sup> Floor, Shakti Bhawan Extension.  
Lucknow



Sworn and Verified

before me

  
R. C. VERMA

Adv & NOTARY

Collector's Office

Lucknow

22/04/16

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION, LUCKNOW

FILE NO.

CASE NO.

IN THE MATTER OF:

Request for Adoption of Tariff obtained through a competitive Case-1 bidding process for a combined procurement of 6000 MW base load power instituted by UPPCL in 2012, based on the erstwhile Competitive Bidding Guidelines issued by MoP, GoI, for meeting the requirements of Dakshinanchal Vidyut Vitran Nigam Ltd., Madhyanchal Vidyut Vitran Nigam Ltd., Purvanchal Vidyut Vitran Nigam Ltd. and Paschimanchal Vidyut Vitran Nigam Ltd.

AND

IN THE MATTER OF :

Uttar Pradesh Power Corporation Ltd

...Petitioner

Filed by:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Designation: \_\_\_\_\_

Uttar Pradesh Power Corporation Ltd

a/c 

एच.एस. खान  
मुख्य अभियन्ता(नि०),उत्तर  
शक्ति भवन विस्तार, लख

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION, LUCKNOW  
FILE NO.

CASE NO.

IN THE MATTER OF :

Uttar Pradesh Power Corporation Ltd

... Petitioner

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**BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION,  
LUCKNOW**

**In the matter of** Request for Adoption of Tariff obtained through a competitive Case-1 bidding process for a combined procurement of 6000MW base load power instituted by UPPCL in 2012, based on the erstwhile Competitive Bidding Guidelines issued by MoP, GoI, for meeting the requirements of Dakshinanchal Vidyut Vitran Nigam Ltd., Madhyanchal Vidyut Vitran Nigam Ltd., Purvanchal Vidyut Vitran Nigam Ltd. and Paschimanchal Vidyut Vitran Nigam Ltd.

**Petitioner** Uttar Pradesh Power Corporation Limited (UPPCL)

- The above named Petitioner, Uttar Pradesh Power Corporation Limited (UPPCL), Lucknow, respectfully submits as under:

1. UPPCL, being the authorized representative of the distribution companies of the state of U.P., had initiated a Case-1 tariff based Competitive Bidding Process in July 2012 (as per the Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees issued by Ministry of Power, GoI and as amended from time to time) (hereinafter referred to as "Bidding Guidelines") for procurement of 6000 MW base load power on a long term basis.
2. UPPCL would like to submit to the Hon'ble Commission that the procurement of power of 6000 MW capacity was meant to be used to meet the power requirements of the four distribution utilities of the state as under:

| Sr. No. | Distribution Utility                 | Capacity procurement (MW) |
|---------|--------------------------------------|---------------------------|
| 1       | PaschimanchalVidyutVitran Nigam Ltd. | 2100                      |
| 2       | PurvanchalVidyutVitran Nigam Ltd.    | 1300                      |
| 3       | MadhyanchalVidyutVitran Nigam Ltd.   | 1300                      |
| 4       | DakshinanchalVidyutVitran Nigam Ltd. | 1300                      |
|         | <b>Total</b>                         | <b>6000</b>               |

3. UPPCL initiated the Case-1 bid process after receiving approval from the Hon'ble Commission on 23<sup>rd</sup> July 2012 (**Annexure P/1**) and vide issuance of RFP, PPA and other RFP documents on July 27<sup>th</sup> 2012. Last date of submission of RFP Bids was 24<sup>th</sup> September 2012.
4. Eleven (11) nos. of interested bidders submitted their RFP Bids offering a total capacity of 8771.6 MW within the due date. (**Annexure P/2**)
5. The Evaluation of Non-Financial Bids was carried out with due representations to the Bid Evaluation Committee (constituted as per Para 5.9 of the erstwhile Competitive Bidding Guidelines). Based on the recommendations of the Bid Evaluation Committee, suitable clarifications were sought from the Bidders and were reviewed.
6. The Financial Bids of the Qualified Bidders were opened on 17<sup>th</sup> December 2012 based on the recommendations of the Bid Evaluation Committee and the responsiveness check was carried out. The findings of the Financial Bids were presented to the Bid Evaluation Committee on 18<sup>th</sup> January 2013.
7. The list of successful Bidders (in order of their rankings) with the respective capacities is provided in **Annexure P/3**

8. Based on recommendations of the Bid Evaluation Committee and the Energy Task Force (ETF), the following seven (7) successful Bidders, as tabulated below in the order of their ranking, were issued the Letter of Intent (LoI) by UPPCL.

| Rank | Name of the Bidder                         | Bid Capacity (in MW) | Levelized Tariff (in Rs./kWh) |
|------|--|----------------------|-------------------------------|
| L1   | NSL Nagapatnam Power & Infratech Pvt. Ltd. | 300                  | 4.486                         |
| L2   | PTC (TRN Energy Ltd.)                      | 390                  | 4.886                         |
| L3   | Lanco Power (Babandh Project)              | 423.9                | 5.074                         |
| L4   | RKM Powergen Pvt. Ltd.                     | 350                  | 5.088                         |
| L5   | KSK Mahanadi Power Company Ltd.            | 1000                 | 5.588                         |
| L6   | PTC- MB Power (Madhya Pradesh) Ltd.        | 361                  | 5.73                          |
| L7   | Krishnapatnam Power Corporation Ltd.       | 800                  | 5.849                         |

9. Out of the above seven (7) Bidders, the following Bidders signed the PPA with UPPCL and their tariffs were adopted by Hon'ble UPERC vide order dated 24<sup>th</sup> June 2014. Copy of the said order is annexed as **Annexure P/4** to this petition.

| Rank | Name of the Bidder                  | Date of signing of PPA      | Contracted Capacity | Date of Order from Hon'ble UPERC for Adoption of Tariff |
|------|-------------------------------------|-----------------------------|---------------------|---|
| L2   | PTC (TRN Energy Ltd.)               | 25 <sup>th</sup> July 2013  | 390                 | 24 <sup>th</sup> June 2014                              |
| L3   | Lanco Power (Babandh Project)       | 8 <sup>th</sup> August 2013 | 423.9               | 24 <sup>th</sup> June 2014                              |
| L5   | KSK Mahanadi Power Company Ltd.     | 18 <sup>th</sup> Jan. 2014  | 1000                | 24 <sup>th</sup> June 2014                              |
| L6   | PTC- MB Power (Madhya Pradesh) Ltd. | 26 <sup>th</sup> Feb. 2014  | 361                 | 24 <sup>th</sup> June 2014                              |

10. In matter related to this petition, UPPCL would like to apprise the Hon'ble Commission as follows:
- LoI was issued to Bidder L4: M/s RKM Powergen Pvt. Ltd. by UPPCL vide letter dated 22<sup>nd</sup> May 2013 which was unconditionally accepted by the Bidder.
  - Subsequently, due to non-responsiveness of M/s RKM Powergen Pvt. Ltd. in submission of Contract Performance Guarantee (CPG) and execution of PPA, UPPCL vide letter dated 19<sup>th</sup> Dec. 2013 cancelled the LoI issued to M/s RKM Powergen Pvt. Ltd.
  - Consequent to cancellation of LoI, M/s RKM Powergen Pvt. Ltd. submitted vide their letter 20<sup>th</sup> Dec. 2013 that they are prepared to supply power as per their submitted RFP and requested for restoration of their LoI.
  - Thereafter, based on inputs received from Hon'ble Attorney General of U.P., as outlined in the Minutes of the ETF meeting dated 16-03-2015, GoUP vide its letter dated 16-07-2015 communicated the decision to restore the LoI keeping in view the interest of consumers of State of U.P. and the commercial interest of U.P. Power Corporation Ltd., subject to the decision made by Hon'ble UPERC in the petition (946/2014) which was filed by M/s RKM Powergen Pvt. Ltd. against the termination of the LoI issued to them.



- e. Based on the request made by M/s RKM Powergen Pvt. Ltd. vide its letter dated 20-08-2015 for allowing them to withdraw its petition no. 946/2014, Hon'ble Commission vide its order dated 28-09-2015 allowed the withdrawal of the petition by M/s RKM Powergen Pvt. Ltd.
- f. Subsequent to this, M/s RKM Powergen Pvt. Ltd. vide their letter dated 05-11-2015 gave an undertaking to supply its quoted quantum of 350 MW from the same generation source and at the same tariff specified in its Bid and as per the terms and conditions specified thereof in the RFP documents. Copy of the said undertaking is furnished as **Annexure P/5** to this petition.
- g. Based on the above undertaking furnished by M/s RKM Powergen Pvt. Ltd., UPPCL vide letter dated 8<sup>th</sup> Dec. 2015 restored the LoI with specific condition stating that the signing of PPA and other RFP documents shall take place after Hon'ble UPERC approves the restoration of LoI.
- h. The Hon'ble Commission vide its order dated 11<sup>th</sup> Feb. 2016 approved the restoration of LoI issued to M/s RKM Powergen Pvt. Ltd. Copy of the said order is annexed as **Annexure P/6**.
11. UPPCL would like to apprise to the Hon'ble Commission that based on the above proceedings, it has signed the PPA with M/s. RKM Powergen Pvt. Ltd. on 15<sup>th</sup> March, 2016. The copy of the signed PPA with M/s. RKM Powergen Pvt. Ltd. is annexed as **Annexure P/7** to this petition.
12. In context of the PPA signed with M/s. RKM Powergen Pvt. Ltd., it is required that the adoption of tariff for the Bid submitted by M/s. RKM Powergen Pvt. Ltd., under Section 63 of the Electricity Act, 2003 (hereinafter referred to as the "Act") may please be considered by the Hon'ble Commission.
13. Section 63 of the Act stipulates that ".....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".
14. It may also be noted that under Article 3.2.1 (c) of the PPA, the Procurer has to obtain approval of the Commission for adoption of tariff under Section 63 of the Act.
15. Accordingly, UPPCL prays to the Hon'ble Commission to adopt the tariff of M/s. RKM Powergen Pvt. Ltd. under Section 63 of the Act. The Financial Bid of M/s. RKM Powergen Pvt. Ltd. has been annexed as **Annexure P/8** to this petition.
16. The Hon'ble Commission may further note that as per Para 6.4 of the erstwhile Competitive Bidding Guidelines, appropriate certification from the Bid Evaluation Committee with respect to the conformity of bid process evaluation and Procurer's certificate on the conformity of the bid process to the Bidding Guidelines is to be attached.
17. The Bid Evaluation Committee (BEC) in its meeting held on 14-03-2013 has approved for acceptance the bids of (i) M/s PTC India Ltd. (M/s TRN Energy Pvt. Ltd.) (ii) M/s Lanco Babandh Power Ltd. and (iii) M/s RKM Powergen Pvt. Ltd. The BEC in its meeting held 12-09-2013 has approved for acceptance the bids of (i) M/s KSK Mahanadi Power Co. Ltd; (ii) M/s PTC India Ltd. (MB Power Madhya Pradesh Ltd.) and (iii) M/s Krishapatnam Power Corporation Ltd.
18. Previously, UPERC in its order dated 21-02-2014 has directed UPPCL to submit an undertaking on affidavit stating that the certificate of conformity issued in case of bids approved by BEC on 12-09-2013 shall construed to be applicable in case of certificate of conformity for bids approved by BEC on 14-03-2013.
19. The above undertaking was previously submitted by UPPCL in UPERC on 21-04-2014 w.r.t. petition for adoption of tariff of the four previously signed PPAs, where after the Commission vide its order dated 24<sup>th</sup> June, 2014 adopted the tariff of the four Sellers viz. M/s PTC India Ltd. (M/s TRN Energy Pvt. Ltd.) (ii) M/s Lanco Babandh Power Ltd. M/s KSK Mahanadi Power Co. Ltd; M/s PTC India Ltd. (MB Power Madhya Pradesh Ltd. A copy of the previously submitted affidavit alongwith minutes of meeting of BEC dated 14-03-2013 and 12-09-2013 is annexed herewith as **Annexure P/9**, as appropriate certification from the Bid Evaluation Committee with respect to the conformity of bid process evaluation.

20. The Procurers certificate on the conformity of the bid process to the bidding guidelines is annexed herewith as **Annexure P/10**.
21. UPPCL has also published a notice in two National newspapers (**Annexure P/11**) and in accordance has made public the PPA signed with M/s RKM Powergen Pvt. Ltd. on the Procurers Authorized Representative, UPPCL's official website [www.uppcl.org](http://www.uppcl.org).

**PRAYER TO THE HONORABLE COMMISSION**


In respect of the above mentioned points in this petition, UPPCL prays to the Hon'ble Commission to kindly consider the following for approval:

1. To take the petition on record.
2. To adopt the Tariff of M/s. RKM Powergen Pvt. Ltd. under Section 63 of the Act.
3. Pass such order as the Hon'ble Commission may deem fit & proper in the facts & circumstances of the case.

Date:

Uttar Pradesh Power Corporation Limited

Petitioner

  
Chief Engineer (Planning),  
Uttar Pradesh Power Corporation Limited  
Lucknow

ए० एच० खान  
मुख्य अभियन्ता(पि०),उत्तरपाकालि  
शक्ति भवन विस्तार, लखनऊ

**ANNEXURE-P/1**

Copy of the Order dated 23<sup>rd</sup> July 2012 regarding approval from the Hon'ble Commission to initiate the bid process for procurement of 6000 MW power under Case-1 SBD.





Petition No 812 of 2012

BEFORE  
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION  
LUCKNOW

Date of Order : 23.07.2012

**IN THE MATTER OF:** Approval to initiate the bid process for procurement of 6000 MW power under Case – 1 Standard Bidding Guidelines (SBG) of GoI and revised Request for Proposal (RFP) timelines.

