

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 260/AT/2025**

**Coram:**

**Shri Jishnu Barua, Chairperson**

**Shri Ramesh Babu V., Member**

**Shri Harish Dudani, Member**

**Shri Ravinder Singh Dhillon, Member**

**Date of Order: 31<sup>st</sup> December, 2025**

**In the matter of**

Petition under Section 63 of the Electricity Act, 2003 seeking adoption of usage charges for the 510 MW Solar Photovoltaic (PV) Power Station (Tranche–III) connected with the Inter-State Transmission System and selected through competitive bidding process under Central Power Sector Undertaking Scheme Phase-II dated 05.03.2019 as per the Standard Bidding Guidelines of MoP dated 3.8.2017.

**And**

**In the matter of**

**NLC India Limited,**  
135, EVR Periyar High Road,  
Kilpauk, Chennai–600010.

..... **Petitioner**

**VERSUS**

**1. Indian Renewable Energy Development Agency Limited,**  
3<sup>rd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place,  
New Delhi-110066.

**2. Rajasthan Urja Vikas Nigam Limited,**  
Vidyut Bhawan, Janpath,  
Jaipur-302005.

**3. Southern Power Distribution Company of Telangana Limited,**  
6-1-50, Mint Compound,  
Hyderabad–500063, Telangana.

**4. Northern Power Distribution Company of Telangana Limited,**  
Vidyuth Bhavan, Nakkalagutta, Hanamkonda,  
Warangal–506001, Telangana.

.... **Respondents**

**Parties present:**

**Shri Venkatesh, Advocate, NLCIL**

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Shri Aashwyn Singh, Advocate, NLCIL  
Shri Kartikay Trivedi, Advocate, NLCIL  
Ms. Indu Uttara, Advocate, NLCIL

### **ORDER**

The Petitioner, NLC India Limited (hereinafter referred to as “NLCIL”), has filed the present Petition under Section 63 of the Electricity Act, 2003 (“the Act”) for the adoption of the usage charges for the 510 MW Solar Photovoltaic (PV) Power Station (Tranche III) connected with the Inter-State Transmission System (hereinafter referred to as “ISTS”) selected through a competitive bidding process under the ‘Central Power Sector Undertaking Scheme Phase II (Government Producer Scheme) for setting up the 12,000 MW grid-connected Solar Photovoltaic (hereinafter referred to as “PV”) Power Projects by the Government Producers with Viability Gap Funding (hereinafter referred to as “VGF”) support for self-use or use by the Government/Government entities, either directly or through the Distribution Companies’ dated 5.3.2019 (“CPSU Scheme Phase II”) as per the “Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power Grid Connected Solar PV Power Projects” (hereinafter referred to as “the Solar Guidelines”) dated 3.8.2017 issued by the Ministry of Power, Government of India. The Petitioner has made the following prayers:

*“(a) Admit the present Petition;*

*(b) Adopt the Usage Charges for 510 MW Solar Power Projects discovered through competitive bidding carried out by the Respondent No.1 in terms of the CPSU Scheme, wherein 500 MW is with the Respondent No. 2 to 4 and 10 MW is for self-consumption of the Petitioner,*

*(c) Pass such other order/orders, as may be deemed fit and proper in the facts and circumstances of the case.”*

### **Submission of the Petitioner**

2. The Petitioner has mainly submitted as under:

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(a) On 3.8.2017, the Ministry of Power, Government of India, notified the “Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV Power Projects” under Section 63 of the Act for long-term procurement of power by the procurers from the grid-connected projects of 5 MW and above through competitive bidding. The said Guidelines were issued in pursuance of the National Tariff Policy, 2016, which mandated that the States shall endeavour to procure power from the renewable sources only through the competitive bidding from the date notified by the Central Government.

(b) On 5.3.2019, the Ministry of New and Renewable Energy (hereinafter referred to as “the MNRE”) notified the CPSU Scheme Phase-II under Section 63 of the Act for setting up of the 12,000 MW grid-connected Solar PV Power Projects by Government Producers, with Viability Gap Funding (hereinafter referred to as “VGF”) support, for self-use or for use by the Government/Government entities, either directly or through the Distribution Companies (hereinafter referred to as “DISCOMs”). As per Clause 2.2.4.1 of the CPSU Scheme, the VGF amount was prescribed as the bid parameter for the selection of the project proponent. Later, on 3.7.2019, the MNRE issued the Scheme Modalities to streamline the implementation of the CPSU Scheme. Thereafter, MNRE, vide Office Memorandum dated 13.4.2020, notified the amendments to the Scheme.

