

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
**World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005**  
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**Case No. 116 of 2016**

**Date: 10 January, 2017**

**CORAM: Shri. Azeez M. Khan, Member**

In the matter of Petition filed by M/s. Mindspace Business Parks Private Limited (formerly known as M/s Serene Properties Private Limited) for adoption of tariff for Peak Load of 10 MW under Medium Term Procurement of Power for a period of five years discovered through Competitive Bidding in accordance with the 'Guidelines for Procurement of Electricity for Medium Term from power Stations set up on Finance, Own Operate (FOO) basis' issued by Ministry of Power, Government of India on February 10, 2014, as amended from time to time, in accordance with Section 63 of the Electricity Act, 2003 and approval of Power Purchase Agreement in accordance with Section 86(1)(b) of the Electricity Act, 2003

**M/s. Mindspace Business Parks Private Limited (MBPPL)** ...Petitioner

V/s.

**M/s GMR Energy Trading Limited (GMRETL)** ....Impleaded Respondent

Representative for the Petitioner:

Shri. Palaniappan M.

Shri. Vikram Yermalkar

**Daily Order**

Representative of MBPPL made a detailed presentation on the process followed for peak load power procurement of 10 MW for medium term power through competitive bidding, and consequent Power Purchase Agreement (PPA). He stated that MBPPL has followed the transparent process of bidding strictly in accordance with the 'Guidelines for Procurement of Electricity for Medium-Term from Power Stations set up on Finance, Own Operate (FOO) basis' dated 10 February, 2014.

The Tata Power Trading Company Limited (TPCTL) and Shirpur Power Pvt. Ltd (SPPL) were not pre-qualified by the Bid Evaluation Committee for non-submission of the necessary clarifications and documents. TPTCL did not submit any PPA (as required by a Trader) with TPC- Generation, and SPPL plant has not achieved CoD. Bid Evaluation Committee evaluated bids in accordance with Clause 3.1 and 3.2 of the RFP issued by MBPPL. The bid of Jindal Power Limited (JPL) was found to be the lowest (L1) as a quoted tariff of Rs. 3.82/kWh.

On 2 June, 2016, JPL (L1) withdrew its bid, stating that it had quoted Transmission Charge of Rs. 0.82/kWh considering Short-Term Open Access (STOA) Charges. However, in accordance with the Agreement for Power Procurement, it has to apply for Medium Term Open Access (MTOA), which will increase Transmission Charges to Rs. 1.84/kWh and thereby the bid will become unviable.

As JPL withdrew its bid subsequent to opening of bids, the Bid Security amount of Rs. 20,00,000/- was forfeited.

In accordance with Clause 3.3.3 of the RFP document, through a letter dated 1 June, 2016, MBPPL invited the remaining Bidders to submit fresh bids by 6 June, 2016 and match the "L1" Price of Rs. 3.82 per kWh. (second round of bidding).

Since none of the Bidders offered to match the bid of JPL (L1) i.e., Rs. 3.82/kWh, MBPPL, in accordance with Clause 3.3.4 of the RFP document, through letter dated 6 June, 2016, invited fresh bids from all the Bidders except JPL. (third round of bidding).

In response, two Bidders, namely, M/s GMR Energy Trading Limited (GMRETL) and M/s Adani Enterprises Limited (AEL) submitted their bids, quoting the price of Rs. 4.40/kWh and Rs. 4.49/kWh, respectively.

The Bid Evaluation Committee, after evaluation and in conformity with the prevailing market rates, recommended GMRETL as the successful Bidder. Accordingly, MBPPL issued a Letter of Award to GMRETL for Medium Term Procurement of Power for a period of five years, which GMRETL accepted.

Representative of MBPPL sought adoption of the Tariff discovered through the competitive bidding process and consequent PPA between MBPPL and GMRETL dated 21 June, 2016.

The Commission directed MBPPL to submit the following details on affidavit:

- 1) Changes/modifications made in the Standard Bid Documents (RFQ, RFP and APP) in tabular form.
- 2) Deviations in the power procurement process from the stipulated Guidelines dated 10 February, 2014, if any

- 3) Updated Schedule 'A' in the PPA.
- 4) Details of back to back Power Purchase Agreement of GMRETL with the Developer of the Power Plant, and Fuel Supply Agreement for the Generating Station.
- 5) Amendment to the PPA incorporating Appointed Date and period of supply in Art. 3.1.1 and other clauses.
- 6) The information regarding the Contracted Capacity of the Unit by the Generator under Short, Medium and Long term, and their periods of supply.
- 7) Annexure I to IV of RFQ containing the information regarding technical capacity of the Plant, particulars of Generating Station, etc.

The Commission directs MBPPL to file the above information within 10 days.

**The Case is reserved for Order.**

**Sd/-**  
**(Azeez M. Khan)**  
**Member**