UP Power Corporation Limited,  
(Through its Chairman and Managing Director)  
7<sup>th</sup> floor, Shakti Bhawan,  
14, Ashok Marg  
Lucknow - 226001

-----Petitioner

The following were present:

1. Sri Srikant Prasad, Director (CP), UPPCL
2. Sri Saurabh, CE (Plg.), UPPCL
3. Sri Prashant Mehrotra, SE (Planning), UPPCL
4. Sri Deepak Raizada, Sr. AE (Planning), UPPCL
5. Sri Anuj Vashistha, Deloitte, UPPCL
6. Sri Amit Goenka, Deloitte, UPPCL

**Order**

(Date of Hearing 5.7.2012 and Public Hearing 12.7.2012)

1. UPPCL has submitted that in line with the GoUP's endeavor to meet the power shortages of the state, it has proposed to initiate this Case-1 tariff based Competitive Bidding Process for procurement of 6000 MW base load power on a long term basis as per the Guidelines of GoI. The Energy Task Force (ETF) of GoUP has accorded its approval for procurement of this quantum of power. UPPCL has added that it has been authorized by the four Discoms to conduct the bid process on their behalf with the expected year of commencement of supply



as 2016-17. UPPCL has further submitted that the procurement of 6000 MW of power shall be utilized to meet the power requirements of the four distribution utilities (Discoms) of the state as under:

| S. No. | Discom                                 | Capacity (MW) |
|--------|--|---------------|
| 1      | Paschimanchal Vidyut Vitran Nigam Ltd. | 2100          |
| 2      | Purvanchal Vidyut Vitran Nigam Ltd.    | 1300          |
| 3      | Madhyanchal Vidyut Vitran Nigam Ltd.   | 1300          |
| 4      | Dakshinanchal Vidyut Vitran Nigam Ltd. | 1300          |
|        | Total                                  | 6000          |

- The Petitioner has stated that their Supply and Demand forecasts were approved by the Hon'ble Commission, vide order dated 22-07-2011 in their Petition No. 730 of 2011, based on the supply-demand scenario derived from the GoUP Energy Policy, 2009 wherein one of the key objectives was that the level of per capita availability of electricity is to be enhanced to 1000 kwh by the year 2017. The projections were made taking into consideration the MoU route projects also. However the fuel availability scenario has led Ministry of Power, GoI to advise the States that in the 12<sup>th</sup> plan period, only those generation projects which have confirm fuel linkage be envisaged. UPPCL has further added that the Ministry of Power, GoI has informed that coal based power projects in the private sector having about total 41000 MW capacity are under advanced stage of construction and their developers are yet to tie-up with Discoms for supply of power. As such they are straining to procure power from these untapped sources before it is committed to other procurers.
- UPPCL has informed that as per 18<sup>th</sup> Electric Power Survey (EPS) of GoI, the demand forecast for Uttar Pradesh has been projected as 23081 MW by FY 2016-17. Based on this, taking per capita availability of 650 kwh by 2016-17, UPPCL has submitted a revised Supply and Demand forecast with available peak load capacity of 23630 MW by 2016-17. The details are as follows:



**Proposed Additional Power Generation Capacity during 12<sup>th</sup> Plan**

|                       | Name   | Units  | Capacity | UP's Share (MW) | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 |
|-----------------------|--|--------|----------|-----------------|---------|---------|---------|---------|---------|
| <b>State Sector</b>   |  |        |          |                 |         |         |         |         |         |
| (i)                   | ParichhaExtn stage II                                      | 2*250  | 500      | 500             | 500     |         |         |         |         |
| (ii)                  | Anapara (D)  | 2*500  | 1000     | 1000            |         | 1000    |         |         |         |
| (iii)                 | HarduaganjExtn   | 2*250  | 500      | 500             | 250     |         |         |         |         |
| (iv)                  | HarduaganjExtn Stage-II                                    | 1*660  | 660      | 660             |         |         |         |         | 660     |
|                       | Sub Total  |        | 2660     |                 | 750     | 1000    |         |         | 660     |
| <b>Joint Sector</b>   |  |        |          |                 |         |         |         |         |         |
| (i)                   | Meja (UPRVUNL & NTPC)                                      | 2*660  | 1320     | 916             |         |         |         |         | 916     |
|                       | Sub Total  |        | 1320     | 916             |         |         |         |         | 916     |
| <b>Case-2</b>         |  |        |          |                 |         |         |         |         |         |
| (i)                   | Bara (JP Asso.)  | 3*660  | 1980     | 1782            |         |         | 1188    | 594     |         |
|                       | Sub Total  |        | 1980     | 1782            |         |         | 1188    | 594     |         |
| <b>Case-1</b>         |  |        |          |                 |         |         |         |         |         |
| (i)                   | 3000 MW  |        |          | 2756            |         |         |         | 2756    |         |
| (ii)                  | 2000+4000MW  |        |          | 6000            |         |         |         |         | 6000    |
|                       | Sub Total  |        |          | 8756            |         |         |         | 2756    | 6000    |
| <b>Private Sector</b> |  |        |          |                 |         |         |         |         |         |
| (i)                   | Sri Nagar Hydro  | 4*82.5 | 330      | 290             |         |         |         | 290     |         |
| (ii)                  | IPP (Hydro)  | 40     | 40       | 40              |         |         |         |         | 40      |
| (iii)                 | Central Sector   |        |          |                 |         |         |         | 1040    | 1040    |
|                       | Total  |        |          |                 | 750     | 1000    | 1188    | 4680    | 6656    |
|                       | Existing Generation Capacity at the end of previous year   |        |          |                 | 14414   | 15164   | 16164   | 17352   | 22032   |
|                       | Total Available Generation Capacity at the end of the year |        |          |                 | 15154   | 16164   | 17352   | 22032   | 30688   |
|                       | Available peak load (considering availability factor 77%)  |        |          |                 | 11679   | 12446   | 13361   | 16965   | 23630   |

4. During the hearing, on enquiry by the Commission, UPPCL informed about the developments in the matter of procurement of 2000 MW power which was earlier approved by the Commission in its order dated 22.07.2011. They submitted that the Bidding Process was carried out twice. In the first instance where the procurement was planned from 01.04.2012, no bids were received. In the second instance where the procurement was planned from 4 years after the signing of the PPA, the quoted tariffs were not aligned to prevailing market prices and hence the



- bid process was annulled. Hence, the present petition has been filed for procurement of 6000 MW under Case-1 bidding process which includes the earlier approved quantum of 2000 MW.
5. Regarding the deviations sought by UPPCL, it has been submitted that as per Clause 5.19 of the Bidding Guidelines, the procurement of power under Case-1 bid process in normal circumstances is to be completed in a period of 120 days with a minimum time frame of 75 days to be allowed between the issuance of RFP documents and the last date of bid submission. UPPCL has requested a reduced time frame of 90 days for completion of the entire bid process with a timeframe of 55 days to be allowed between the issuance of RFP documents and the last date of bid submission. As far as the other deviations are concerned, UPPCL has stated that these deviations in format 4.7 (B) and 4.8 alongwith the corresponding references in Clause 2.4.1.1 (A) point (vii) & (viii) of RFP have been approved earlier by the Hon'ble Commission in the matter of procurement of 2000 MW base load power in Petition no. 675 of 2010 vide order dated 24-06-2010. Accordingly, the deviations and revised RFP timelines have been proposed by UPPCL as under.

#### DEVIATION STATEMENT FOR THE PROPOSED CASE-1 6000 MW

| S.No | Clause                        | Existing Provision   | Proposed Provision   | Rationale  |
|------|-------------------------------|--|--|--|
| 1    | RFP 2.4.1.1 (A)- Point (vii)  | Bidder's Undertaking as per the prescribed Format 4.7 (A) and Undertakings from the Financially Evaluated Entity or its Parent Company/ Ultimate Parent Company as per Format 4.7 (B); Provided ..... from the Financially Evaluated Entity.                   | Bidders Undertaking as per the prescribed Format 4.7 (A) and Undertakings from the <b>Bidder and Financially Evaluated Entity</b> or its Parent Company or Ultimate Parent Company <b>or the Project Developer (in case of a Trading Licensee) pertaining to equity investment and/or submission of CPG</b> as per Format 4.7 (B); Provided .....from the Financially Evaluated Entity <b>for the equity investment.</b> | As per Hon'ble Commission order dated 24th June 2010 in Petition No.675 of 2010 (Procurement of 2000 MW base load Power on long term basis under Case-1 tariff based competitive bidding procedure as per guidelines issued by Government of India (GoI)). |
| 2    | RFP 2.4.1.1 (A)- Point (viii) | Board Resolution of the Financially Evaluated Entity of the Bidding Company of each Member of the Bidding Consortium as per prescribed Format 4.8, duly certified by the Company Secretary or the Managing Director undertaking to provide the entire Contract | Board Resolution of the <b>Bidder and/or Financially Evaluated Entity</b> of the Bidding Company of each Member of the Bidding Consortium as per prescribed Format 4.8, duly certified by the Company Secretary or the Managing Director <b>(or any full time Director on Board) for equity investment and/or submission of</b>  | Same as above.   |



|  |  | Performance Guarantee in the event of failure of the Bidding Company/Member of the Consortium to do so; or Board Resolution of the Parent or Ultimate Parent of the Financially Evaluated Entity referred to above, as per prescribed Format 4.8, duly certified by the Company Secretary or the Managing Director undertaking to provide the entire Contract Performance Guarantee in the event of failure of the Bidding Company/Member of the Consortium to do so. | <b>Contract Performance Guarantee, or Board Resolution of the Parent Company/ Ultimate Parent Company of the Financially Evaluated Entity referred to above or the Project Developer ( in case of a Trading Licensee), as per prescribed Format 4.8, duly certified by the Company Secretary or the Managing Director (or any full time Director on Board) for equity investment and/or submission of Contract Performance Guarantee.</b> |   |                      |    |  |             |                                  |  |  |       |          |                      |    |  |            |                                  |  |   |
|--|--|---|---|---|----------------------|----|--|-------------|----------------------------------|--|--|-------|----------|----------------------|----|--|------------|----------------------------------|--|---|
| 3  | RFP 2.3.1  | The Procurer/ Authorized Representative, for any reason, whether at its own initiative or in response to clarifications requested by any Bidder may modify the RFP, .....<br><br>All such amendments/ modifications shall be issued at least forty-five (45) days prior to the Bid Deadline.  | The Procurer/ Authorized Representative, for any reason, whether at its own initiative or in response to clarifications requested by any Bidder may modify the RFP, .....<br><br>All such amendments/ modifications shall be issued at least thirty (30) days prior to the Bid Deadline.  | The single stage RFP process is scheduled to be completed in 90 days. This requires alignment of associated timelines in RFP accordingly. |                      |    |  |             |                                  |  |  |       |          |                      |    |  |            |                                  |  |   |
| 4  | RFP 2.2.7  | The drafts of the following RFP Documents have been attached to this RFP; .....<br>Upon finalization of the RFP Documents after the amendments as envisaged in Clause 2.3, the Procurer(s) shall initial all the pages of the PPA and the other RFP Documents and deliver copies of the same to the Bidders at least forty five (45) days prior to the Bid Deadline.  | The drafts of the following RFP Documents have been attached to this RFP; .....<br>Upon finalization of the RFP Documents after the amendments as envisaged in Clause 2.3, the Procurer(s) shall initial all the pages of the PPA and the other RFP Documents and deliver copies of the same to the Bidders at least thirty (30)days prior to the Bid Deadline.   | Same as above   |                      |    |  |             |                                  |  |  |       |          |                      |    |  |            |                                  |  |   |
| 5  | RFP 2.8.2  | <table border="1"> <thead> <tr> <th>Event</th> <th>Schedule</th> </tr> </thead> <tbody> <tr> <td>Date of issue of RFP</td> <td>T0</td> </tr> <tr> <td>Submission of written clarification/ amendments if any, on the RFP / RFP Documents by the Bidders.</td> <td>T0 +15 days</td> </tr> <tr> <td>Pre-Bid Meeting(s) (if required)</td> <td>After submission of written clarifications and before issue of revised RFP</td> </tr> </tbody> </table>                   | Event   | Schedule  | Date of issue of RFP | T0 | Submission of written clarification/ amendments if any, on the RFP / RFP Documents by the Bidders. | T0 +15 days | Pre-Bid Meeting(s) (if required) | After submission of written clarifications and before issue of revised RFP | <table border="1"> <thead> <tr> <th>Event</th> <th>Schedule</th> </tr> </thead> <tbody> <tr> <td>Date of issue of RFP</td> <td>T0</td> </tr> <tr> <td>Submission of written clarification/ amendments if any, on the RFP / RFP Documents by the Bidders.</td> <td>T0 +7 days</td> </tr> <tr> <td>Pre-Bid Meeting(s) (if required)</td> <td>After submission of written clarifications and before issue of revised RFP</td> </tr> </tbody> </table> | Event | Schedule | Date of issue of RFP | T0 | Submission of written clarification/ amendments if any, on the RFP / RFP Documents by the Bidders. | T0 +7 days | Pre-Bid Meeting(s) (if required) | After submission of written clarifications and before issue of revised RFP | The single stage RFP process is scheduled to be completed in 90 days. |
| Event  | Schedule   |   |   |   |                      |    |  |             |                                  |  |  |       |          |                      |    |  |            |                                  |  |   |
| Date of issue of RFP   | T0   |   |   |   |                      |    |  |             |                                  |  |  |       |          |                      |    |  |            |                                  |  |   |
| Submission of written clarification/ amendments if any, on the RFP / RFP Documents by the Bidders. | T0 +15 days  |   |   |   |                      |    |  |             |                                  |  |  |       |          |                      |    |  |            |                                  |  |   |
| Pre-Bid Meeting(s) (if required)   | After submission of written clarifications and before issue of revised RFP |   |   |   |                      |    |  |             |                                  |  |  |       |          |                      |    |  |            |                                  |  |   |
| Event  | Schedule   |   |   |   |                      |    |  |             |                                  |  |  |       |          |                      |    |  |            |                                  |  |   |
| Date of issue of RFP   | T0   |   |   |   |                      |    |  |             |                                  |  |  |       |          |                      |    |  |            |                                  |  |   |
| Submission of written clarification/ amendments if any, on the RFP / RFP Documents by the Bidders. | T0 +7 days   |   |   |   |                      |    |  |             |                                  |  |  |       |          |                      |    |  |            |                                  |  |   |
| Pre-Bid Meeting(s) (if required)   | After submission of written clarifications and before issue of revised RFP |   |   |   |                      |    |  |             |                                  |  |  |       |          |                      |    |  |            |                                  |  |   |





|  |  |   |               |   |              |
|--|--|---|---------------|---|--------------|
|  |  | Revision of RFP and RFP Documents (if required) and issuance of revised RFP and RFP Documents | T0 + 30 days  | Revision of RFP and RFP Documents (if required) and issuance of revised RFP and RFP Documents | T0 + 25days  |
|  |  | Bid submission and opening of Non Financial Bid   | T0 + 75 days  | Bid submission and opening of Non Financial Bid   | T0 + 55days  |
|  |  | Opening of Financial Bid of Qualified Bidders   | T0 + 90 days  | Opening of Financial Bid of Qualified Bidders   | T0 + 65 days |
|  |  | Shortlisting of Successful Bidder(s) and issue of LOI   | T0 + 100 days | Shortlisting of Successful Bidder(s) and issue of LOI   | T0 + 75days  |
|  |  | Signing of RFP Documents  | T0 +120 days  | Signing of RFP Documents  | T0 +90days   |

6. UPPCL has requested the Hon'ble Commission to consider their plea and accord approval to initiate the bid process for procurement of 6000 MW power under case – 1 SBG of Gol with the above deviations in the RFP.
7. In view of above, the Commission accords its approval to UPPCL alongwith above referred deviations to initiate the bid process for procurement of 6000 MW power under Case – 1 SBG of Gol.
8. The petition is disposed of.

