

# MINISTRY OF POWER

## RESOLUTION

New Delhi, the ... October, 2024

### **Amendment to the Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects**

No. 48-19/2/2024-NRE: The Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects have been notified vide Resolution No. 27/01/2023-RCM published in the Gazette of India (Extraordinary) (Part1 - Section 1) on 28<sup>th</sup> July 2023.

2. The Central Government hereby notifies the following amendment in the said guidelines dated 28<sup>th</sup> July, 2023:-

i. 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 Solar PV Power Project.*”

ii. Clause 6.1 of the existing guidelines is modified as following:

**6.1 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 6.6 (b) of the Guidelines is modified as under:

*“ In the event the Generator fails to maintain energy supply corresponding to the minimum CUF as declared in the PPA for 3 consecutive years, the Generator shall be in default and the procurers will have the option to either reduce the Generator’s yearly minimum supply obligation upon payment of lump-sum Damages equivalent to 24 (twenty-four) months or balance PPA period whichever is less of tariff for the reduction in yearly supply obligation or treat such failure of the Generator as an event of default and terminate the PPA. 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 minimum CUF.”*

iv. Section 10.4 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 e-reverse auction or otherwise, in the transparent competitive bidding process conducted in accordance with these Guidelines.~~”*

- v. A new instrument for establishment of Earnest Money deposit (clause 11.1) is added after clause 11.1(a)

*“11.1(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”*

- vi. A new instrument for establishment of Performance bank Guarantee (clause 11.2) is added after clause 11.2(a)

*“11.2(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. Section 11.3 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 6.3 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.**”*

- viii. Clause 15 of the existing guidelines is modified as under:

*“15. Technical Specification*

*15.1 Procurers shall promote commercially established and operational technologies to minimize the technology risk and to achieve the timely commencement of supply from the Projects. The detailed technical parameters for Solar PV/Energy Storage Systems shall be as specified by MNRE from time to time.*

*15.2 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.*

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

ix. Clause 16 of the existing guidelines is modified as under

*“The objective of these Guidelines is to bring standardization & uniformity in processes so that there is fairness & transparency in procurement. As such, these Guidelines need to be strictly followed in the bidding process and no bid, under section 63 of the Electricity Act, for procurement of Solar power from the Projects with or without Energy Storage System shall be issued in contravention to these Guidelines. However, in case it becomes imperative for the Procurer to deviate from these Guidelines and/or the SBDs, the same shall be subject to approval by the **Appropriate Commission** before the initiation of bidding process itself. The **Appropriate Commission** shall approve or require modification to the bid documents within a reasonable time not exceeding 60 (sixty) days of filing such petition.”*

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