

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 Wind Solar Hybrid 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. 27/03/2023-RCM published in the Gazette of India (Extraordinary) (Part1 - Section 1) on 21st August, 2023.

2. The Central Government hereby notifies the following amendment in the said guidelines dated 21st August, 2023 :-

i. A new clause 5.3 is added after Clause 5.2 of the existing guidelines:

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

ii. Clause 7.1 of the existing guidelines stand modified as follows

7.1 PPA Period: *The PPA period shall generally be for a period of ~~20 (twenty)~~ 15 (fifteen) years from the date of the 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 HPG. 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. Developers who have already installed wind solar hybrid power plants or are in the process of constructing such plants and have untied capacity may also participate in the bid. In such case, they will be given the benefit of a longer period of PPA, commensurate to the duration between the actual date of commencement of supply of power and SCSD.*

iii. Section 7.7 (b) of the Guidelines may be 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. 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 cybersecurity regulations, directives, and guidelines issued by the Central Government Authorities dealing with cybersecurity.”

v. Section 12.4 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 by the Appropriate Commission in terms of Section 63 of the Act within 15 (fifteen) days of ~~acceptance of LoA~~ ~~the discovery of the tariffs in the transparent competitive bidding process conducted in accordance with these Guidelines.~~

vi. A new instrument for establishment of Earnest Money deposit (Clause 13.1) is added after clause 13.1(a)

“13.1(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 13.2) is added after clause 13.2(a)

“13.2(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”

viii. Clause 13.3 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 of SCSD** the project. In case of commencement of supply of power from part capacity of the project, PBG corresponding to such part capacity should be released within 45 days **of the actual commencement of supply date**.*

ix. Clause 19 of the existing guidelines is modified as under

*In case it becomes imperative for the Procurer/intermediate procurer to deviate from these Guidelines and/or the SBDs, the same shall be subject to approval by the Appropriate **Commission** ~~Government~~ before the initiation of bidding process itself. The Appropriate **Commission** ~~Government~~ shall approve or require modification to the bid documents within a reasonable time not exceeding 60 (sixty) days.*

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