(Meenakshi Singh)  
Member

(Rajesh Awasthi)  
Chairman

Place : Lucknow  
Dated: 23.07.12

**ANNEXURE-P/2**

List of Bidders that participated in 6000 MW Case-1 bid process.

| S. No.                                | Name of the Bidder                          | Capacity Offered in MW |
|---------------------------------------|---|------------------------|
| 1.                                    | Dhariwal Infrastructure Ltd.                | 245                    |
| 2.                                    | NCC Power Projects Ltd.                     | 200                    |
| 3.                                    | PTC India Ltd                               | 1556                   |
| 3.1.                                  | Source 1: TRN Energy Limited                | 390                    |
| 3.2.                                  | Source 2: DB Power Limited                  | 203                    |
| 3.3.                                  | Source 3: DB Power (Madhya Pradesh) Limited | 302                    |
| 3.4.                                  | Source 4: East Coast Energy Private Limited | 300                    |
| 3.5.                                  | Source 5: MB power (Madhya Pradesh) Limited | 361                    |
| 4.                                    | Krishnapatnam Power Corporation Ltd.        | 800                    |
| 5.                                    | India Bulls Power Ltd                       | 1800                   |
| 5.1.                                  | Source 1: Amravati TPP, Maharashtra         | 600                    |
| 5.2.                                  | Source 2: Nashik TPP, Maharashtra           | 1200                   |
| 6.                                    | Lanco Power Ltd.                            | 1950.6                 |
| 6.1.                                  | Source 1: Amarkantak Project                | 1072.5                 |
| 6.2.                                  | Source 2: Babandh Project                   | 423.9                  |
| 6.3.                                  | Source 3: Vidarbha project                  | 454.2                  |
| 7.                                    | RKM Powergen Pvt. Ltd.                      | 350                    |
| 8.                                    | KSK Mahanadi Power Company Ltd.             | 1000                   |
| 9.                                    | Reliance Power Ltd.                         | 270                    |
| 10.                                   | NSL Nagpatnam Power & Infratech Pvt. Ltd.   | 300                    |
| 11.                                   | Jindal Power Ltd.                           | 300                    |
| <b>Total Capacity Offered (in MW)</b> |   | <b>8771.6</b>          |

**ANNEXURE-P/3**

List of successful Bidders after evaluation of Financial Bids (tabulated in ascending order of ranking).

| Rank | Name of Bidder                             | Bid Capacity (MW) |
|------|--|-------------------|
| 1.   | NSL Nagapatnam Power Ltd.                  | 300               |
| 2.   | PTC-TRN Energy Ltd.                        | 390               |
| 3.   | Lanco (Babandh Project)                    | 423.9             |
| 4.   | RKM Powergen Pvt. Ltd.                     | 350               |
| 5.   | KSK Mahanadi Power Company Ltd.            | 1000              |
| 6.   | PTC-MB Power (MP) Ltd.                     | 361               |
| 7.   | Krishnapatnam Power Corporation Ltd (KPCL) | 800               |
| 8.   | PTC-DB Power Ltd.                          | 203               |
| 9.   | Indiabulls (Nasik)                         | 1200              |
| 10.  | Jindal Power Ltd                           | 300               |
| 11.  | Indiabulls (Amravati)                      | 600               |
| 12.  | Lanco (Amarkantak)                         | 1072.5            |
| 13.  | NCC Power Projects Ltd.                    | 200               |
| 14.  | Lanco (Vidarbha)                           | 454.2             |
| 15.  | PTC - East Coast Energy Pvt. Ltd.          | 300               |
| 16.  | PTC-DB Power (MP) Ltd.                     | 302               |
|      | <b>Total</b>                               | <b>8256.6 MW</b>  |



**ANNEXURE-P/4**

Copy of the order dated 24<sup>th</sup> June 2014 by Hon'ble UPERC for tariff adoption of Bidders L2, L3, L5 and L6





Petition No 911 of 2013

BEFORE

THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Date of Order : 24.06.2014

**PRESENT:**

1. Hon'ble Sri Desh Deepak Verma, Chairman
2. Hon'ble Smt Meenakshi Singh, Member
3. Hon'ble Sri Indu Bhushan Pandey, Member

**IN THE MATTER OF:** Adoption of tariff (L-2, L-3, L-5 & L-6) obtained through bidding process under Case – 1 Standard Bidding Guidelines (SBG) of Govt for procurement of 6000 MW power.

UP Power Corporation Limited,  
(Through its Chairman and Managing Director)  
7<sup>th</sup> floor, Shakti Bhawan,  
14, Ashok Marg  
Lucknow - 226001

-----Petitioner

PTC India Limited,  
(TRN Energy Ltd.)  
2<sup>nd</sup> Floor, NBCC Tower,  
15 Bhikaji Cama Place,  
New Delhi- 110 066

Lanco Power Limited (Babandh)  
Plot No. 397, Udyog Vihar,  
Phase 3, Gurgaon,  
Haryana

M/s KSK Mahanadi Power Company Ltd.  
8-2, 293/82/A/431/A,  
Road No. 22, Jubilee Hills,  
Hyderabad.

PTC India Limited,  
(MB Power (MP) Ltd.)  
2<sup>nd</sup> Floor, NBCC Tower,  
15 Bhikaji Cama Place,  
New Delhi- 110 066

-----Respondents



The following were present:

1. Sri Mahavir Jhala, DGM (Comm), Lanco Power Ltd.
2. Sri B. T. Kumar, G.M. KSK Mahanadi Power Company Ltd.
3. Sri S. K. Sekar, Lanco Power Limited (Babandh)
4. Sri Avadhesh Kumar Verma, UP Rajya Vidyut Upbhokta Parishad
5. Sri Suraj Das Guru, Lanco Power Limited (Babandh)
6. Sri Rama Shankar Awasthi, Consumer
7. Sri Prashant Mehrotra, CE (Planning), UPPCL
8. Sri Deepak Raizada, EE (Planning), UPPCL
9. Sri Vinay P. Srivastava, SE, UPPCL
10. Sri K. D. Pandey, Consumer
11. Sri A. N. Mishra, Consumer
12. Sri A.K. Arora, Resident Manager, NPCL
13. Sri M.K. Johar, Resident Manager
14. Sri Bharat Sharma, Manager, PTC India Ltd.
15. Sri Anuj V, Deloitte
16. Sri G.P. Gupta, Sr. Manager, MB Power (M.P.) Ltd.
17. Sri Ravi Arya , Sr. V.P. , MB Power (M.P.) Ltd.

### Order

(Date of Public Hearing 29.05.2014)

1. UPPCL, the authorized representative of the State Distribution Companies, initiated a Case-1 tariff based Competitive Bidding Process in July 2012 (as per the Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees issued by Ministry of Power, GoI and as amended from time to time) (hereinafter referred to as "Bidding Guidelines") for procurement of 6000 MW base load power on long term basis. The power requirements of the four distribution utilities of the State was assessed as here under :

| Sr. No. | Distribution Utility                   | Capacity procurement (MW) |
|---------|--|---------------------------|
| 1       | Paschimanchal Vidyut Vitran Nigam Ltd. | 2100                      |



|   |  |      |
|---|--|------|
| 2 | Purvanchal Vidyut Vitran Nigam Ltd.    | 1300 |
| 3 | Madhyanchal Vidyut Vitran Nigam Ltd.   | 1300 |
| 4 | Dakshinanchal Vidyut Vitran Nigam Ltd. | 1300 |
|   | Total                                  | 6000 |

The approval to initiate the bid process was accorded by the Commission on 23<sup>rd</sup> July 2012.

- UPPCL has informed that the Request for Proposal (RFP), Power Purchase Agreement (PPA) and other RFP documents were issued by UPPCL on July 27<sup>th</sup> 2012 and the last date of submission of RFP Bids was 24<sup>th</sup> September 2012. Eleven (11) bidders submitted their RFP Bids offering a total capacity of 8771.6 MW by the due date. UPPCL has submitted that as per Para 5.9 of the Bidding Guidelines, a Committee was constituted for independent evaluation of Bids. The Evaluation of Non-Financial Bids was carried out and findings were put up before the Bid Evaluation Committee. Based on the recommendations of the Bid Evaluation Committee, suitable clarifications were sought from the Bidders and the same were reviewed by the Bid Evaluation Committee. Based on the recommendations of the Bid Evaluation Committee the Financial Bids of the Qualified Bidders were opened on 17<sup>th</sup> December 2012 and the responsiveness check was carried out. The findings of the Financial Bids were presented to the Bid Evaluation Committee on 18<sup>th</sup> January 2013. UPPCL has submitted that eleven (11) bidders were qualified. The list of those bidders with offered quantities in order of ranking is as follows:

| Rank | Name of Bidder            | Bid Capacity (MW) |
|------|---------------------------|-------------------|
| 1.   | NSL Nagapatnam Power Ltd. | 300               |
| 2.   | PTC-TRN Energy Ltd.       | 390               |
| 3.   | Lanco (Babandh Project)   | 423.9             |
| 4.   | RKM Powergen Pvt. Ltd.    | 350               |



|     |  |                  |
|-----|--|------------------|
| 5.  | KSK Mahanadi Power Company Ltd.            | 1000             |
| 6.  | PTC-MB Power (MP) Ltd.                     | 361              |
| 7.  | Krishnapatnam Power Corporation Ltd (KPCL) | 800              |
| 8.  | PTC-DB Power Ltd.                          | 203              |
| 9.  | Indiabulls (Nasik)                         | 1200             |
| 10. | Jindal Power Ltd                           | 300              |
| 11. | Indiabulls (Amravati)                      | 600              |
| 12. | Lanco (Amarkantak)                         | 1072.5           |
| 13. | NCC Power Projects Ltd.                    | 200              |
| 14. | Lanco (Vidarbha)                           | 454.2            |
| 15. | PTC - East Coast Energy Pvt. Ltd.          | 300              |
| 16. | PTC-DB Power (MP) Ltd.                     | 302              |
|     | <b>Total</b>                               | <b>8256.6 MW</b> |

3. UPPCL has submitted that based on recommendations of the Bid Evaluation Committee, the Energy Task Force (ETF), and approval of GoUP, Letter of Intent (LoI) was issued to L1 bidder on 21<sup>st</sup> January, 2013 and subsequently to L2, L3 and L4 bidder on 22<sup>nd</sup> May, 2013. The details of levelized tariff and quantum of power, for these four bidders in the order of their ranking are as below-

| Rank | Name of the Bidder                         | Bid Capacity | Levellized Tariff |
|------|--|--------------|-------------------|
| L1   | NSL Nagapatnam Power & Infratech Pvt. Ltd. | 300          | 4.486             |
| L2   | PTC (TRN Energy Ltd.)                      | 390          | 4.886             |
| L3   | Lanco Power (Babandh Project)              | 423.9        | 5.074             |
| L4   | RKM Powergen Pvt. Ltd.                     | 350          | 5.088             |

UPPCL has stated that out of the above (4) Bidders, PTC India Ltd. (L2) and Lanco Power Ltd. (L3) submitted the required Contract Performance Guarantee (CPG) and signed the PPA with UPPCL on 25<sup>th</sup> July 2013 and 8<sup>th</sup> August 2013





respectively. NSL Nagapatnam Power & Infratech Pvt. Ltd. (L1) and RKM Powergen Pvt. Ltd. (L4) did not submit CPG as per the provisions of RFP. UPPCL has added that on 12<sup>th</sup> Sept, 2013 the Bid Evaluation Committee, further recommended the issuance of LoI to L5, L6 and L7 Bidders as tabulated below. The Energy Task Force (ETF) also endorsed the issuance of LoI to L5, L6 and L7 on 19<sup>th</sup> Nov. 2013. Based on the recommendations of Bid Evaluation Committee, ETF and approval of GoUP, UPPCL issued LOI to L5, L6 and L7 bidders on 11<sup>th</sup> December, 2013 . The details of tariff and quantum of power, for these three bidders in the order of their ranking are as below-

| Rank | Name of the Bidder                   | Bid Capacity | Levellized Tariff |
|------|--------------------------------------|--------------|-------------------|
| L5   | KSK Mahanadi Power Company Ltd.      | 1000         | 5.588             |
| L6   | PTC- MB Power (Madhya Pradesh) Ltd.  | 361          | 5.73              |
| L7   | Krishnapatnam Power Corporation Ltd. | 800          | 5.849             |

4. As per the provisions of the RFP, UPPCL filed this petition, for adoption of tariff of L2 and L3 bidders under Section 63 of the Electricity Act 2003, with prayer as follows:
- (a) To adopt the tariff of the two bidders L2, L3 viz PTC India Ltd. (Source:TRN Energy Ltd.) and Lanco Power Ltd. (Source: Lanco Babandh Power Ltd.) under Section 63 of the Electricity Act, 2003; and
- (b) To approve the extended timeframe for the closure of the bid process up to 19<sup>th</sup> November, 2013.

UPPCL has submitted that since L-1 & L-4 did not submit Contract Performance Guarantee (CPG) as per the provisions of RFP, they could enter into PPAs only with L-2 & L- 3 and the same was brought to the Commission for adoption under section 63 of the Electricity Act, 2003. UPPCL further requested



for extension of timelines for six months as they exceeded the timelines of 195 days as provided in the bidding documents.

The Commission showed its dissatisfaction over the Minutes of Meeting (MoM) (Annexure – 1) having certification of the bid evaluation committee as "On the basis of report of the consultant and the recommendation of the UPPCL, the bid evaluation committee certifies that the bid process evaluation conforms to the provisions of RFP documents". Whereas, as per the clause 6.2 of the SBG, the Evaluation Committee constituted for evaluation of RFP bids itself has to provide certification on conformity of the bid process evaluation according to the provisions of the RFP document. UPPCL had stated that in the same bidding process, down the line, they were in process of issuing some more Letter of Intents (Lols) for which the Bid Evaluation Committee had given the appropriate certification as per the standard guidelines and requested that since the other certification had been issued in the same bid process, it might be construed as appropriate by the Hon'ble Commission for the whole bid process.

The Commission, vide order dated 21<sup>st</sup> Feb, 2014, directed UPPCL to submit an undertaking on affidavit stating that the certificate of conformity with Minutes of Meeting (MoM), issued in case of the Letter of Intents (Lols) referred as above, shall construed to be applicable in case of these bids also. The Commission further directed to follow the provision of clause 6.3 of the Standard bidding guidelines as below:

*"For the purpose of transparency, the procurer shall make the bids public by indicating all the components of tariff quoted by all the bidders, after signing of the PPA or PPA becoming effective, whichever is later. While doing so, only the name of the successful bidder shall be made public and details of tariffs quoted by other bidders shall be made public anonymously. The procurer shall also make public the PPA signed in accordance with clause 6.1. For above purpose, a notice will be published in at least two national newspapers and full details shall be posted on the website of the procurer for at least thirty days."*



The Commission also expressed that the publication may be made for these bids only or for all the bids together at the discretion of the UPPCL. The next hearing was to be public.

5. UPPCL, on 17.4.2014, has made submissions including their undertaking on affidavit (Annexure – 2) stating that the certificate of conformity issued by Bid Evaluation Committee on 12<sup>th</sup> Sept. 2013 (recommending selection of L5, L6 and L7 bidders) shall be construed to be applicable in case of certificate of conformity issued by Bid Evaluation Committee on 14<sup>th</sup> March, 2013 (recommending selection of L2, L3 and L4 bidders). UPPCL has also submitted MoM dated 12.9.2013 for L5, L6 & L7 (Annexure – 3). UPPCL has added that they have made publication of these bids through a notice in two National Newspapers and have posted full details, i.e. components of tariff quoted by all the bidders and PPAs signed (L2, L3, L5 and L6), so far, in the bidding process, on the official website of the Procurer's authorized representative i.e. [www.uppcl.org](http://www.uppcl.org) only or for all the bids together at the discretion of UPPCL (Annexure – 4).
6. UPPCL has further stated that the Bidders (L5 and L6) have also submitted respective Contract Performance Guarantee (CPG) as per the provisions of the PPA. UPPCL has submitted that they have signed the PPA with L5 (on 18<sup>th</sup> January, 2014), and L6 (on 26<sup>th</sup> February, 2014). UPPCL has informed that the bidder L7 (M/s Krishnapatnam Power Corporation Ltd.) has sought additional timeframe for submission of CPG to sign PPA and the Default Escrow Agreement and Agreement to Hypothecate – cum – deed of Hypothecation with L2, L3, L5 and L6 bidders shall be signed at a later date. With this, UPPCL has also requested to adopt the tariff of L5 and L6 bidders.
7. UPPCL has submitted the Procurer's certificate on the conformity of the bid process to the Bidding Guidelines dated 17.4.2014 (Annexure – 5).