(c) Indian Renewable Energy Development Agency Limited (hereinafter referred to as “IREDA”), on behalf of the MNRE, issued the Request for Selection (“RfS”) on 29.1.2021 for setting up the 5000 MW grid-connected

Solar PV Power Projects in India (Tranche-III) under the CPSU Scheme. Subsequently, vide Office Memorandum dated 15.4.2021, the MoP issued directions for review of usage charges under the said Scheme. Thereafter, on 14.5.2021, IREDA issued a Corrigendum to the RfS, revising the ceiling usage charges to Rs. 2.45/kWh and reducing the maximum permissible VGF from Rs. 0.70 crore/MW to Rs. 0.55 crore/MW. In response to the RfS, the Petitioner participated in the bidding process and was issued the LoA dated 4.10.2021 by IREDA, allocating 510 MW with maximum VGF eligibility of Rs. 44,74,990/MW. After issuance of the LoA, the Petitioner approached various State DISCOMs for procurement of solar power under the CPSU Scheme Phase-II, Tranche-III.

(d) Subsequently, the MNRE, vide communications dated 16.9.2022 and 27.12.2022, revised the ceiling usage charges from Rs. 2.45/kWh to Rs. 2.57/kWh on account of change in GST rates and permitted IREDA to extend the Scheduled Commissioning Date and associated milestones up to 30.9.2024 for projects with earlier Scheduled Commissioning Date (hereinafter referred to as “SCDs”).

(e) In response to the willingness letter of the Petitioner, the DISCOMs of Telangana and Rajasthan conveyed their consent for the procurement of solar power on a long-term basis under the CPSU Scheme. Accordingly, the Petitioner entered into a Power Usage Agreement (“PUA”) with Rajasthan Urja Vikas Nigam Limited (“RUVNL”) on 17.8.2023 for the procurement of 300 MW of solar power at Rs. 2.52/kWh.

(f) The Rajasthan Electricity Regulatory Commission (hereinafter referred to as “RERC”), vide its order dated 24.7.2024 in Petition No. RERC/2212/2024,

accorded approval to RUVNL for procurement of 300 MW of solar power from the Petitioner under the CPSU Scheme at Rs. 2.52/kWh.

(g) On 27.8.2024, the Petitioner entered into a Power Usage Agreement (hereinafter referred to as "PUA") with the Telangana State Distribution Companies (hereinafter referred to as "TSDISCOMs") for the procurement of 200 MW of solar power at Rs. 2.57/kWh. The MNRE, vide letter dated 5.7.2024, allowed IREDA to extend the SCD by six months, i.e. up to 31.3.2025, and accordingly, IREDA vide its letter dated 13.9.2024, granted such extension.

### **Hearings dated 25.3.2025**

3. The Petition was admitted on 8.5.2024, and notices were issued to the Respondents to file their respective replies. Vide Record of Proceedings (hereinafter referred to as "RoP") dated 25.3.2025, the Bid Process Coordinator (hereinafter referred to as "BPC") was directed to file, documents, namely (i) documents relating to the constitution of the Bid Evaluation Committee along with its report; (ii) a copy of the Conformity Certificate-I regarding the RfS process; and (iii) a brief comparison of the VGF quoted by the Petitioner vis-à-vis the VGF quoted by other successful bidders in all VGF-based tenders initiated under the CPSU Scheme Phase-II.

4. In compliance with the RoP dated 25.3.2025, BPC, i.e., IREDA, vide affidavit dated 25.4.2025, has placed on record the information called for and, in addition, has submitted the brief facts as under:

(a) On 29.1.2021, IREDA issued the Request for Selection ("RFS") for setting up the 5000 MW grid connected SPVP in India (Tranche-III) under the CPSU Scheme. The RfS was in terms of the Government of India's target to

achieve a cumulative capacity of 100 GW Solar PV installation by the year 2022 and the invitation proposal on "Build Own Operate" basis for an aggregate capacity of 5,000 MW under Phase-II (Tranche-III). One of the salient features of the said RfS was that Power generated from the successful Projects shall be solely for self-use or use by the Government/Government entities, either directly or through DISCOMs, on payment of mutually agreed usage charges of not more than Rs. 2.20/kWh.

(b) On 14.05.2021, the Respondents issued a corrigendum to the RfS as per which the usage charges were revised to 2.45 kWh and the maximum permissible limit for VGE was reduced from Rs. 0.70 Cr/MW to Rs.0.55 Cr/MW for the Projects. On 23.9.2021, the Petitioner submitted its bid along with other project developers with their respective bid quantities.

(c) On 23.09.2021, pursuant to the e-reverse auction process, the successful bidders [along with the quoted VGF] were allocated the following capacity:

S.No.	Applicant Name	Quoted VGF (By bidder at end of e-RA) (In Rs.)	Capacity Being Allocated (MW)
1	SJVN limited	44,72,000/- Per MW	1000
2	NIC India Limited	44,74,990/- Per MW	510
3	NHPC Limited	44,90,000/- Per MW	1000
4	IRCON International Limited	44,94,000/- Per MW	500
5	NTPC Limited	44,95,000/- Per MW	1990
<b>Total</b>			<b>5000</b>

(d) On 4.10.2021, IREDA issued the Letter of Award (hereinafter referred to as "LOA") to all the above five successful bidders, including the Petitioner,

for the total allocated capacity of 5000 MW.

