



ASSAM ELECTRICITY REGULATORY COMMISSION

ORDER SHEET

FILE NO. AERC 785/2021

PETITION NO: 04/2021

along with I.A. No. 02/2021

**CORAM: HON'BLE SHRI K.S. KRISHNA, CHAIRPERSON
HON'BLE SMTI B. BORTHAKUR, MEMBER
HON'BLE SHRI S.N. KALITA, MEMBER**

In the matter of

Petition for adoption of tariff discovered through transparent competitive bidding process in respect of Jayanta Khaund at Region 2 (Goalpara, Bongaigaon, Barpeta, Nalbari, Kamrup (Rural) & Kamrup (Metro)).

AND

In the matter of

Assam Power Distribution Company Limited (APDCL)

----- Petitioner

Present

1. Shri Bedabrata Sinha Choudhury, GM (NRE), APDCL
2. Md. Anamul Haque Laskar, GM (TRC), APDCL
3. Shri D.C. Das, DGM (NRE), APDCL
4. Shri Jitu Moni Das, Individual Consultant (NRE)
5. Shri Nilmadhab Deb, AGM (F&A), APDCL
6. Ms. Bonita Das, DM (TRC), APDCL
7. Shri J.K. Sarma, Project Developer
8. Shri Abhishek Sarmah, Project Developer

ORDER 09.11.2021

1. Assam Power Distribution Company Limited (APDCL) filed an Interlocutory Application on the date of hearing and the same has been registered as I.A No. 02/2021 on the principal Petition No. 04 of 2021, for adoption of tariff determined through transparent competitive bidding process for procurement of 25 MW Solar Power from project developed by Jayanta Khaund at Region-2 (Goalpara, Bongaigaon, Barpeta, Nalbari, Kamrup (Rural) and Kamrup (Metro) before the Commission.
2. The Petitioner in the their Interlocutory Application submitted some additional points for kind consideration of the Commission which is represented below:
 - (i) The RfS was prepared in line with guidelines for tariff based competitive bidding process for procurement of solar power from grid. To safeguard the interest of APDCL some amendments to RfS was done.
 - (ii) In addition to above the bids were floated four times. Even after fourth extension only one bidder participated in the bidding process. As per the clause 18 of guidelines from Ministry of Power dated 03.08.2017 approval on such deviations was to be sought from Hon'ble Commission. The Petitioner filed the Petition No. 04/2021 before the

Hon'ble Commission for adoption of tariff discovered in the bidding process without seeking approval on the deviation.

3. During the course of hearing the Petitioner prayed before the Commission to admit the Interlocutory Application, condone the delay in filing of Petition for approval of deviations in the original bid on ex-post facto basis and approve the processing of RfS with single bidder.
4. On the queries raised by the Commission, on the issue of land the Petitioner submitted that 230 bigha of land in the Industrial Estate Bijni in the district of Chirang is identified and a comfort letter for allotment of land from AIDC is received. The allotment letter was submitted before the Commission on 11.11.2021.
5. Upon hearing the Petitioner and based on the documents made available by the Petitioner during the hearing, the Commission noted that the bid was floated four times and only one bidder participated in the bidding process. The developer has also identified the land for commissioning of the project. The Petitioner has also offered unconditional apology for their mistakes.
6. Having considered the above mentioned facts and submission made by the Petitioner the Commission has provisionally allowed the prayer of the Petitioner i.e. APDCL and approves the tariff of Rs. 3.99 per unit for 25 MW of Solar Project for Region 2 (Goalpara, Bongaigaon, Barpeta, Nalbari, Kamrup (Rural) and Kamrup (Metro) for a period of 25 years with the following conditions:
 - (i) The possession of land by developer should be completed within 03 (three) months from the date of this order.
 - (ii) APDCL shall monitor the status fortnightly and documentary evidence of possession of land shall be submitted to the Commission within the period allowed, else this approval will stand cancelled.
7. The developer should commission the project within the timeline prescribed in the Power Purchase Agreement (PPA).
8. APDCL shall closely monitor the progress and report to the Commission time to time.
9. While the Commission is constrained to allow this Petition in the interest of promotion of Solar Power in the state, it is made clear that APDCL should be more cautious in future in dealing with such matter of importance and strictly adhere to the norms and guidelines in the tendering process. Otherwise there will be no alternative but to reject such Petitions in future.
10. Petition No. 04/ 2021 along with I.A No. 02/2021 is disposed off accordingly.

s/d

(S.N. Kalita)
Member, AERC

s/d

(B. Borthakur)
Member, AERC

s/d

(K. S. Krishna)
Chairperson, AERC