8. UPPCL has further stated that the tariffs put up before the Commission for adoption has been determined through transparent process of bidding established according to the Guidelines issued by the Central Govt. and since, Section 63 calls only for the adoption of such tariff by the Commission as such it appears that public hearing is not required in the instant petition. Further, it has also been stated that the Guidelines issued by the Central Government or RFP documents do not provide for holding public hearing for adoption of tariff.
9. On 17.4.2014, UPPCL has filed another application revising the request of extension of timelines for closure of bid process upto 30<sup>th</sup> June, 2014 which was earlier requested upto 19<sup>th</sup> November, 2013.
10. On the issue of Public Hearing, the Commission decided to convene it considering the fact that the electricity is being procured through bidding process under section 63 of the Act which states that the Commission shall adopt the tariff if such tariff has been determined through transparent process of bidding. The Public Hearing ensures opportunity to all the stakeholders and to the public to comment on the concluded bid process before the Commission which is required for arriving to the conclusion regarding adoption of tariff.
11. During the hearing Sri Avadhesh Kumar Verma, UP Rajya Vidyut Upbhokta Parishad reiterated his objections which he had earlier raised in the letter dated 4.3.2014 and Sri Rama Shankar Awasthi, Consumer filed written objections dated 29.5.2014. UPPCL was directed to file the reply in writing which they have filed on 16.6.2014.
12. UPPCL has stated that in the above letter dated 4.3.2014, following statements have been made by U.P. Rajya Vidyut Upbhokta Parishad :
  - a) UPPCL is contemplating purchasing power, sometimes from L1, L2, L3 and sometimes from L5, L6 and L7.



- b) UPPCL is working on procuring additional quantum, over and above the quoted quantum from the bidders.
- c) UPERC should request UPPCL to submit complete procedure pertaining to the bidding process including legal opinion and should direct UPPCL to put the entire procedure on the website of UPPCL.
- d) The advice sought by Energy Deptt. Govt. of Uttar Pradesh from UPERC under section 86 (2) regarding L4 bidder is not appropriate.

The response on the above points have been given by UPPCL as below:

Point (a) above :

- Section 63 of Electricity Act, 2003 has provision that "*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.*"
- Under the above provisions of Section 63 of the Act Ministry of Power, GoI, has notified "Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees." dated 19<sup>th</sup> Jan. 2005 and as amended from time to time.
- Under these guidelines Ministry of Power, GoI has issued Standard Bidding Documents (Request for Proposal, Power Purchase Agreement). The guidelines mentioned that the Procurer or authorized representative shall prepare bid documents in line with these guidelines and Standard bid documents and in case there is any deviation from these guidelines the same shall be done with the prior approval of the Appropriate Commission.
- The Procurer/authorized representative has sought the approval of UPERC to initiate the bid process for procurement of 6000 MW power under Case-1 Standard Bidding Guidelines (SBG) along with a request for approval of RFP documents, which were as per the Standard Bidding Documents issued by Ministry of Power, GoI and sought certain deviations including revised (reduced)RFP timelines vide Petition no. 812 of 2012. UPERC vide its order dated 23<sup>rd</sup> July, 2012 have accorded approval to UPPCL to initiate the bid process for procurement of 6000 MW power under Case-1 SBG of GoI along with approval of the deviations in the RFP.
- As per Clause 3.5 of the RFP (Successful Bidder(s) Selection)

*3.5.1 Bids qualifying in Step III shall only be evaluated in this stage.*

*3.5.2 The Levelized Tariff calculated as per Clause for all Financial Bids of Qualified Bidders shall be ranked from the lowest to the highest.*



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- 3.5.3 *The Bidder with the lowest Levelized Tariff shall be declared as the Successful Bidder for the quantum of power (in MW) offered by such Bidder in its Financial Bid.*
- 3.5.4 *The selection process of the Successful Bidder as mentioned above in Clause shall be repeated for all the remaining Financial Bids of Qualified Bidders until the entire Requisitioned Capacity is met or until the time when the balance of the Requisitioned Capacity is less than the Minimum Bid Capacity.*
- 3.5.5 *At any step in the process in Clause, in case the Requisitioned Capacity has not been achieved and the offered capacity of the Bidder with the lowest Levelized Tariff amongst the remaining Financial Bids is larger than the balance Requisitioned Capacity, any fraction or combination of fractions offered by such Bidder shall be considered for selection, towards meeting the Requisitioned Capacity.*
- 3.5.6 *The selection process shall stand completed once the Requisitioned Capacity has been achieved through the summation of the quantum offered by the Successful Bidders or when the balance of the Requisitioned Capacity is less than the Minimum Bid Capacity. ....*
- 3.5.8 *The Letter(s) of Intent shall be issued to all such Successful Bidder(s) selected as per the provisions of this Clause.*
- 3.5.9 *There shall be no negotiation on the Quoted Tariff between the Authorized Representative/ Procurer and the Bidder(s) during the process of evaluation.*

- From the above it is evident that the RFP envisages a bucket filling approach i.e. selection of successful bidder(s) at their quoted tariff till the requisition capacity has been achieved. Following the above process of evaluation as per RFP, the Bid Evaluation Committee in its meeting(s) has recommended for acceptance of bids upto L7. Accordingly, UPPCL issued LoI to the successful Bidder(s) i.e. from L1 to L7.

Thus, the statement by Upphokta Parishad that UPPCL is purchasing power, sometimes from L1, L2, L3 and sometimes from L5, L6 and L7 exhibits lack of comprehension of the selection process laid down by the SBG & SBD issued by Ministry of Power, Govt. of India, New Delhi for selection of Seller(s) to meet the requisitioned capacity, which has been followed by UPPCL as the authorized representative of the Procurer.



Point (b) above :

The Petition no. 911/2013 filed by UPPCL on 11<sup>th</sup> Oct. 2013 and subsequent applications filed on 21<sup>st</sup> April, 2014 for adoption of tariff as per PPA(s) signed so far i.e. L2, L3, L5 and L6 bids has no mention anywhere regarding procurement of additional power from bidder(s), over and above their quoted quantum as in the RFP submitted by them, nor any prayer has been made regarding the same in the above Petition.

Point (c) above :

- The *Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees* dated 19<sup>th</sup> Jan. 2005 and as amended from time to time, have following provisions w.r.t. transparency of the bid process as per Clause 6.3 :

*For the purpose of transparency, the procurer shall make the bids public by indicating all the components of tariff quoted by all the bidders, after signing of the PPA or PPA becoming effective, whichever is later. **While doing so, only the name of the successful bidder shall be made public and details of tariffs quoted by other bidders shall be made public anonymously.** The procurer shall also make public the PPA signed in accordance with clause 6.1. For above purpose, a notice will be published in at least two national newspapers and full details shall be posted on the website of the procurer for at least thirty days." (emphasis provided)*

- UPERC in the matter of adoption of tariff (L2 and L3) obtained through bidding process under Case-1 SBG of GoI in Petition no. 911 of 2013 has in its order dated 21<sup>st</sup> Feb. 2014 has also directed UPPCL to follow the above mentioned provision of Clause 6.3 of SBG, while also mentioning that the publication may be made for the above bids only or for all the bids at the discretion of the UPPCL.
- In compliance with the above provisions w.r.t. the transparency of the bidding process, UPPCL has published a notice in two national newspapers and has posted full details, i.e. components of tariff quoted by all the bidders and PPAs signed (L2, L3, L5 and L6), so far, in the bidding process, on the official website of the procurers authorized representative i.e. [www.uppcl.org](http://www.uppcl.org).
- Further, w.r.t. transparency of the bidding process following points are also to be considered :
  - i) UPPCL has issued RFP documents which were the Standard Bidding Documents issued by GoI, and the deviations in the documents were approved by UPERC as per the provisions of the SBG.



- ii) The RFP notice was published in at least two national newspapers along with UPPCL website as per the provisions of SBG. All the RFP documents were kept in public domain by way of hosting on UPPCL website as well as availability in the UPPCL office as per the details published in the notice.
- iii) Govt. of Uttar Pradesh constituted a Committee for evaluation of the bids with one external member, as per provisions of SBG. The external member is Member, Central Electricity Authority, New Delhi or his representative.
- iv) The Evaluation Committee constituted for evaluation of the bids has provided appropriate certification on conformity of the bid evaluation according to the provisions of RFP document. The procurer has also provided a certificate on the conformity of the bid process to these guidelines. The above certifications have been provided to UPERC in the Petition and application(s) filed for adoption of tariff of signed PPAs.

From the above points, it is evident that the procurers have followed the provisions of transparency as per the Standard Bidding Guidelines and as per the directives given by UPERC in its order w.r.t. initiation of the bid process, approval of the RFP documents and adoption of tariff of signed PPAs.

Point (d) above :

The petition no. 911/2013 filed by Uttar Pradesh Power Corporation Limited on 11<sup>th</sup> Oct ,2013 and subsequent applications filed on 21<sup>st</sup> April 2014 for adoption of tariff as on PPA's signed with L2,L3,L5 &L6 bids has no concern with L4 bid in any way.

However as far as decision taken by UPPCL & UP Govt. in case of L4 bid and the interest of state is concerned,facts are given below:-

(a) In the 6000 MW Case-1 bidding process being carried out by UPPCL as authorized representative of procurers, LoI was issued to L4 bidder on 22<sup>nd</sup> May, 2013 and the same was unconditionally accepted by the Seller, as per the provisions of RFP. Subsequently, on account of the request by the Seller for revaluation of his bid for changed fuel source and non fulfillment of further provisions of RFP by the Seller w.r.t. submission of CPG and signing of PPA, the LoI issued to the Seller was cancelled on 19<sup>th</sup> Dec. 2013. On cancellation of LoI, the L4 bidder submitted that they were ready to sign the PPA as per the RFP submitted by them. Since, the LoI issued to the bidder, stood cancelled and there was no explicit provision in the RFP as regards to such a situation, Govt. of Uttar Pradesh, on the basis of advice received from Law Wing of Govt. of Uttar Pradesh decided that it was in State's interest as well as to maintain the transparency of





the bid process to seek advice from UPERC as per the provision of Section 86 (2) (iv) of the Electricity Act, 2003.

(b) Section 86 of the Electricity Act, 2003 lists the Functions of the State Commission. Following provision exists in Section 86 (2) :

*The State Commission shall advise the State Government on all or any of the following matters, namely:*

- (i) promotion of competition, efficiency and economy in activities of the electricity industry;*
- (ii) promotion of investment in electricity industry;*
- (iii) reorganization and restructuring of electricity industry in the State;*
- (iv) matters concerning generation, transmission, distribution and trading of electricity or any other matter referred to the State Commission by the Government.*

Thus by seeking advice from Uttar Pradesh Electricity Regulatory Commission under section 86(2)(iv) of Electricity Act 2003 w.r.t L4 bid Govt. of Uttar Pradesh was exercising its right to explore the possibilities of procuring 350 MW electricity at cheaper rate (i.e Rs.5.088 per unit), completely in view of State's interest.

13. The point wise response submitted by UPPCL on comments/objection made by Shri Rama Shanker Awasthi, vide his letter dated 29th May, 2014 is as follows:

Point no. 1

Comment

Secretary UPERC in public notice dated 22.05.2014 inform to all general public that all bids including the component of tariff is available on UPPCL website i.e. www.uppcl.org but in website incomplete document of four bidders document are available in place of 16 bidders (PPA, detail of generating source, Security document).

UPPCL's Reply

As per Clause 6.3 of Standard Bidding Guidelines (SBG) issued by Ministry of Power Govt. of India, "for the purpose of transparency, the procurer shall make the bids public by indicating all the components of tariff quoted by all the bidders, after signing of the PPA or PPA becoming effective, whichever is later.



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*While doing so, only the name of the successful bidder shall be made public and details of tariff quoted by other bidders shall be made public anonymously. The procurer shall also make public the PPA signed in accordance with clause 6.1."*

Further vide its order dated 21-02-2014 UPERC has directed UPPCL to follow the above provisions of Clause 6.3 of SBG and further stated that the publication may be made for these bids only or for all the bids together, at the discretion of UPPCL. Accordingly UPPCL has hosted on its website all the component of tariff quoted by all 16 bidders, whose financial bids were opened, along with the levelized tariff and while doing so the names of the Seller (Successful bidder who submits the Contract Performance Guarantee and executes the PPA document) have been made public and details of tariff quoted by other bidders have been made public anonymously.

Thus all the requirements as per the above clause 6.3 of the SBG, as also, the directives given by UPERC vide its order dated 21-02-2014 have been fulfilled by UPPCL.

Point no. 2

Comment

No calculation detail are available related to evaluation of levelized tariff, then how public verification/calculate the levelized tariff of different bidders mention in website.

UPPCL's Reply

Clause 5.2 of the SBG states that the procurer shall publish the RFP notice in at least two National newspapers and also on Procurer(s) website. During the course of bidding process, all the RFP documents were kept in public domain w.e.f. 27-07-2012 till the bid submission deadline of i.e 24<sup>th</sup> September, 2012 and even thereafter. Section 5(ix) of the RFP document is *Illustration for bid evaluation and computation of levelized tariff*. Accordingly the tariff model by which levelized tariff is computed was hosted on the official website, in public domain, and the same tariff model was provided to the Bidders.

As per the provisions of RFP, the computation of levelized tariff is done up to 3 decimal places. During the financial opening, in presence of the bidders, not even a single computation of levelized tariff for any of the bid was disputed or challenged by any bidder. More over, as mentioned above, the methodology of computation of levelized tariff as per clause 3.4 of the RFP, and the tariff model have both been available in the public domain during the RFP process.



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Point no. 3

Comment

In UPPCL website petition copy of petition no. 911 of 2013 filed before UPERC is not available for public.

UPPCL's Reply

As mentioned in response to point 1 above, for the purpose of transparency, Clause 6.3 of SBG, mandates that the procurer shall make the bid public of all the bidders and while doing so only the name of successful bidders shall be made public and details of tariff quoted by other bidders shall be made public anonymously.

The Petition no. 911/ 2013 and Applications filed therein, list the details of all Bids submitted viz. name of bidder, quantum of power, levelized tariff etc., hence it is evident that hosting the petition and application on the website would have been in contravention of the mandate of SBG that details of tariff quoted by bidders who are not successful bidder shall be made public anonymously.

Point no. 4

Comment

As per above objection, objector request to Commission that Commission should cancel today public hearing and further issue direction to petitioner for providing petition copy along with calculation of levelized tariff and other document related to all bidders to public by in website.

UPPCL's Reply

As UPPCL has followed the provision of clause 6.3 of SBG and the directives of UPERC vide order dated 21-02-2014 in petition no. 911/2013, in totality, the request made by consumer is not maintainable.

Point no. 5

Comment

As per Electricity Act, 2003 and regulations made by UPERC, it is clear that each licensee shall purchase power as per requirement directly from generating source or traders but in present case this was not happen.



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#### UPPCL's Reply

Clause 2.4 of the SBG states that *"Procurement by more than one distribution licensee through a combined bid process shall be permitted and in such a case the Procurers shall have the option to conduct the bid process through an authorized representative."*

Thus the statement by the consumer that the combined power purchase through UPPCL is violation of Act & Regulations, exhibits ignorance of the above provisions of SBG & SBD issued by Ministry of Power, GoI.

#### Point no. 6

##### Comment

All four discom are working independently from 12.8.03 but till today they are not purchase power directly and not signed any single PPA till today. In present case also UPPCL signed PPA on behalf of all four discom this is clear cut violation of provision given in Act and Regulations issued by UPERC.

#### UPPCL's Reply

Consumer has stated that in present case UPPCL has signed PPA on behalf of all four discoms which is violation of provision given in Act & Regulations issued by UPERC.