(e) The MNRE vide its letter No. 283/11/2017/2017-Grid Solar dated 16.9.2022 has informed the IREDA that, considering a change in GST rate as 'Change in Law', the maximum usage charges, of Rs. 2.45/kWh were increased to Rs. 2.57/kWh.

(f) Pursuant to the above, the Petitioner entered into Several Power Usage Agreements ("PUAs") with Respondent Nos. 2- 4 for the supply of power.

(g) As a bid coordinator for Tranche-III Projects, IREDA has complied with and adhered to all the provisions of the CPSU Schemes while conducting the bid process. The RfP was issued in terms of the CPSU Schemes, and the bidding process has been conducted as per the said Scheme in terms of Section 63 of the Act.

(h) Further, the Department of Standardisation, Testing and Quality Certification Directorate, the Ministry of Electronics and Information Technology, Government of India has issued a Certificate of Approval certifying that the E-Procurement Portal of ISN-Electronic Tender Services Pvt Ltd (ISN-ETS) has been tested and audited by STQC and same is in compliance with the "Guidelines for compliance to Quality requirements of eProcurement Systems" dated 31.08.2011 from the STQC Directorate, the Ministry of Electronics & Information Technology, Government of India.

**Hearing dated 13.5.2025**

5. During the course of the hearing, the learned counsel for the Petitioner submitted that the BPC has filed its affidavit dated 25.4.2025 in compliance with the RoP dated 25.3.2025. However, the Commission observed that the BPC has not provided all the information/documents as directed vide RoP dated 25.3.2025. Accordingly, the BPC was again directed to fully comply with the RoP dated 25.3.2025 and furnish all the requisite information/documents.

**Hearing dated 20.6.2025**

6. During the course of the hearing, the representative of the Respondent, IREDA, submitted that it is in the process of preparing its compliance affidavit and sought time to file the same. Based on the request, the Respondent, IREDA, was permitted to file its compliance affidavit.

**Hearing dated 16.7.2025**

7. During the course of the hearing, the learned counsel for the Petitioner submitted that vide RoP dated 20.6.2025, the Commission had permitted BPC, IREDA time to file its compliance affidavit. However, the same has not been filed by the IREDA. The learned counsel for the Petitioner expressed concern over the delay in tariff adoption proceedings, particularly as the Projects are on the verge of commissioning, and suggested that another opportunity be given to IREDA. None appeared on behalf of the Respondent, NPCIL, despite notice.

8. Vide RoP dated 16.7.2025, the Commission expressed its strong disapproval of IREDA's repeated failure to appear and assist in the proceedings relating to the bid process conducted by it, observing that such negligent conduct is unacceptable from a Public Sector Undertaking. Accordingly, IREDA was directed to show cause, within a week, for non-compliance with the Commission's earlier directions, while  
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being granted a last opportunity to file its compliance affidavit.

9. Accordingly, vide RoP dated 16.7.2025, the Managing Director, IREDA, was directed to comply with the directions issued vide RoP dated 20.6.2025, and for necessary compliance, Dasti service by the Petitioner was also permitted. Considering the submissions made by the counsel for the Parties, the Commission reserved the matter for order.

10. In compliance with the RoPs dated 20.6.2025 and 16.7.2025, whereby the BPC, i.e., IREDA, was directed to furnish the conformity certificate, IREDA has complied with the same vide affidavit dated 15.7.2025. The relevant extract of the affidavit is reproduced as under: -

*“5. I say that IREDA as the Implementing Agency (including bid coordination) for Tranche III Projects, has complied and adhered to all the provisions of the CPSU Schemes while conducting the bid process. The RPF issued was in terms of the CPSU Schemes and the bidding process has been done as per the said Scheme and under the principles of Section 63 of the Electricity Act, 2003. (RFS @Annexure P-5 Page No. 86 of the Present Pleadings). The relevant extract from the RFS substantiating that the same was under CPSU Schemes is as under:*

**“GUIDELINES FOR IMPLEMENTATION OF THE RfS**

*16.0 This RfS document has been prepared based on the Guidelines for “Central Public Sector Undertaking (CPSU) Scheme Phase-II (Government Producer Scheme) for setting up 12,000 MW grid connected Solar Photovoltaic (PV) Power Projects by the Government Producers with Viability Gap Funding (VGF) support for self-use or use by Government/Government entities, either directly or through Distribution Companies (DISCOMS)” vide No. 302/4/2017- GRID SOLAR dated 05.03.2019” with subsequent amendments and clarifications thereof*

