

MINISTRY OF POWER

RESOLUTION

New Delhi, the ... October, 2024

Amendment to the Guidelines for Tariff Based Competitive Bidding Process for Procurement of Firm and Dispatchable Power from Grid Connected Renewable Energy Power Projects with Energy Storage Systems

No. No. 48-19/2/2024-NRE: The Guidelines for Tariff Based Competitive Bidding Process for Procurement of Firm and Dispatchable Power from Grid Connected Renewable Energy Power Projects with Energy Storage Systems have been notified vide Resolution No. 23/03/2023-R&R published in the Gazette of India (Extraordinary) (Part1 - Section 1) on 9th June 2023.

2. The Central Government hereby notifies the following amendment in the said guidelines dated 9th June 2023:-

i. A new clause 3.3 is added after Clause 3.2 of the existing guidelines:

“3.3 RfS may specify the sub-station(s) in ISTS/InSTS, where the developers will connect the RE Power Project.”

ii. Clause 7.1 of the existing guidelines is modified as follows: -

7.1 PPA Period: *The PPA period shall generally be for a period of ~~20 (twenty)~~ 15 (fifteen) years from the Scheduled Commencement-of-Supply Date (SCSD) or from the rescheduled date of commencement of supply to the extent of extension given by the Procurer on the grounds which are beyond control of the Generator. The PPA may, however, also be fixed for a longer period such as 25 (twenty-five) years. The duration of the PPA must be mentioned upfront in the RfS document. The developers shall be free to operate their plants after the expiry of the PPA period. The developer may upgrade and repower their plants during the PPA period at its own risk and cost; and participate in subsequent bids to the extent of their untied capacity.*

iii. Section 7.6 (b) of the Guidelines may be modified as under:

“In the event the Generator fails to maintain a minimum availability continuously for ~~3 consecutive years~~ a period specified in the RfS, the Generator shall be in default and the procurers will have the option to either reduce the Generator's yearly minimum availability upon payment of lump-sum Damages equivalent to 24 (twenty-four) months or balance PPA period whichever is less of tariff for the supply obligation corresponding to reduction in availability or treat such failure of the Generator as an event of default and terminate the PPA and the PPA shall be liable to be terminated. Further, the Generator shall be liable to pay to the Procurer, damages, equivalent to 24 (twenty-four) months, or balance PPA period whichever is less, of tariff for its contracted capacity with the stipulated availability.”

iv. Clause 9.2.1 of the existing guidelines is modified as under:

“9.2.1. Technical Criteria:

i. The Government would like to encourage competition by way increased participation. However, in order to ensure proper implementation of the Projects, the Procurer may choose to specify Technical Criteria. Such criteria should be set after an assessment of the number of project developers that are expected to meet the criteria so that an adequate level of competition is achieved.

ii. The developer shall install and maintain GPS enabled Automatic Weather Station (AWS) as per the technical specifications and standards specified by relevant Central Government agency. Availability of the data from such AWS shall be ensured as specified by the appropriate Load Dispatch Centre and other Central Government agencies in accordance with the provisions of Indian Electricity Grid Code and instructions from the appropriate Load Dispatch Centre from time to time.

iii. The technical criteria shall include provisions to ensure that the developer complies with applicable cyber security regulations, directives, and guidelines issued by the Central Government Authorities dealing with cyber security.”

v. Clause 11.4 of the Guidelines may be modified as under”

*“Subject to provisions of the Act, the distribution licensee or the Intermediary Procurer, as the case may be, shall approach the Appropriate Commission for adoption of tariffs discovered, in terms of Section 63 of the Act, within 15 (fifteen) days of **acceptance of LoA** ~~the discovery of the tariffs through a reverse auction or otherwise, in the transparent competitive bidding process conducted in accordance with these Guidelines.”~~*

vi. A new instrument for establishment of Earnest Money deposit (Clause 12.1) is added after clause 12.1(a)

“12.1(a1) Insurance Surety Bonds which would be paid unconditionally similar to a Bank Guarantee or any other instrument approved in General Financial Rules as amended from time to time by Central Government”

OR”

vii. A new instrument for establishment of Performance Bank Guarantee (Clause 12.2) is added after clause 12.2(a)

“12.2(a1) Insurance Surety Bonds which would be paid unconditionally similar to a Bank Guarantee and any other instrument approved in General financial Rules as amended from time to time by Central Government”

OR”

viii. Clause 12.3 of the Guidelines may be modified as under

*“In addition to the other remedies, this PBG (or alternatives provided thereto as per these Guidelines) can be encashed to recover any damages/dues of the generator in terms of the PPA. It is hereby clarified that the damages/dues recovered by the Intermediary Procurer by encashing the PBG, upon the default of the generator under the PPA, shall be credited to the Payment Security Fund to be maintained by the Intermediary Procurer under Clause 7.3 of these Guidelines. PBG (or alternatives provided thereto as per these Guidelines) shall be returned to the generator within 45 days of the **actual commencement of supply date** ~~SCSD~~ of the project. In case of part commencement of supply of power, PBG corresponding to such part capacity, should be released within 45 days **of the actual commencement of supply date.**”*

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