The above statement of consumer shows his ignorance as in the present case, the PPAs have been signed between Seller and 4 Procurers viz MVVNL, DVVNL, PuVVNL & PVVNL. From the PPA hosted on the website it is evident that, UPPCL is not a signatory anywhere in the PPA.

#### Point no. 7

##### Comment

All Discom have different Geographical condition, financial position and requirement of power then why all Discom are not purchase power independently. May be if all Discom purchase power directly then Discom purchase cheaper power compare to present rate mention in petition. Commission should examine this matter.



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UPPCL's Reply

Objection is speculative & hypothetical.

UPPCL has followed the provision of procurement by more than one distribution license through a combined bid process as per the provision of SBG issued by Ministry of Power, GoI.

Point no. 8

Comment

As per PPA Signed by bidder and UPPCL, if Procurer paid bill amount within time then procurer receive discount from seller but if they are not pay amount within time then procurer pay late payment surcharge to seller. In this case how UPERC bifurcate the actual amount received by each Discom as discount or actual amount paid by each licensee in case of late payment surcharge.

UPPCL's Reply

As per Article-8 (Billing & Payment) of the PPA, the Seller shall be issuing each Procurer a signed monthly bill and the provisions of rebate and surcharge shall be applicable to each individual procurer based on the billing & payment transactions between the Seller and individual procurer.

Thus the concern raised by the consumer regarding bifurcation of payment made by the discoms is unfounded and exhibits ignorance or lack of comprehension of provisions of PPA.

Point no. 9

Comment

As per provision of Electricity Act, 2003 each distribution licensee filled separate ARR before UPERC but if licensee are not signed independent PPA from seller then how licensee mention actual balance amount, actual quantum received, actual discount received from seller or paid late payment surcharge to seller in ARR.

UPPCL's Reply

Please refer to response to point no. 6 & 8 above.



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Point no. 10

Comment

As per objector information there is not system available in UPPCL/Licensee that how much power received by each licensee from transmission end. So how Commission accept this petition.

UPPCL's Reply

The issue raised is not relevant to the present Petition. As stated earlier, the procurers are signatory in the PPA and the share of each discoms in the PPA is clearly mentioned.

Further this is to inform the as per section 32 of The Electricity Act, 2003, state load dispatch center is responsible for optimum scheduling and dispatch of electricity within a State, in accordance with the contracts entered into with the licensees or the generating companies operating in that State and keep accounts of the quantity of electricity transmitted through the State grid.

Point no. 11

Comment

As per objector information power generate by UPRVUNL/ UPRJVNL's power plant and Lanco are much cheaper then present petition but in one side UPPCL/ Discom are not pay bill /arrear amount to such generating station and other side he purchase costlier power from the other sources.

UPPCL's Reply

As per provision of clause 3.1 (a) of SBG, UPPCL as authorized representative of procurer has sought approval of UPERC to initiate the bid process for procurement of 6000 MW power under case-1 bidding process, based on the supply and demand forecast for the State. UPERC vide its order dated 23-07-2012 has accorded its approval to initiate the bid process for procurement of 6000 MW power under case-1 as per SBG of GoI.

Thus the procurers have followed the provision of SBG for procuring quantum of energy to meet the demand forecast of the State as per 18<sup>th</sup> Electric Power Survey of CEA, New Delhi.



Point no. 12

Comment

Before approval of this petition Commission should examine levelized tariff shown in document and bid evaluation committee Certificate which is not present in document available in website.

UPPCL's Reply

Please refer to response to point no. 2 above.

14. During the hearing, Sri K.D. Pandey, Consumer submitted that in view of huge power outages and for meeting the growing power demand deficit, reliable and firm power for 25 years seems to be a pragmatic preposition. He has also stated that as per the bid details put up by UPPCL on web site, the tariffs quoted above are competitive and comparable to average power procurement price at which UPPCL is currently procuring power. Another consumer Sri Amar Nath Mishra has submitted that to boost economical and industrial growth and to create job opportunities, the industries require ensured power supply. In non availability of requisite power, industries have to run the gensets which produce costlier power. He has further submitted that in view of above, such procurement in a long term basis would certainly improve the power supply position in the State.
15. Regarding the request of extension of timelines for closure of bid process upto 30<sup>th</sup> June, 2014 which was earlier requested upto 19<sup>th</sup> November, 2013, the Commission considers and allows the same.
16. On the comments and objections of Sri Avadhesh Kumar Verma and Sri Rama Shankar Awasthi, the Commission finds that the written replies of UPPCL, as detailed above, is appropriate and sufficient.
17. Therefore, in view of the MoMs dated 14<sup>th</sup> March, 2013 and 12<sup>th</sup> Sept. 2013 by bid evaluation committee, the undertaking on affidavit dated 17<sup>th</sup> Aril 2014 by UPPCL, the certificate on the conformity of the bid process to the Bidding



Guidelines dated 17.4.2014 by UPPCL (Procurer) and the submissions, the Commission finds that the tariffs have been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government. Hence, the Commission adopts the tariffs in case of L2, L3, L5 and L6 as below:

| Rank | Name of the Bidder                  | Bid Capacity (MW) | Levellized Tariff (Rs./kwh) |
|------|-------------------------------------|-------------------|-----------------------------|
| L2   | PTC (TRN Energy Ltd.)               | 390               | 4.886                       |
| L3   | Lanco Power (Babandh Project)       | 423.9             | 5.074                       |
| L5   | KSK Mahanadi Power Company Ltd.     | 1000              | 5.588                       |
| L6   | PTC- MB Power (Madhya Pradesh) Ltd. | 361               | 5.73                        |

18. The petitions are disposed of.

(Indu Bhushan Pandey)  
Member

Meenakshi Singh)  
Member

(Desh Deepak Verma)  
Chairman

Place : Lucknow  
Dated: 24.06.2014





ANNEX-1

Minutes of the Meeting of the Bid Evaluation Committee held on 14<sup>th</sup> March, 2013 on financial bid received for procurement of 6000 MW power on long term basis under Case-I Bidding process.

Members present - As per list enclosed.

The Bid Evaluation Committee was appraised that out of 6000 MW the LoI for 300 MW has been issued as per the decisions of Bid Evaluation Committee, ETF and the State Government. Now the decision regarding remaining bids is to be taken.

The Committee considered the report of the consultant which justifies the acceptance of the bids upto a levelised tariff of Rs. 5.60 per unit and the UPPCL in its supplementary recommendation recommended for acceptance of bids upto L-4. The Committee discussed the possibility of counter offer to bidders who have quoted rates more than Rs. 5.08 per unit. The consultant and the representative of the Law Department pointed out that this bidding process has been carried out as per the standard bidding document issued by Govt. of India and approved by UPERC which prohibits the negotiation from bidders. It was clarified by the representative of Law Department that even a counter offer will fall in the category of negotiation. Since the negotiation process may vitiate the sanctity of the bid process, therefore, the committee decided that as per the recommendation of UPPCL only bids upto L-4 as per following details may be accepted.

| Sl.No. | Name of the Bidder                        | Quantum  | Levelised tariff |
|--------|---|----------|------------------|
| 1      | M/s PTC (M/s TRN Energy Ltd)              | 390 MW   | Rs. 4.886        |
| 2      | M/s Larco Power, Ltd. (Babandh Power Ltd) | 423.9 MW | Rs. 5.074        |
| 3      | M/s RKM Power Gen Pvt. Ltd.               | 350 MW   | Rs. 5.088        |

The committee decided that the approval of ETF may be obtained for acceptance of the above recommendation and also on cancellation of remaining bids and closing the bid process.

On the basis of report of the consultant and the recommendation of the UPPCL, the Bid Evaluation Committee certifies that the bid process evaluation conforms to the provisions of RFP documents.

|  |   |   |
|--|---|---|
| <br>(Rakesh Saxena)<br>APO (Planning)    | <br>(N.C. Jain)<br>Chief Engineer<br>Central Electricity Authority      | <br>(S.K. Garg)<br>Director (Project)<br>UPPTCL                     |
| <br>(S.K. Agarwal)<br>Director (Finance) | <br>(B.K. Singh)<br>Special Secretary (Finance)                         | <br>(Brijesh Kumar)<br>Spl. Secretary (Law)                         |
| <br>(A.P. Mishra)<br>MD (UPPCL)          | <br>(Sanjay Kumar)<br>Principal Secretary (Energy),<br>Chairman (UPPCL) | <br>(Sanjay Agarwal)<br>Principal Secretary<br>(Awaasthapa Vibhagh) |

22




3. It is also noted that the tariff of L7 bidder is Rs. 5.849/unit which is slightly higher than Rs. 5.75/unit, but it is observed that this bid is also attractive viz. a viz. bids of L5 and L6 bidder on the ground that the levelized tariff of Rs. 5.849/unit is based upon CERC fuel escalation rate of 15.66% being imported coal based supply. This escalation rate for 25 years, appears to be unsustainable. This is also substantiated by the fact that CERC escalation on same account as on 1st April, 2013 stands at 12.97% and for payment purposes, presently it is (-) 15.12%. Further, it is observed that the tariff of first ten years is less than the tariff of L5 and L6 bids. 2/3
6. The Committee also observed that the next two bids PTC-DB Power Ltd. and India Bulls - Nasik bidders have same levelized tariff of Rs. 5.970/unit. This levelized tariff is more than the tariff of Tamilnadu i.e. Rs. 5.75/unit. Further, the tariff of PTC - DB Power Ltd. is front loaded being more than Rs. 5 to 6 per unit for the 1st 10 years (being Rs. 6.14/unit in the 1st Year). Further the levelized capacity charges are Rs. 3.662/unit which is considered to be high. These factors may be detrimental for financial health of Discoms. In view of this the bids having levelized tariff of Rs. 5.970/unit may not be accepted.
7. In view of the above, the Committee decided that the bids of L5, L6 and L7 bidders as per following details may be accepted :

| Sl. No. | Name of Bidder                                      | Quantum | Levelized tariff |
|---------|---|---------|------------------|
| 1.      | KSK Mahanadi Power Co. Ltd.                         | 1000 MW | Rs. 5.588/unit   |
| 2.      | M/s PTC India (MB Power (Madhya Pradesh Ltd.) Ltd.) | 361 MW  | Rs. 5.730/unit   |
| 3.      | M/s Krishanapatnam Power Co. Ltd.                   | 800 MW  | Rs. 5.849/unit   |

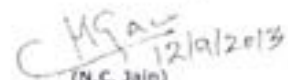
8. The Committee decided to reject the remaining bids to enable to complete the process of bidding of procurement of 6000MW power under Case-1.


The Bid Evaluation Committee certifies that the bid process evaluation conforms to the provision of RFP documents.

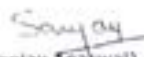
  
(Dr. Anandeshwari Awasthi)  
Joint Director, Planning

  
(B.K. Singh)  
Special Secretary (Finance)


  
(A.P. Mishra)  
MD (UPPCL)

  
(N.C. Jain)  
Chief Engineer  
Central Electricity Authority

  
(Brijesh Kumar)  
Spl. Secretary (Law)

  
(Sanjay Agakwal)  
Principal Secretary (Energy),  
Chairman (UPPCL)

  
(S.K. Garg)  
Director (Project)  
UPPCL

  
(Sumant Singh)  
Special Secretary  
(Audhyogik Vikas)

  
(Alok Ranjan)  
IIC



3/2

List of the participants in the meeting of Bid Evaluation Committee held on 14<sup>th</sup> March, 2013 on financial bid received for procurement of 6000MW power on long term basis under Case-1 Bidding process.

1. Shri Sanjay Agarwal, Principal Secretary (Avasthapan Vihag), GoUP, Lucknow
2. Shri Sanjeev Mittal, Principal Secretary (Energy) & Chairman, UPPCL, Lucknow
3. Shri B.K. Singh, Special Secretary (Finance), GbUP, Lucknow
4. Shri Brijesh Kumar, Special Secretary (Law), GoUP, Lucknow
5. Shri A.P. Mishra, Managing Director, UPPCL, Lucknow
6. Shri N.C. Jain, Chief Engineer, Central Electricity Authority, New Delhi
7. Shri S.K. Agarwal, Director (Finance), UPPCL, Lucknow
8. Shri S.K. Garg, Director (Works & Project ), UPPTCL, Lucknow
9. Shri Rakesh Saxena, A.P.O. Planning Department, GoUP, Lucknow

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23



ANNEX-2

42



उत्तर प्रदेश UTTAR PRADESH

BA 824437

**BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION, LUCKNOW**

*Affidavit*

1. Prashant Mehrotra, son of Late Shri Bholu Nath Mehrotra, aged about 59 years, residing at 1/132, Viram Khand, Gomi Nagar, Lucknow do hereby solemnly affirm and state as under:

1. That I am the Chief Engineer (Planning) of Uttar Pradesh Power Corporation Ltd. the petitioner in the above matter and am duly authorized by the said petitioner to make this affidavit on its behalf.

2. "As per provision 6.2 of the 'Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees' issued on 19<sup>th</sup> January 2005, a certification from the Bid Evaluation Committee (BEC) constituted for evaluation of RFP bids is to be provided certifying the conformity of the bid process evaluation with the provisions of the RFP document.

LALITA PRASAD MISHRA  
Notary  
K. Road, Lucknow  
U.P. 226001  
M. No. 144-1111111

*Prashant Mehrotra*



2/2

In this regard, it is submitted that BEC in the meeting held on 14<sup>th</sup> March 2013 vide its minutes of the meeting dated 14.03.2013 had recommended approval of bids upto L4 and issuance of LoA to the Bidders. Similarly, the BEC had in its meeting held on 12<sup>th</sup> September 2013 vide its minutes of the meeting dated 12.09.2013 had approved issuance of LoA to Bidders L5-L7.

In both these minutes of the meeting of the BEC, a certification regarding the conformity of the bid process according to the provisions of the RFP document has been mentioned. In addition, the minutes of the meeting dated 12.09.2013 clearly states the conformity of the bid evaluation in accordance with the provisions of the RFP and is therefore in line with the provision 6.2 of the Guidelines.

It is submitted that both the aforesaid minutes of the meeting of the BEC correspond to the same bidding process. Further, it is also submitted that the most of the members of the BEC, including the independent member from CEA, have remained the same during the issuance of both the minutes of the meeting. Therefore, the certification as per the minutes of the meeting dated 12.09.2013 may be deemed to be applicable for the entire bid process."

- The statements made in above paragraphs are true to my knowledge and belief; no part of it is false and nothing material has been concealed there from and I believe them to be true.

Verified at Lucknow on the day of 13<sup>th</sup> April on the day of 2014



Deponent  
Petitioner

**(Prashant Mehrotra)**  
**Chief Engineer (Planning)**  
3<sup>rd</sup> Floor, Shakti Bhawan Extension,  
Lucknow

मुख्य अभियन्ता (प्लानिंग)  
3<sup>er</sup> मं पावर कायदेसन भि  
शक्ति भवन विहार दूरीय मल  
लखनऊ

Sworn and Verified  
before me.