*[Emphasis Supplied]*

*I say that the RFS was issued by IREDA and the bidding process was conducted under the capacity of Scheme Implementer/ Scheme Manager as mentioned in the CPSU Scheme (and amendment no. 283/20/2019-GRID SOLAR-Part-2, dt. April 13th, 2020 Amendment No. 302/4/2017-GRID SOLAR, dt. September 7th, 2020 and Amendment No. 302/4/2017-GRID SOLAR, dt. December 23rd, 2020).*

*I say that the Department of Standardisation, Testing and Quality Certification Directorate, Ministry of Electronics and Information Technology, Government of India has issued a Certificate of Approval certifying that the E-Procurement Portal of ISN-Electronic Tender Services Pvt Ltd (ISN-ETS) has been tested and audited by STQC and same is in compliance with the "Guidelines for compliance to Quality requirements of eProcurement Systems" dated 31.08.2011 from the STQC Directorate, Ministry of Electronics & Information Technology, Government of India. Copy of the said Certificate of Approval issued by Standardisation, Testing and Quality Certification Directorate, Ministry of Electronics and Information Technology, Government of India is attached and marked as Annexure H."*

### **Analysis and Decision**

11. We now proceed to consider the prayers of the Petitioner as regards the adoption of usage charges for the 510 MW of solar power projects in terms of the CPSU Scheme Phase-II issued by the Ministry of New and Renewable Energy, Government of India, under Section 63 of the Act.

12. Section 63 of the Act provides as under:

*"Section 63: Determination of tariff by bidding process: Notwithstanding anything contained in Section 62, the Appropriate Commission shall adopt the tariff if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government."*

Thus, in terms of Section 63 of the Act, the Commission is required to adopt the tariff upon being satisfied that the transparent process of bidding in accordance with the Guidelines issued by the Central Government under Section 63 of the Act has been followed in the determination of such tariff.

13. In the present case, the bid process for Tranche III was conducted under the CPSU Scheme Phase II issued by the MNRE, Government of India, on 5.3.2019. The salient features of the scheme are as under:

(a) The CPSU Scheme Phase-II has been envisaged to provide the necessary policy framework and mechanism for the selection and implementation of the

12,000 MW or more grid-connected solar PV power projects with VGF by various Government Producers. The 12,000 MW grid connected solar PV power projects are proposed to be set up through the Government Producers with a budgetary support of Rs. 8580 crore as VGF.

(b) The scheme will mandate the use of both solar photovoltaic cells and modules manufactured domestically as per the specifications and testing requirements fixed by the MNRE.

(c) Power produced by the Government Producer can be used for self-use or use by the Government/ Government entities, either directly or through DISCOMs on payment of mutually agreed usage charges of not more than Rs.3.5/unit, which shall be exclusive of any other third-party charges like wheeling and transmission charges and losses, point of connection charges and losses, cross-subsidy surcharge, and State Load Despatch Centre (SLDC)/Regional Load Despatch Center (RLDC) charges etc., as may be applicable.

(d) The solar PV power project capacity under the Government Producer Scheme would be allocated to the Government Producers by way of bidding, who, in turn, will secure an arrangement for the usage of power for self-use or use by the Government/ Government entities, either directly or through DISCOMs.

(e) With the objective of covering the cost difference between the domestically produced solar cells and modules and imported solar cells and modules, VGF shall be provided under the scheme. While the maximum permissible VGF

has been kept at Rs.0.70 crore/MW, the actual VGF to be given to a Government Producer under the scheme would be decided through bidding using the VGF amount as a bid parameter to select project proponent.

(f) SECI will handle the scheme on behalf of the MNRE, including conducting bidding on a VGF basis amongst Government Producers\ for the selection of Government Producers for implementing this scheme. SECI will ensure that the proposed projects comply with the WTO provisions, and also the compliance by Government Producers on the mandatory requirement of domestic content under the scheme.

14. The aforesaid Scheme Guidelines have been modified by the MNRE vide Office Memorandum dated 13.4.2020, *inter alia*, revising the ceiling of usage charges from Rs. 3.50/kWh to Rs. 2.80/kWh and entrusting the task of conducting the bidding process to IREDA in place of SECI. Thereafter, vide corrigendum dated 14.5.2021 to the Request for Selection (RfS) issued on 29.1.2021, the ceiling usage charges were further revised to Rs. 2.45/kWh and the maximum permissible Viability Gap Funding (VGF) was reduced from Rs. 0.70 crore/MW to Rs. 0.55 crore/MW, while the commissioning schedule of the projects was extended from 24 months to 30 months from the date of the LoA. Subsequently, the MNRE, vide communications dated 16.9.2022 and 27.12.2022, revised the ceiling usage charges from Rs. 2.45/kWh to Rs. 2.57/kWh on account of the change in GST rates and permitted BPC, IREDA, to extend the Scheduled Commissioning Date and associated milestones up to 30.9.2024 for projects with earlier SCDs. Further, vide letter dated 5.7.2024, MNRE allowed IREDA to extend the SCD by six months, i.e. up to 31.3.2025, and accordingly, IREDA, vide its letter dated 13.9.2024, granted such

extension.