**ALLEX PRASAD CHAURASIA**  
Notary Public  
S2, Ram Ganga Vihar Road  
Lucknow (U.P. 226014)  
R.N. No. 12152/2000

I identify the above signature as that of \_\_\_\_\_  
who is the \_\_\_\_\_ of \_\_\_\_\_



**Minutes of the Meeting of the Bid Evaluation Committee held on 12<sup>th</sup> September, 2013 On Financial Bid received for procurement of 6000 MW Power on Long Term Basis under Case-1 Bidding Process.**

Members present - As per list enclosed

1. The Bid Evaluation Committee took note of the following decision taken in Energy Task Force (ETF) meeting held on 11.07.2013:-

एन-4 बिडर की एन्फोर्स्ड निरस्त किये जाने के परिपेक्ष्य में उपरोक्त की क्लॉज 2.5 (बी) के प्रावधानों को दृष्टिगत रखते हुए शेष रिस्पॉन्सिव बिड्स पर विचार करने हेतु 10000 मानक टारिफ बिड मूल्यांकन समिति की बैठक अगस्त की जाए तथा समिति की राय/निर्णय प्रकटीकरण के तत्पश्चात् प्रस्तुत किया जाये।

2. Regarding the clause 2.5 (b) (c) of the RFP, wherein Procurer may take any such measure as deemed fit in sole discretion of the procurer, the views were sought from the Consultant whether best reduced financial bids/ counter offer can be obtained from the remaining responsive bidders. The Consultant opined that clause of 3.5.9 of RFP specifically prohibits negotiations. Therefore, this is not permitted. The Committee also took note of the legal view of Law Wing of GoUP, in this regard. Law wing has opined that these measures will fall under ambit of negotiation which is not permitted. The representative from CEA, New Delhi also endorsed this view.

3. In light of the above, the Committee considered the next bids and made the following observations :

i. The committee sought the view of the consultant on the level of reasonableness of tariff. The Consultant was of the opinion that the bids having quoted levelized tariff up to Rs. 6.00/unit could be considered on the following grounds:-

- Establishment of a green field Thermal Power Project within the State supplying power from 2016 based on CERC regulations
- Approved power purchased cost by UPERC with due escalation from 2016
- Case-1 trend analysis

ii. Further the consultant stated in a similar power procurement process in recent past under Case-1 in Tamilnadu, the lowest quoted levelized tariff for which LoI has been issued, is Rs. 4.910/unit which is based for 15 years procurement period and delivery date of Oct. 2013. Considering the various parameters of escalation as per CERC, the consultant has worked out this levelized tariff as equivalent to Rs. 5.75/unit for 25 years procurement period and delivery of power in Oct. 2016.

iii. In view of the above, the tariff of bids having levelized tariff upto Rs. 6.0/unit has been deliberated and it is observed that levelized tariff of L5 and L6 bidder are Rs. 5.588/unit and Rs. 5.730/unit respectively, which is lower than the Tamilnadu tariffs and also within the level of reasonableness of tariff as established by the consultant.

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सं. ७०१०/५०० कां० दि०

# उत्तर प्रदेश पावर कारपोरेशन लिमिटेड

(उत्तर प्रदेश सरकार का उपकरण)

जन सम्पर्क शाखा, शक्ति भवन

लखनऊ

समाचार पत्र का नाम The Times of India, Lucknow दिनांक 29.03.201

**PUBLIC NOTICE**

Details of the Bids received against Request for Proposal (RFP) issued by UPPCL for supply of Salient for supply of power for meeting the Base Load Requirements of Long Term Basis under Case-1 Bidding Framework as per the Competitive Bidding Guidelines notified by Ministry of Power, Govt. of India (MoP).

**UTTAR PRADESH POWER CORPORATION LIMITED**  
 Chief Engineer (Planning)  
 3rd Floor, Shakti Bhawan Extension,  
 14, Ashok Marg, Lucknow - 226001

Use attached copy of the Request for Proposal (RFP) issued by UPPCL for supply of Salient for supply of power for meeting the Base Load Requirements of Long Term Basis under Case-1 Bidding Framework as per the Competitive Bidding Guidelines notified by Ministry of Power, Govt. of India (MoP). The details of the Bids received are as follows:-

The details of the Bids received are as follows:-

Note: The details published on website www.uppcl.org are for public information only. UPPCL hereby disclaims any liability against any interpretation made by any person on viewing the information.

*The Indian Express, Lucknow*

**PUBLIC NOTICE**

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**UTTAR PRADESH POWER CORPORATION LIMITED**  
 Chief Engineer (Planning)  
 3rd Floor, Shakti Bhawan Extension,  
 14, Ashok Marg, Lucknow - 226001

Use attached copy of the Request for Proposal (RFP) issued by UPPCL for supply of Salient for supply of power for meeting the Base Load Requirements of Long Term Basis under Case-1 Bidding Framework as per the Competitive Bidding Guidelines notified by Ministry of Power, Govt. of India (MoP). The details of the Bids received are as follows:-

This is to inform that, as per the provisions of the bidding guidelines and the objective of the Commission (UPTRG) vide order dated 21st Feb 2014 against petition no. 411/2013, UPPCL, hereby makes public, the details of the financial bids of the Qualified Bidders. The details of the Bids meeting the components of bid, are available on the website www.uppcl.org. The signed copies of the Bids have been uploaded on the website for information.

Note: The details published on website www.uppcl.org are for public information only. UPPCL hereby disclaims any liability against any interpretation made by any person on viewing the information.

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ANNEX-5

**A.P. Mishra**  
**Managing Director**



**U.P. Power Corporation Limited**  
(A U.P. Govt. Undertaking)  
Shakti Bhawan, 14-Ashok Marg,  
Lucknow - 226 001  
Office : 0522 - 2288377  
Fax : 0522 - 2288410

No. 813 -Pg/UMPP/6000 MW/

Dated : 17-4-2014

**The Secretary,**  
**Uttar Pradesh Electricity Regulatory Commission (UPERC)**  
**Lucknow**

Dear Sir,

This is to certify that the bidding process being conducted by Uttar Pradesh Power Corporation Ltd. (UPPCL) for procurement of 6000 MW power to meet the base load requirements of Dakshinanchal Vidyut Vitran Nigam Ltd., Madhyanchal Vidyut Vitran Nigam Ltd., Purvanchal Vidyut Vitran Nigam Ltd. and Paschimanchal Vidyut Vitran Nigam Ltd is being conducted as per the Bidding Guidelines issued by Ministry of Power, GoI.

Yours faithfully,

**(A.P. Mishra)**  
**Managing Director**

A. P. MISHRA  
MD, UPPCL



**ANNEXURE-P/5**

Copy of Undertaking furnished by M/s RKM Powergen Pvt. Ltd.



# R.K.M POWERGEN PVT. LTD.

No. 14, Dr. Giriappa Road, T.Nagar, Chennai - 600 017. INDIA  
Tel: +91-44-66291000 Fax: 044-28158243 / 66291100 Email: rkmpowergen@gmail.com, rkm@rkmpowergen.in  
CIN No: U40101TN2004PTC054931

RKMPPL/UPPCL/051115  
5<sup>th</sup> November 2015

Mr. A.H. Khan,  
Chief Engineer (Planning)  
U.P. Power Corporation Limited,  
Planning Wing,  
3<sup>rd</sup> Floor, Shakthi Bhawan Extension,  
14-Ashok Marg,  
Lucknow - 226001.

Dear Sir,

**Sub.: Your request for Undertaking**  
**Ref.: Your letter no. 1228-Plg/UMPP/6000 MW dated 02-11-2015**

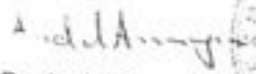
We are in receipt of the above mentioned letter.

As per the requirement we give the following undertaking:

We hereby undertake that the Company is committed to supply its quoted quantum of 350MW from its 4x360 MW thermal power plant in District Janjgir Champa, Chattisgarh whereby the Company had quoted levelised tariff of Rs. 5.088 / unit from fuel source captive coal mine (Fatehpur East) and stands committed to supply the above quantum from same generation source from alternative coal linkage fuel source at its quoted tariff (ie. Its year on year tariff stream as well as all other applicable parameters taken collectively for the purpose of evaluation on the basis of which has been evaluated as L4 bidder) as per Company's offer by way of RFP Bid submitted on 21.09.2012 against the Request for Proposal document dated 27.07.2012 issued to the Company by U.P. Power Corporation Limited.

Thanking you,

For R.K.M Powergen Pvt. Ltd.

  
Dr. Andal Arumugam

Managing Director





Site Office: Village Uchpinda, P.O. Dhurkot, Via Chandrapur, Tehsil-Dabra,  
Janjgir-Champa Dist. Chhattisgarh - 495692, Tel & Fax: 07762214012

# R.K.M POWERGEN PVT. LTD.

No. 14, Dr. Giriappa Road, T.Nagar, Chennai - 600 017, INDIA.

Tel: +91-44-66291000 Fax: 044-28158243 / 66291100 Email: rkmpowergen@gmail.com, rkm@rkmpowergen.in  
CIN No:U40101TN2004PTC054931

## CERTIFIED EXTRACTS OF MINUTES OF MEETING OF THE BOARD OF DIRECTORS OF THE COMPANY HELD ON 23<sup>RD</sup> SEPTEMBER 2015 AT 11.30 A.M. AT 45/14, DR. GIRIAPPA ROAD, T.NAGAR, CHENNAI - 600 017.

The Chairperson informed the Board that in continuation to the bid submitted on 21<sup>st</sup> September 2012 by the Company to Uttar Pradesh Power Corporation Limited (UPPCL) for supply of 350 MW from the 4x360 MW thermal Power Project at Chattisgarh and other developments in this regard, the Company is required to submit certain documents. After due deliberations in this regard, following resolution was passed unanimously:

**"RESOLVED THAT** Dr. Andal Arumugam, Managing Director and Mr. T.M. Singaravel, Director be and are hereby authorised severally to any document, agreement or undertaking on behalf of the Company and submit the same to Uttar Pradesh Power Corporation Limited."

/By the Order of the Board/

For R.K.M Powergen Private Limited



M. Malathi  
Company Secretary



**ANNEXURE-P/6**

Copy of order dated 11<sup>th</sup> Feb. 2016 issued by Hon'ble UPERC approving the restoration of LoI issued to M/s RKM Powergen Pvt. Ltd.





Petition No.1078 of 2015

**BEFORE**

**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION**

**LUCKNOW**

**Date of Order : 11.02.2016**

**PRESENT:**

1. Hon'ble Sri Desh Deepak Verma, Chairman
2. Hon'ble Sri Indu Bhushan Pandey, Member
3. Hon'ble Sri Suresh Kumar Agarwal, Member

**IN THE MATTER OF:** Approval of restoration of LOI under the competitive Case-1 bid process conducted by UPPCL

**AND**

**IN THE MATTER OF**

1. UP Power Corporation Limited,  
(through its Chairman)  
7<sup>th</sup> floor, Shakti Bhawan,  
14, Ashok Marg  
Lucknow – 226001
2. Chief Engineer (Planning)  
UP Power Corporation Limited,  
(through Managing Director)  
3<sup>rd</sup> floor, Shakti Bhawan Extension,  
14, Ashok Marg  
Lucknow – 226001

----- Petitioner

The following were present:

1. Sri R.K. Sharma, E.D. (Planning), UPPCL
2. Sri A.H. Khan, C.E. (Planing), UPPCL
3. Sri Deepak Raizada, EE (Planning), UPPCL
4. Sri Rajiv Srivastava, Adovocate, UPPCL

**Order**

(Date of Hearing 04.02.2016)

1. UPPCL as an authorized representative of the distribution companies of the state of U.P, had initiated a Case-1 tariff based Competitive Bidding process



in July, 2012 for procurement of 6000 MW base load power on a long term basis as per the erstwhile Competitive Bidding Guidelines issued by Ministry of Power, Govt. The Scheduled Delivery Date for the supply of power was envisaged as 30th October, 2016.

2. After receiving approval from the Hon'ble Commission on 23rd July 2012, UPPCL initiated the Case-1 bid process and issued RFP, PPA and other RFP documents on 23<sup>rd</sup> July 2012. Based on the evaluation of Non-Financial Bids and the Financial Bids and on the recommendations of the Bid Evaluation Committee (BEC), Energy Taskforce (ETF) and GoUP, Lol's were issued by UPPCL to first seven (7) successful Bidders including M/s RKM Powergen Pvt. Ltd (L4) vide letter dated 22<sup>nd</sup> May 2013 which was unconditionally accepted by M/s RKM Powergen Pvt. Ltd. Subsequently, due to non-responsiveness of M/s RKM Powergen Pvt. Ltd. in submission of Contract Performance Guarantee (CPG) and execution of PPA, UPPCL vide letter dated 19<sup>th</sup> Dec. 2013 cancelled the Lol issued to M/s RKM Powergen Pvt. Ltd. Consequent to cancellation of Lol, M/s RKM Powergen Pvt. Ltd. submitted vide their letter 20<sup>th</sup> Dec. 2013 that they are prepared to supply power as per their submitted RFP and requested for restoration of their Lol.
3. UPPCL has submitted that thereafter, Govt. of UP vide letter no. 119/24-ऊ०नि०नि०प्र०/14-07(प्रकोत्त)/13 टी०सी०-11 dated 3<sup>rd</sup> Feb. 2014 sought the advice of Hon'ble UPERC in the matter. Hon'ble UPERC vide its letter dated 16-04-2014 conveyed that the provision of Section 86 (2) is for policy matters only. The Commission also remarked that UPPCL/GoUP has powers to take decision in such tender matters. Subsequently, the issue was referred to Hon'ble Attorney General of U.P. and based on the legal opinion tendered by the Hon'ble Attorney General of U.P., as outlined in the Minutes of the ETF meeting dated 16-03-2015, GoUP vide its letter dated 16-07-2015 communicated the decision to restore the Lol keeping in view the interest of consumers of State of U.P. and the commercial interest of U.P. Power Corporation Ltd., subject to the decision made by Hon'ble UPERC in



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the petition (946/2014) which was filed by M/s RKM Powergen Pvt. Ltd. against the termination of the Lol issued to them. Based on the request made by M/s RKM Powergen Pvt. Ltd. vide its letter dated 20-08-2015 for allowing them to withdraw its petition no. 946/2014, Hon'ble Commission vide its order dated 28-09-2015 allowed the withdrawal of the petition by M/s RKM Powergen Pvt. Ltd.

4. UPPCL has submitted that afterwards M/s RKM Powergen Pvt. Ltd. vide their letter dated 05-11-2015 gave an undertaking to supply its quoted quantum of 350 MW from the same generation source and at the same tariff specified in its Bid and as per the terms and conditions specified thereof in the RFP documents. The undertaking is reproduced as below:

*"We hereby undertake that the Company is committed to supply its quoted quantum of 350 MW from its 4x360 MW thermal power plant in District Janjgir Champa, Chhattisgarh whereby the Company had quoted-levelised tariff of Rs.5.088/unit from fuel source captive coal mine (Fatehpur East) and stands committed to supply the above quantum from same generation source from alternative coal linkage fuel source at its quoted tariff (i.e. its year on year tariff stream as well as all other applicable parameters taken collectively for the purpose of evaluation on the basis of which has been evaluated as L4 bidder) as per Company's offer by way of RFP Bid submitted on 21-09-2012 against the Request for proposal document dated 27-07-2012 issued to the Company by U.P. Power Corporation Ltd."*

5. UPPCL has added that on the basis of above undertaking vide their letter no. 2125-Plg/UMPP/6000 MW dated 08-12-2015, they have restored the Lol dated 22-05-2013 with specific condition, as previously directed by ETF in its meeting dated 16-03-2015 that signing of PPA and other RFP documents shall take place after UPERC approves the restoration of Lol. UPPCL has propounded that against the requirement of 6000 MW, they could sign PPAs of 2174.9 MW only and therefore, the restoration of Lol of M/s RKM Powergen Pvt. Ltd. is a 'positive step' in addressing the demand requirement of the State. Considering that the Scheduled Delivery Date of Oct. 30, 2016, UPPCL has requested the approval on restoration of Lol to M/s RKM



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Powergen Pvt. Ltd.

6. In view of above facts and circumstances, the Commission considers that the Lol to M/s RKM Powergen Pvt. Ltd. (L4) has been restored by UPPCL on firm commitment of supply of power from the same generation source at the quoted levelized tariff of Rs. 5.088/Unit for 25 years with the scheduled delivery date of October 30,2016. The only exception allowed by UPPCL is alternative fuel source i.e. linkage in place of fuel from Captive block. As the fact remains that against the requirement of 6000 MW, PPAs have been signed for 2174.9 MW only and for addressing the demand requirement of the State in near future and considering the commitment of M/s RKM Powergen Pvt. Ltd. and the scheduled delivery date of October 30<sup>th</sup> 2016, UPPCL has taken the decision to restore the Lol. Hence, in view of the urgent requirement of the State considering it as a positive step as mentioned by UPPCL, the Commission approves the restoration of Lol with the condition that the commitment of supply of power from October 30, 2016 shall be fulfilled and no extension or exception would be allowed in future.
7. The petition is disposed of.

(Suresh Kumar Agarwal)  
Member

(Indu Bhushan Pandey)  
Member

(Desh Deepak Verma)  
Chairman

Place : Lucknow  
Dated: 11.02.2016



ANNEXURE-P/7

Copy of signed PPA of L4 Bidder - M/s RKM Powergen Pvt. Ltd.



**ATTACHED SEPARATELY**

**ANNEXURE-P/8**

Financial Bid of M/s RKM Powergen Pvt. Ltd.



7/11

#### 4.10 - FINANCIAL BID

opened before me  
17/11/12

opened by me  
17/11/12

opened before me  
17/11/12

opened  
before me  
17/11/12



*[Handwritten signature]*

# R.K.M POWERGEN PVT. LTD.

2nd & 3rd Floor, 14, Dr. Giriappa Road, T.Nagar, Chennai-600 017, INDIA.  
Tel: +91-44-66291000 Fax: 044-28158243 / 66291100 Email: rkmpowergen@gmail.com, rkm@rkmpowergen.in

Date : 14-09-2012

## Financial Bid

- Total capacity of power (in MW) offered by the Bidder: **350 MW (Three Hundred and Fifty MW)** [To be inserted both in words and figures]
- Fractions of the offered total capacity of power (in MW)\* (insert as applicable) (Refer 'b' of instructions below):
  - 100 MW (One Hundred MW) [To be inserted both in words and figures],
  - 100 MW (One Hundred MW) [To be inserted both in words and figures],
  - 150 MW (One Hundred and Fifty MW) [To be inserted both in words and figures].
- Name of the Interconnection Point : **PGCIL (Power Grid Corporation of India Ltd – CTU) Pooling Station at Kothra, Raigarh District, Chhattisgarh State** (To be inserted by the Bidder)
- Name of the Injection Point : **PGCIL (Power Grid Corporation of India Ltd – CTU) Pooling Station at Kothra, Raigarh District, Chhattisgarh State** (To be inserted by the Bidder)\*\*
- Region and State in which the Injection Point is located : **Chhattisgarh, Western Regional Grid** (To be inserted by the Bidder)
- Whether the STU system be used to transmit power between the Interconnection Point and the Injection Point?: (Insert "Yes" or "No") **No**
- Details of proposed Delivery Point(s) : **Not Applicable** (To be inserted by the Bidder only in case the generation source of the Bidder is in the same state as that of the Procurer(s) or the Bidder intends to connect its generation source to the STU Interface through a dedicated transmission line)
- % Transmission loss in STU system\*\*\* : **Not Applicable** (To be inserted by the Bidder only if STU system is involved at Bidder's end)
- Name(s) of the regional ISTS to be involved in transmission of power between the Injection Point and the Delivery Point: **Western Region and Northern Region transmission system of PGCIL.** (To be inserted by the Bidder)
- Distance of Coal Block to Power Station: **60 km** (To be inserted by the Bidder)
- The Procurer(s) can contract the total capacity of power offered by the Bidder or any combination of the fractions of the offered total capacity.
- Injection Point would be either a CTU Interface or the Delivery Point, at which the Bidder shall supply power to the Procurer(s)
- Losses to be considered as mentioned in the relevant tariff orders of the Appropriate Commission as on seven (7) days prior to Bid Opening

For R.K.M POWERGEN PVT. LTD.

Site Office: Village Uchpinda, P.O. Dhurkot, Via Chandrapur, Tehsil-Dabra, Janigir-Champa Dist. Chhattisgarh-495692, Tel&Fax: 07762214012

| Contract Year | Commencement Date of Contract Year | End Date of Contract Year | Quoted Non Escalable Capacity Charges | Quoted Escalable Capacity Charges     | Quoted Non Escalable Energy Charges | Quoted Escalable Energy Charges | Quoted Non Escalable Energy Charges | Quoted Escalable Energy Charges | Quoted Non Escalable Inland Transportation Charges | Quoted Escalable Inland Transportation Charges | Quoted Non Escalable Overseas Transportation Charges | Quoted Escalable Overseas Transportation Charges | Quoted Non Escalable Fuel Handling Charges | Quoted Escalable Fuel Handling Charges |
|---------------|------------------------------------|---------------------------|---------------------------------------|---------------------------------------|-------------------------------------|---------------------------------|-------------------------------------|---------------------------------|--|--|--|--|--|--|
| (1)           | (2)                                | (3)                       | (Rs./ kWh) for Scenario 1,2,3,4,5,6,7 | (Rs./ kWh) for Scenario 1,2,3,4,5,6,7 | (Rs./ kWh) for Scenario 1,2,6,7     | (Rs./ kWh) for Scenario 1,2,7   | (USD/ kWh) for Scenario 3,4,5,7     | (USD/ kWh) for Scenario 3,4,5,7 | (Rs./ kWh) for Scenario 1,2,3,4,5,7                | (Rs./ kWh) for Scenario 1,2,3,4,5,7            | (USD/ kWh) for Scenario 3,4,7                        | (USD/ kWh) for Scenario 3,4,7                    | (Rs./ kWh) for Scenario 3,4,7              | (Rs./ kWh) for Scenario 3,4,7          |
| 1             | October 30, 2016                   | March 31, 2017            | 2.010                                 | 0.401                                 | 0.000                               | 1.002                           | 0.000                               | 0.000                           | 0.000  | 0.163  | 0.000  | 0.000  | 0.000                                      | 0.000                                  |
| 2             | April 01, 2017                     | March 31, 2018            | 1.900                                 | Same as above                         | -                                   | Same as above                   | -                                   | Same as above                   | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 3             | April 01, 2018                     | March 31, 2019            | 1.800                                 | Same as above                         | -                                   | Same as above                   | -                                   | Same as above                   | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 4             | April 01, 2019                     | March 31, 2020            | 1.850                                 | Same as above                         | -                                   | Same as above                   | -                                   | Same as above                   | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 5             | April 01, 2020                     | March 31, 2021            | 1.850                                 | Same as above                         | -                                   | Same as above                   | -                                   | Same as above                   | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 6             | April 01, 2021                     | March 31, 2022            | 1.830                                 | Same as above                         | -                                   | Same as above                   | -                                   | Same as above                   | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 7             | April 01, 2022                     | March 31, 2023            | 1.810                                 | Same as above                         | -                                   | Same as above                   | -                                   | Same as above                   | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 8             | April 01, 2023                     | March 31, 2024            | 1.751                                 | Same as above                         | -                                   | Same as above                   | -                                   | Same as above                   | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 9             | April 01, 2024                     | March 31, 2025            | 1.649                                 | Same as above                         | -                                   | Same as above                   | -                                   | Same as above                   | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |



For R.K.M POWERGEN PVT. LTD.

  
 Authorised Signatory

Contd....

-55-

17/11/24  
  
 17/11/24

| Contract Year | Commencement Date of Contract Year | End Date of Contract Year | Quoted Non Escalable Capacity Charges  | Quoted Escalable Capacity Charges      | Quoted Non Escalable Energy Charges | Quoted Escalable Energy Charges | Quoted Non Escalable Energy Charges | Quoted Escalable Energy Charges    | Quoted Non Escalable Inland Transportation Charges | Quoted Escalable Inland Transportation Charges | Quoted Non Escalable Overseas Transportation Charges | Quoted Escalable Overseas Transportation Charges | Quoted Non Escalable Fuel Handling Charges | Quoted Escalable Fuel Handling Charges |
|---------------|------------------------------------|---------------------------|--|--|-------------------------------------|---------------------------------|-------------------------------------|------------------------------------|--|--|--|--|--|--|
| (1)           | (2)                                | (3)                       | (Rs./ kWh) for Scenario 1,2,3,4,5, 6,7 | (Rs./ kWh) for Scenario 1,2,3,4,5, 6,7 | (Rs./ kWh) for Scenario 1, 2, 6, 7  | (Rs./ kWh) for Scenario 1, 2, 7 | (USD/ kWh) for Scenario 3, 4, 5, 7  | (USD/ kWh) for Scenario 3, 4, 5, 7 | (Rs./ kWh) for Scenario 1, 2, 3, 4, 5, 7           | (Rs./ kWh) for Scenario 1, 2, 3, 4, 5, 7       | (USD/ kWh) for Scenario 3, 4, 7                      | (USD/ kWh) for Scenario 3, 4, 7                  | (Rs./ kWh) for Scenario 3, 4, 7            | (Rs./ kWh) for Scenario 3, 4, 7        |
| 10            | April 01, 2025                     | March 31, 2026            | 1,473                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                      | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 11            | April 01, 2026                     | March 31, 2027            | 1,473                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                      | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 12            | April 01, 2027                     | March 31, 2028            | 1,345                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                      | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 13            | April 01, 2028                     | March 31, 2029            | 1,317                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                      | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 14            | April 01, 2029                     | March 31, 2030            | 1,288                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                      | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 15            | April 01, 2030                     | March 31, 2031            | 1,258                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                      | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 16            | April 01, 2031                     | March 31, 2032            | 1,258                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                      | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 17            | April 01, 2032                     | March 31, 2033            | 1,258                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                      | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 18            | April 01, 2033                     | March 31, 2034            | 1,300                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                      | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |

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17/12/12

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17/12/12  
R.K.M. Powergen  
12/12/12



For R.K.M. POWERGEN PVT. LTD.

*[Handwritten signature]*  
Authorised Signatory

Contd....

| Contract Year | Commencement Date of Contract Year | End Date of Contract Year | Quoted Non Escalable Capacity Charges  | Quoted Escalable Capacity Charges      | Quoted Non Escalable Energy Charges | Quoted Escalable Energy Charges | Quoted Non Escalable Energy Charges | Quoted Escalable Energy Charges  | Quoted Non Escalable Inland Transportation Charges | Quoted Escalable Inland Transportation Charges | Quoted Non Escalable Overseas Transportation Charges | Quoted Escalable Overseas Transportation Charges | Quoted Non Escalable Fuel Handling Charges | Quoted Escalable Fuel Handling Charges |
|---------------|------------------------------------|---------------------------|--|--|-------------------------------------|---------------------------------|-------------------------------------|----------------------------------|--|--|--|--|--|--|
| (1)           | (2)                                | (3)                       | (Rs./ kWh) for Scenario 1,2,3,4,5, 6,7 | (Rs./ kWh) for Scenario 1,2,3,4,5, 6,7 | (Rs./ kWh) for Scenario 1, 2, 6, 7  | (Rs./ kWh) for Scenario 1, 2, 7 | (USD/ kWh) for Scenario 3, 4, 5,7   | (USD/ kWh) for Scenario 3, 4,5,7 | (Rs./ kWh) for Scenario 1, 2, 3, 4, 5,7            | (Rs./ kWh) for Scenario 1, 2, 3, 4, 5,7        | (USD/ kWh) for Scenario 3, 4,7                       | (USD/ kWh) for Scenario 3, 4,7                   | (Rs./ kWh) for Scenario 3, 4,7             | (Rs./ kWh) for Scenario 3, 4,7         |
| 19            | April 01, 2034                     | March 31, 2035            | 1.300                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                    | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 20            | April 01, 2035                     | March 31, 2036            | 1.300                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                    | -  | Same as above                                  | -  | Same as above                                    | -  | Same as above                          |
| 21            | April 01, 2036                     | March 31, 2037            | 1.350                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                    | -  | Same as above                                  | -  | -  | -  | Same as above                          |
| 22            | April 01, 2037                     | March 31, 2038            | 1.350                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                    | -  | Same as above                                  | -  | -  | -  | Same as above                          |
| 23            | April 01, 2038                     | March 31, 2039            | 1.350                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                    | -  | Same as above                                  | -  | -  | -  | Same as above                          |
| 24            | April 01, 2039                     | March 31, 2040            | 1.400                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                    | -  | Same as above                                  | -  | -  | -  | Same as above                          |
| 25            | April 01, 2040                     | March 31, 2041            | 1.400                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                    | -  | Same as above                                  | -  | -  | -  | Same as above                          |
| 26            | April 01, 2041                     | October 29, 2041          | 1.400                                  | Same as above                          | -                                   | Same as above                   | -                                   | Same as above                    | -  | Same as above                                  | -  | -  | -  | Same as above                          |

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*PA 17/11/12*  
*17/11/12*  
*17/11/12*  
*ANR 17/11/12*



For R.K.M POWERGEN PVT. LTD.

*[Signature]*  
 Authorised Signatory

Contd....

Signature of authorized signatory in whose name Power of Attorney as per Clause 2.4.1.1 is issued.:

Name and designation of authorized signatory : **J.Mohan, General Manager** 

Place : **Chennai**  
Date : **14-09-2012**

**Instructions:**

- a) The Bidder may quote for any quantum of power up to the Requisitioned Capacity for the full contract period but not less than the Minimum Bid Capacity.
- b) The Bidder may submit options for fractional capacity (offered part quantum) which it is willing to supply at the same quoted tariff. The number of options for fractional capacity is left to the discretion of the Bidder.
- c) The Quoted Tariff in Rs./kWh shall be provided up to three (3) decimal points and upto five (5) decimal points in case of Quoted Tariff in USD.
- d) All pages of this Format shall be signed by the authorized signatory in whose name Power of Attorney as per Clause 2.4.1.1 is issued.
- e) Ensure ..... [Insert no. of years depending upon the term of PPA] values of Non Escalable tariff components and only 1 value for Escalable components.
- f) The Bidder shall not be allowed to submit different Quoted Tariffs for power proposed to be supplied from the same generation source. The Bidder shall submit different Financial Bids for power proposed to be supplied from different generation sources.
- g) The contents of this format shall be clearly typed.
- h) In case of a hydel generation source, the Bidder shall fill in only the Columns 4, 5 and 6 of this Format. The Escalable Energy Charges shall not be applicable for evaluation or payment in such case.

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14/9/12

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17/9/12  
Mohan



For R.K.M POWERGEN PVT. LTD.

  
Authorised Signatory

Contd....

- 25 -



**ANNEXURE-P/9**

Copy of Bid Evaluation Committee meetings dated 14.03.2013 and 12.09.2013 with respect to the conformity of bid process evaluation, alongwith previously submitted undertaking (Affidavit dated 17.04.2014) to UPERC, that the certification as per Minutes of Meeting dated 12.09.2013 may be deemed to be applicable for the entire bidding process.



**Minutes of the Meeting of the Bid Evaluation Committee held on 14<sup>th</sup> March, 2013 on financial bid received for procurement of 6000 MW power on long term basis under Case-I Bidding process.**

Members present:- As per list enclosed.