15. Accordingly, we proceed to examine whether the usage charges have been discovered in terms of the provisions of Section 63 of the Act and whether the selection of the successful bidder(s) has been made through a competitive bidding process as per the provisions of the CPSU Scheme Phase-II.

16. As per the scheme guidelines, only the Government Producers were eligible for availing the VGF under the CPSU Scheme Phase-II, and the setting-up of the solar PV power projects was solely for self-use or use by the Government/Government entities, either directly or through the DISCOMs. Further, the solar PV power project capacity allocated to the Government Procurers by way of the bidding was required to secure an arrangement for the usage of power for self-use or use by the Government/ Government entities, either directly or through DISCOMs.

17. Before delving further, it is also pertinent to note that the Petitioner, after having successfully participated in the bidding process, has entered into the PUAs with the distribution licensees of Rajasthan and TSDISCOMs at the usage charges of Rs. 2.57/kWh. and their respective State Commissions have approved the procurement under Section 86(1) (b) of the Act subject to the adoption of tariff by this Commission. Keeping in view that as per the CPSU Scheme Phase II, the entire solar power project capacity allocated to the Government Producer, i.e., the Petitioner herein, has been arranged for use by the Government/Government entities (a class of consumers) through the distribution licensees under the PUAs, the aspect of determination of usage charge would fall under the regulatory domain of the Commission. It is also well settled that in a situation where the guidelines issued by Order in Petition No. 260/AT/2025

the Central Government cover the situation, the Commission is bound by those guidelines and is required to exercise its regulatory function, albeit under Section 79(1), only in accordance with those guidelines. However, in a situation where there are no guidelines framed at all or where the guidelines do not deal with a given situation, the Commission's general regulatory power under Section 79(1) can be used, and the general regulatory power of the Commission under Section 79(1) is the source of the power to regulate, which *inter alia* also includes the power to adopt the tariff. Keeping in view the above aspects, we have decided to proceed to examine the issue of the adoption of the usage charges.

18. As per the provisions of the CPSU Scheme Phase-II, IREDA had issued RfS documents, namely, RfS for Selection of Solar Power Developers for setting up of the 12000 MW grid-connected solar PV power projects (Tranche III), in line with the CPSU Scheme Phase II.

19. The key dates of the event in the bidding process are as under:

<b>Sr. No.</b>	<b>Milestone</b>	<b>Date</b>
1	RfS issued by IREDA	29.1.2021
2	Pre-bid meeting held	18.2.2021
3	Amendments/Clarification and Corrigendum to RfS	14.5.2021
4	Extension of the submission of the bid date	31.8.2021
5	e-Reverse Auction Concluded	23.9.2021
6	Issuance of Letter of Awards	4.10.2021

20. As per the CPSU Scheme Phase II, IREDA issued the RfS document for the selection of the Solar Power Developers for setting up the 12000 MW grid-connected solar PV project (Tranche III) on 29.1.2021. Also, as indicated, the notice regarding the publication of the RfS was issued on IREDA's website, i.e., [www.ireda.in](http://www.ireda.in), and the

ETS Portal, i.e. [bharat-electronictender.com](http://bharat-electronictender.com).

21. The last date of bid submission, as per the RfS dated 29.1.2021 issued by IREDA, was initially fixed as 25.3.2021 and was subsequently extended up to 31.8.2021 through various addenda/ corrigenda. Further, in pursuance of the MNRE Office Memorandum dated 15.4.2021 and the Corrigendum to the RfS issued by IREDA on 14.5.2021, the ceiling of the usage charges was revised to Rs. 2.45/kWh, and the limit of maximum permissible VGF was reduced to Rs. 0.55 crore/MW from the earlier Rs. 0.70 crore/MW.