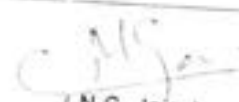

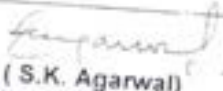
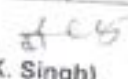




The Bid Evaluation Committee was appraised that out of 6000 MW the LoI for 300 MW has been issued as per the decisions of Bid Evaluation Committee, ETF and the State Government. Now the decision regarding remaining bids is to be taken.

The Committee considered the report of the consultant which justifies the acceptance of the bids upto a levelised tariff of Rs. 5.60 per unit and the UPPCL in its supplementary recommendation recommended for acceptance of bids upto L-4. The Committee discussed the possibility of counter offer to bidders who have quoted rates more than Rs. 5.08 per unit. The consultant and the representative of the Law Department pointed out that this bidding process has been carried out as per the standard bidding document issued by Govt. of India and approved by UPERC which prohibits the negotiation from bidders. It was clarified by the representative of Law Department that even a counter offer will fall in the category of negotiation. Since the negotiation process may vitiate the sanctity of the bid process, therefore, the committee decided that as per the recommendation of UPPCL only bids upto L-4 as per following details may be accepted.

| Sl.No | Name of the Bidder                      | Quantum  | Levelised tariff |
|-------|---|----------|------------------|
| 1     | M/s PTC (M/s TRN Energy Ltd)            | 390 MW   | Rs. 4.886        |
| 2     | M/s Lanco Power Ltd (Babandh Power Ltd) | 423.9 MW | Rs. 5.074        |
| 3     | M/s RKM Power Gen Pvt. Ltd.             | 350 MW   | Rs. 5.088        |

The committee decided that the approval of ETF may be obtained for acceptance of the above recommendation and also on cancellation of remaining bids and closing the bid process.

On the basis of report of the consultant and the recommendation of the UPPCL, the Bid Evaluation Committee certifies that the bid process evaluation conforms to the provisions of RFP documents.

|   |   |  |
|---|---|--|
| <br>(Rakesh Saxena)<br>APO (Planning)      | <br>( N.C. Jain )<br>Chief Engineer<br>Central Electricity Authority     | <br>( S.K. Garg )<br>Director (Project)<br>UPPTCL                   |
| <br>( S.K. Agarwal )<br>Director (Finance) | <br>(B.K. Singh)<br>Special Secretary (Finance)                          | <br>(Brijesh Kumar)<br>Spl. Secretary (Law).                        |
| <br>(A.P. Mishra)<br>MD (UPPCL)            | <br>(Sanjiv Mittal)<br>Principal Secretary (Energy),<br>Chairman (UPPCL) | <br>(Sanjay Agarwal)<br>Principal Secretary<br>(Awasthapna Vilhagh) |

**Minutes of the Meeting of the Bid Evaluation Committee held on 12<sup>th</sup> September, 2013 On Financial Bid received for procurement of 6000 MW Power on Long Term Basis under Case-1 Bidding Process.**

Members present - As per list enclosed

1. The Bid Evaluation Committee took note of the following decision taken in Energy Task Force (ETF) meeting held on 11.07.2013:-

एल-4 बिडर की एलओआई निरस्त किये जाने के परिप्रेक्ष्य में आरएफपी के क्लॉज 2.5 (बी) के प्राविधानों को दृष्टिगत रखते हुये शेष रिस्पॉन्सिब बिडस पर विचार करने हेतु उ०प्र० शासन द्वारा गठित बिड मूल्यांकन समिति की बैठक आहूत की जाए तथा समिति की संस्तुतियों इनर्जी टास्क फोर्स के समक्ष प्रस्तुत किया जाये।

2. Regarding the clause 2.5 (b) (c) of the RFP, wherein Procurer may take any such measure as deemed fit in sole discretion of the procurer, the views were sought from the Consultant whether best reduced financial bids/ counter offer can be obtained from the remaining responsive bidders. The Consultant opined that clause of 3.5.9 of RFP specifically prohibits negotiations. Therefore, this is not permitted. The Committee also took note of the legal view of Law Wing of GoUP, in this regard. Law wing has opined that these measures will fall under ambit of negotiation which is not permitted. The representative from CEA, New Delhi also endorsed this view.

3. In light of the above, the Committee considered the next bids and made the following observations :

- i. The committee sought the view of the consultant on the level of reasonableness of tariff. The Consultant was of the opinion that the bids having quoted levelised tariff up to Rs. 6.00/unit could be considered on the following grounds:-

- Establishment of a green field Thermal Power Project within the State supplying power from 2016 based on CERC regulations
- Approved power purchased cost by UPERC with due escalation from 2016
- Case-1 trend analysis

- ii. Further the consultant stated in a similar power procurement process in recent past under Case-1 in Tamilnadu, the lowest quoted levelized tariff for which LoI has been issued, is Rs. 4.910/unit which is based for 15 years procurement period and delivery date of Oct. 2013. Considering the various parameters of escalation as per CERC, the consultant has worked out this levelized tariff as equivalent to Rs. 5.75/unit for 25 years procurement period and delivery of power in Oct. 2016.

4. In view of the above, the tariff of bids having levelized tariff upto Rs. 6.0/unit has been deliberated and it is observed that levelized tariff of L5 and L6 bidder are Rs. 5.588/unit and Rs. 5.730/unit respectively, which is lower than the Tamilnadu tariffs and also within the level of reasonableness of tariff as established by the consultant.

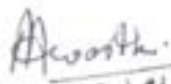
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A. Sanyal

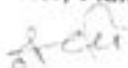
5. It is also noted that the tariff of L7 bidder is Rs. 5.849/unit which is slightly higher than Rs. 5.75/unit, but it is observed that this bid is also attractive viz. a viz. bids of L5 and L6 bidder on the ground that the levelized tariff of Rs. 5.849/unit is based upon CERC fuel escalation rate of 15.66% being imported coal based supply. This escalation rate for 25 years, appears to be unsustainable. This is also substantiated by the fact that CERC escalation on same account as on 1st April, 2013 stands at 12.97% and for payment purposes, presently it is (-) 15.12%. Further, it is observed that the tariff of first ten years is less than the tariff of L5 and L6 bids.
6. The Committee also observed that the next two bids PTC-DB Power Ltd. and India Bulls – Nasik) bidders have same levelized tariff of Rs. 5.970/unit. This levelised tariff is more than the tariff of Tamilnadu i.e. Rs. 5.75/unit. Further, the tariff of PTC – DB Power Ltd. is front loaded being more than Rs. 5 to 6 per unit for the 1st 10 years (being Rs. 6.14/unit in the 1st Year). Further the levelised capacity charges are Rs. 3.662/unit which is considered to be high. These factors may be detrimental for financial health of Discoms. In view of this the bids having levelised tariff of Rs. 5.970/unit may not be accepted.
7. In view of the above, the Committee decided that the bids of L5, L6 and L7 bidders as per following details may be accepted :


| Sl. No. | Name of Bidder                                      | Quantum | Levelized tariff |
|---------|---|---------|------------------|
| 1.      | KSK Mahanadi Power Co. Ltd.                         | 1000 MW | Rs. 5.588/unit   |
| 2.      | M/s PTC India (MB Power (Madhya Pradesh Ltd.) Ltd.) | 361 MW  | Rs. 5.730/unit   |
| 3.      | M/s Krishanapatnam Power Co. Ltd.                   | 800 MW  | Rs. 5.849/unit   |

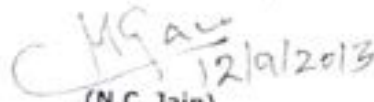
8. The Committee decided to reject the remaining bids to enable to complete the process of bidding of procurement of 6000MW power under Case-1.


The Bid Evaluation Committee certifies that the bid process evaluation conforms to the provision of RFP documents.


  
12/19/13  
(Dr. Anandeshwari Awasthi)  
(Joint Director, Planning)


  
(B.K. Singh)  
Special Secretary (Finance)

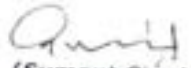
  
(A.P. Mishra)  
MD (UPPCL)

  
12/19/2013  
(N.C. Jain)  
Chief Engineer  
Central Electricity Authority

  
(Brijesh Kumar)  
Spl. Secretary (Law)

  
(Sanjay Agarwal)  
Principal Secretary (Energy),  
Chairman (UPPCL)

  
(S.K. Garg)  
Director (Project)  
UPPTCL

  
(Sumant Singh)  
Special Secretary  
(Audhyogik Vikas)

  
(Alok Ranjan)  
IIDC

भारतीय गैर न्यायिक

एक सौ रुपये

Rs. 100



ONE  
HUNDRED RUPEES

₹ 100

सत्यमेव जयते

भारत INDIA

INDIA NON JUDICIAL

NOTARIAL NOTARIAL

उत्तर प्रदेश UTTAR PRADESH

BA 824437

**BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY  
COMMISSION, LUCKNOW**

Affidavit

I, Prashant Mehrotra, son of Late Shri Bhola Nath Mehrotra, aged about 59 years, residing at 1/132, Viram Khand, Gomti Nagar, Lucknow do hereby solemnly affirm and state as under:

1. That I am the Chief Engineer (Planning) of Uttar Pradesh Power Corporation Ltd. the petitioner in the above matter and am duly authorized by the said petitioner to make this affidavit on its behalf.
2. "As per provision 6.2 of the 'Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees' issued on 19<sup>th</sup> January 2005, a certification from the Bid Evaluation Committee (BEC) constituted for evaluation of RFP bids is to be provided certifying the conformity of the bid process evaluation with the provisions of the RFP document.

LALTI PRASAD  
K. S. N.

Mehrotra  
17/11/14

In this regard, it is submitted that BEC in the meeting held on 14<sup>th</sup> March 2013 vide its minutes of the meeting dated 14.03.2013 had recommended approval of bids upto L4 and issuance of LoA to the Bidders. Similarly, the BEC had in its meeting held on 12<sup>th</sup> September 2013 vide its minutes of the meeting dated 12.09.2013 had approved issuance of LoA to Bidders L5-L7.

In both these minutes of the meeting of the BEC, a certification regarding the conformity of the bid process according to the provisions of the RFP document has been mentioned. In addition, the minutes of the meeting dated 12.09.2013 clearly states the conformity of the bid evaluation in accordance with the provisions of the RFP and is therefore in line with the provision 6.2 of the Guidelines.

It is submitted that both the aforesaid minutes of the meeting of the BEC correspond to the same bidding process. Further, it is also submitted that the most of the members of the BEC, including the independent member from CEA, have remained the same during the issuance of both the minutes of the meeting. Therefore, the certification as per the minutes of the meeting dated 12.09.2013 may be deemed to be applicable for the entire bid process."

3. The statements made in above paragraphs are true to my knowledge and belief; no part of it is false and nothing material has been concealed there from and I believe them to be true.

Verified at Lucknow on the day of 17 April on the day of 2014



Deponent  
Petitioner

(Prashant Mehrotra)

Chief Engineer (Planning)

3<sup>rd</sup> Floor, Shakti Bhawan Extension.

Lucknow

मुख्य अभियन्ता (निर्धारण)  
उ० प्र० पावर कारपोरेशन लि०  
शक्ति भवन विस्तार तृतीय तल  
लखनऊ

Sworn and Verified  
me.

DELTA PRASAD CHATURVEDI  
Advocate, Noida  
82, Ram Chandra Prasad Road  
Lucknow (U.P.)  
R.N. 1111111111

11/11/14  
11/11/14

**ANNEXURE-P/10**

Copy of Procurer's certification on the conformity of the bid process to the erstwhile Competitive Bidding Guidelines.



**A.P. Mishra**  
**Managing Director**



**U.P. Power Corporation Limited**  
(A U.P. Govt. Undertaking)  
Shakti Bhawan, 14-Ashok Marg,  
Lucknow - 226 001  
Office : 0522 - 2288377  
Fax : 0522 - 2288410

No. *560* -Pig/UMPP/6000 MW/

Dated : *20.04.16*

**The Secretary,**  
**Uttar Pradesh Electricity Regulatory Commission (UPERC)**  
**Kisan Mandi Bhawan,**  
**Gomti Nagar,**  
**Lucknow - 226 010**

Dear Sir,

This is to certify that the bidding process conducted by Uttar Pradesh Power Corporation Ltd. (UPPCL) for procurement of 6000 MW power to meet the base load requirements of Dakshinanchal Vidyut Vitran Nigam Ltd., Madhyanchal Vidyut Vitran Nigam Ltd., Purvanchal Vidyut Vitran Nigam Ltd. and Paschimanchal Vidyut Vitran Nigam Ltd has been conducted as per the Bidding Guidelines issued by Ministry of Power, GoI.

Yours faithfully,

**(A.P. Mishra)**  
**Managing Director**



Annexure - P/11

Copy of Public Notice in National Newspapers w.r.t. making public the PPA signed with M/s R.K.M. Powergen Pvt. Ltd.



सं. .... ज०स०/पा० का० लि०.....

# उत्तर प्रदेश पावर कारपोरेशन लिमिटेड

(उत्तर प्रदेश सरकार का उपक्रम)

जन सम्पर्क शाखा, शक्ति भवन  
लखनऊ

21-4-2016

समाचार पत्र का नाम ..... दिनांक .....

*The Times of India, Lucknow*      *The Indian Express, Lucknow*

## **PUBLIC NOTICE UTTAR PRADESH POWER CORPORATION LIMITED**

**Chief Engineer (Planning)  
3<sup>rd</sup> Floor, Shakti Bhawan  
Extension, 14-Ashok  
Marg, Lucknow-226001  
Phone No. 0522-2218297**

**Email : cgm2pig@yahoo.co.in**

Uttar Pradesh Power Corporation Limited (UPPCL), in its capacity as the authorized representative for Purvanchal Vidut Vitran Nigam Ltd, Paschimanchal Vidut Vitran Nigam Ltd, Dakshinanchal Vidut Vitran Nigam Ltd, and Madhyanchal Vidut Vitran Nigam Ltd, has invited bids as per the provisions of competitive bidding guidelines notified by MoP, Govt vide bid specification no. PLG/CONSULTANCY/01/CASE-1/6000 MW/2012-13 and conducted a Case-1 Tariff based competitive bidding process, for procurement of 6000 MW Base Load Power on a Long Term Basis. Details of bid received against RFR as per provisions of bidding guidelines and UPERC order dated 21<sup>st</sup> Feb. 2014 (Petition no. 911/2013) were previously hosted on the official website www.uppcl.org and was intimated vide public notices published in the newspapers, where after UPERC vide order dated 24<sup>th</sup> June, 2014 adopted tariff of four signed PPAs. Subsequent to UPERC order dated 11<sup>th</sup> Feb. 2016 in Petition no. 1078/2015, a PPA with M/s RKM Powergen Pvt. Ltd. has been signed on 15<sup>th</sup> March, 2016 and the signed copy of PPA alongwith components of tariff has been uploaded on the website www.uppcl.org for information.

**Chief Engineer (Planning),  
UPPCL,  
Lucknow**

**Note:** The details published on website www.uppcl.org w.r.t. aforesaid Case-1 bid process are for public information only. UPPCL hereby disclaims any/all claims against any interpretation made by any person/firm viewing the information. Save Electricity for Nation. RO 123 dt 20.4.16. Sep. 21133623. 1

## **PUBLIC NOTICE UTTAR PRADESH POWER CORPORATION LIMITED**

**Chief Engineer (Planning)  
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Phone No. 0522-2218297  
Email: cgm2pig@yahoo.co.in**

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मुख्य अभियन्ता (नियोजन)

अवलीकनाचि प्रकाश

22/04/2016  
ज. स. अ.