22. In response to the RfS, the following bids were received from the various Government Producers:

Sl. No.	Name of the Bidder	Quoted VGF Rs. per MW (By bidder as part of bid submission)	Capacity Applied for (MW)
1	SJVN Limited	54,50,000/-	1000
2	NLC India Limited	55,00,000/-	510
3	NHPC Limited	54,00,000/-	1000
4	IRCON International Limited	55,00,000/-	500
5	NTPC Limited	55,00,000/-	2500
6	Solar Energy Corporation of India Limited	55,00,000/-	1200
7	Indian Oil Corporation Limited	55,00,000/-	250

23. All the above techno-commercial qualified bidders were shortlisted for e-Reverse Auction (hereinafter referred to as “e-RA”). The e-RA was conducted on 23.9.2021, during which the VGF amount sought per MW was kept as a bid parameter to select the Government Producers as the Solar Power Developer. Pursuant to the conclusion of the e-RA, the following Government Producers were declared as the successful bidders, which also included the Petitioner herein, which came to be allocated 5000 MW on the basis of its quoted VGF of Rs. 44,90,000/MW

at the end of e-RA:

Sl. No.	Name of the Bidder	Quoted VGF Rs. per MW (By bidder at end of e-RA)	Capacity Applied for (MW)
1	SJVN Limited	4472000.00	1000
2	NLC India Limited	4474990.00	510
3	NHPC Limited	4490000.00	1000
4	IRCON International Limited	4494000.00	500
5	NTPC Limited	4495000.00	1990
Total			5000

24. Pursuant to its selection as the successful bidder under the RfS, IREDA issued the Letter of Award to the Petitioner, allocating 5000 MW out of 12,000 MW on 4.10.2021. The relevant portion of the said Letter of Award is extracted as under:

***“Sub: Selection of Solar Power Developers for Setting up of 5,000 MW Grid Connected Solar PV Power Projects in India (Tranche-III) under Central Public Sector Undertaking (CPSU) Scheme Phase-II (Government Producer Scheme): Letter of Award for allocated capacity of 510 MW (Project ID: CPSU-Ph2-Tr3-SSPD-510 MW)”***

*Ref: “Central Public Sector Undertaking (CPSU) Scheme Phase-II (Government Producer Scheme) for setting up 12,000 MW grid-connected Solar Photovoltaic (PV) Power Projects by the Government Producers with Viability Gap Funding (VGF) support for self-use or use by Government/Government entities, either directly or through Distribution Companies (DISCOMS)” issued by the Ministry of New & Renewable Energy vide No. 302/4/2017-GRID SOLAR dated 05.03.2019 including subsequent amendments and clarifications thereof (herein referred to as “Guidelines”)*

*RfS No. 23016/1/2020-IREDA/RfS/5000 MW/ 012021 Dated: 29/01/2021 subsequent amendments/ clarifications/ revisions/ notifications issued by IREDA and uploaded during the process of RfS on ETS portal (<https://www.bharat-electronictender.com>):*

*This has reference to the following:*

*A. Your response to the RfS document submitted through ETS portal vide Organization ID (ETS-IN-2020-RS0000019) against RfS for Selection of Solar Power Developers for 5000 MW Grid- Connected Solar PV Power Projects in India (Tranche-III) under CPSU Ph-II Scheme (Government Producer Scheme).*

*B. Final VGF (INR/MW) as quoted by you at the end of the e-Reverse Auction conducted on ETS portal on 23.09.2021 for the referred RfS for selection of Grid-connected Solar PV Power Projects.*



*In reference to above and subject to the provisions of RfS, we confirm that your final VGF price quoted by your organisation during the e-RA concluded on September 23, 2021, is accepted and issue this letter of award with the following details:*

<b>Allotted Project ID</b>	<b>Allocated Capacity (MW)</b>	<b>Project Location</b>	<b>Maximum VGF Eligibility (INR/MW) in figures</b>	<b>Maximum VGF eligibility (INR/MW) in words</b>	<b>Total Eligible Maximum VGF (INR)</b>
CPSU-Ph2-Tr3-SSPD-510 MW	510 MW	Anywhere in India	44,74,990/-	Forty-Four Lakhs Seventy-four Thousand Nine Hundred and Ninety only	228,22,44,900.00

*In alignment with the Guidelines of the scheme, the abovementioned project shall supply power solely for either self-use or use by Government/Government entities, either directly or through DISCOMs under the CPSU Ph-II scheme. Further such supply shall be subject to the following terms and conditions as stated in various documents referred above. The same terms and condition are also being briefly brought out hereinafter.*

*I. Power generated from above Project(s) shall be solely for self-use or use by Government/Government entities, either directly or through DISCOMs on payment of mutually agreed usages charges of not more than Rs. 2.45/kWh, which shall be exclusive of any other third-party charges like wheeling and transmission charges and losses, point of connection charges and losses, cross-subsidy surcharges, State Load Dispatch Centre (SLDC)/regional Load Dispatch Centre (RLDC) Charges, etc. as may be applicable. Waiver of ISTS charges and losses, for use of ISTS network, shall be available to Projects set-up under the CPSU Phase-II Scheme.*

*II. As the selected Government Producer under the scheme, NLC Limited can use the VGF provided under the Scheme as your equity in solar power project(s) being set up under this scheme.*

*III. If the proposed solar PV power project(s) under CPSU Scheme Phase-II is being set up in an UMREPP/ Solar Park, then such projects will be eligible for both, the Central Financial Assistance (CFA) as per UMREPP/ Solar Park Scheme as well as VGF under the CPSU Scheme Phase-II.*

*IV. As the selected Government Producer/ Solar Project Developer*

*(SPD), you would also be free to avail other fiscal incentives, if any, as per the extant rules. IREDA will not have any liability if the SPD is not able to avail fiscal incentives and this will not have any bearing on the maximum eligible VGF per MW.*

*V. The award of the above allotted capacity is subject to the Guidelines including amendments/clarifications issued by Government of India and terms and conditions of the RfS document including its clarifications/ amendments / elaborations/notifications issued by IREDA.*

*VI. A Bidder which has been selected as Successful Bidder under this RfS can also execute the Project(s) through a Special Purpose Vehicle (SPV) i.e. a Project Company especially incorporated as a subsidiary Company of the successful bidder for setting up of the Project(s), with at least 76% shareholding in the SPV which has to be registered under the Indian Companies Act, 2013, before signing of EPC agreement with EPC Contractor. Multiple SPVs may also be incorporated for executing more than one Project.*

*VII. The SPD shall pay to IREDA, Success Charges of Rs. 1 lakh/MW/project + 18% GST within 30 days from the date of this Letter of Award (LoA) towards administrative overheads, coordination with State Authorities and monitoring of Projects' compliance with WTO norms, in line with Clause 12, Section-III of the RfS. Performance Bank Guarantee(s) for an amount equal to 50% of total VGF sanctioned as per this Letter of Award shall be submitted by the SPD before disbursement of first tranche of VGF, in line with Clause 11.1, Section-III of the RfS. The validity of any such PBG being submitted to IREDA shall not be less than 39 months.*

*VIII. The SPD shall confirm the configuration of the total allocated capacity at the time of disbursement of second tranche of VGF. The SPD, if he wishes so, may affix separate PPA tariffs for each Project, based on its own arrangements with the Procurer(s), if applicable.*

*IX. The Projects can be located anywhere in India. It is clarified that the projects may be implemented as ground mounted, or rooftop mounted or floating or canal top/canal bank etc., or a combination thereof, as per the requirements of the SPD.*

*X. It may be noted that while a single VGF shall be quoted by the bidder based on the cumulative Project capacity in the RfS, VGF will be released to the SPD separately for each Project as per the final Project configuration declared by the SPD. Accordingly, for each individual Project as per the above break-up, the second tranche of VGF will be disbursed to the SPD only upon successful commissioning of full capacity of that individual Project.*

*XI. Commercial re-sale of power by the Procurer or End Consumer is not allowed as per the RfS conditions. The SPD shall provide a power*

mapping (Format 7.10 of the RfS) for the proposed capacity being quoted for, clearly specifying the SPD, various intermediaries, if any, and the End Consumer. The same shall be submitted to IREDA after finalization of the mapping by the SPD, but necessarily prior to disbursement of second tranche of VGF.

XII. The SPD shall submit a self-certification to IREDA (Format 7.6 as amended), confirming that the Project has been set-up, as per the provisions of the Scheme Guidelines, and explanatory notes, if any, as published by MNRE from time to time. The above certifications will be submitted by the SPD after finalization of power mapping by the SPD, but no later than prior to disbursement of second tranche of VGF.

XIII. The RfS mandates use of both solar photovoltaic (SPV) cells and modules manufactured domestically as per specifications and testing requirements fixed by MNRE. For the Projects to be implemented under this RfS, both the solar cells and modules used in the Solar Power Projects must be made in India. In case of crystalline Silicon technology, all process steps and quality control measures involved in the manufacture of the Solar Cells and Modules starting from wafers till final assembly of the Solar Cells into Modules shall be performed at the works of PV manufacturers in India.

XIV. VGF will be released in two tranches as follows: 1. 50 % on award of Contract to the EPC Contractor (including in-house EPC Division) by the SPD. The SPD is required to sign the EPC agreement with EPC Contractor within twelve months from date of this LoA. 2. Balance 50 % on successful commissioning of the full capacity of Project. xv. The Commissioning of the Project shall be carried out by the SPD as per the procedure established by the SPD. The SPD shall submit the commissioning certificate of the Project to IREDA, based on which, the installed capacity shall be examined by IREDA in line with the DCR norms as per the RfS. After successful examination of the same, the second tranche of the VGF, amounting to 50% of the total VGF awarded for the Project, will be disbursed to the SPD.

XVI. Schedule Commissioning Date (SCD) for commissioning of the full capacity of the Project shall be the date as on 30 months from the date of issuance of LoA. The maximum time period allowed for commissioning of the full Project Capacity shall be limited to 36 months from the date of issuance of LoA.

In case of delay in commissioning of the Project beyond the SCD until the date as on 36 months from the issue date of the LoA/Lol, as part of the penalty for delay in commissioning the amount of VGF sanctioned to be the project shall be reduced by 0.15% (zero-point one five percent) of the sanctioned VGF, on per day basis, for the period of such delay, and proportionate to the capacity delayed or not commissioned.

XVII. All disputes arising out of and/ or in connection with the selection of Solar Power Projects under the said RfS and execution of project(s)

*thereto shall be governed by laws of India and shall be subject to the jurisdiction of Courts of New Delhi.*

*This LoA is being issued in duplicate and you are requested to kindly acknowledge receipt and acceptance of this LoA by sending the duly stamped and signed duplicate copy of LoA to I REDA within 07 days from date of this LoA.”*

25. Pursuant to the issuance of the LoA, the Petitioner has entered into PUAs with RUVNL and TSDISCOMs for the supply of solar power to be generated through its solar PV power projects set up under the CPSU Scheme Phase-II. The Petitioner has submitted that under the various PUAs, power generated by the Petitioner from its solar PV projects, as Government Producer, is to be procured by the Respondents i.e., RUVNL and TSDISCOMs solely for the end user, namely Government or Government entities, in compliance with World Trade Organization (WTO) Regulations on mutually agreed terms and conditions as mentioned in the CPSU Scheme Phase-II and in addition, 10 MW SPP has already been established at Neyveli for self-consumption. The details of the PUAs are as follows:

S. No	Project	Quantity	Discom/States	Details of PUAs
1	300 MW Solar Photovoltaic Power Project named as Barsingsar Solar PV Power Plant at Bikaner, Rajasthan	300 MW	Rajasthan	17.8.2023 at Rs.2.52 per unit
2	NLCIL 200 MW Solar PV Station at Kutch - District, Gujarat	200 MW	Gujarat and Telangana DISCOMS	27.8.2024 at Rs. 2.57 per unit

26. The Petitioner has also submitted that the respective State Commission have also approved the aforesaid procurement by the concerned distribution licensees under Section 86(1)(b) of the Act, subject to the adoption of tariff by this Commission. Rajasthan Electricity Regulatory Commission vide order dated 24.7.2024 has accorded the in-principle approval for the procurement of power by RUVNL for 300 MW of solar power from the Petitioner under the CPSU Scheme

Phase II Tranche III at a tariff of Rs. 2.52/kWh and has also directed the Petitioner to approach this Commission for the adoption of tariff.

27. Further, IREDA vide affidavit dated 15.7.2025 has stated that the RfS was issued in terms of the CPSU Scheme Phase II, and the bidding process had been conducted as per the said Scheme Guidelines and under the principles of Section 63 of the Act. IREDA has also indicated that no deviation from the CPSU Schemes was taken while conducting the bid process or when issuing the LoAs to the successful bidders. Moreover, IREDA, has also submitted that the Department of Standardisation, Testing and Quality Certification Directorate, the Ministry of Electronics and Information Technology, Government of India has issued a Certificate of Approval certifying that the E-Procurement Portal of ISN Electronic Tender Services Pvt Ltd (ISN-ETS) has been tested and audited by STQC and same is in compliance with the Guidelines for compliance with the Quality requirements of e-Procurement Systems dated 31.08.2011 from the STQC Directorate, the Ministry of Electronics & Information Technology, Government of India. The relevant portion of the 'Certificate of Approval' issued by the Ministry of Electronics and Information Technology, Government of India, is as under:

**"Certificate of Approval"**

*This is to certify that e-Procurement Portal of ISN-Electronic Tender Services Pvt Ltd (ISN-ETS) with URL: <https://www.bharat-electronictender.com>, and setup using Electronic-Tendering Engine (Advanced Plus) (ETE-Advanced Plus] Version 2.7.1 has been tested and audited by STQC and found in compliance with "Guidelines for compliance to Quality requirements of eProcurement Systems, dated 31<sup>st</sup> August 2011", STQC Directorate, Ministry of Electronics & Information Technology, Govt, of India [Meity Guidelines], relating to functionality, security and transparency including:*

- CVC Guidelines for eProcurement software/system as covered by relevant provisions of Annexure-II of the referred guideline.

- GFR 2017 covered by Annexure-II of the referred guideline.
- IT Act 2000 (and its amendment 2008) as covered by Annexure - IV of the referred guideline.

*Brief details and scope of e-Procurement system*

S.No.	Component	Description	Testing and Audit conducted
1.	e-Procurement Portal	e-Procurement Portal of ISN-Electronic Tender Services Pvt Ltd (ISN-ETS) Electronic-Tendering Engine (Advanced Plus) [ETE- Advanced Plus] Version 2.7.1	<ul style="list-style-type: none"> <li>• Functional Testing</li> <li>• Performance Testing</li> <li>• Web Application Security Testing</li> </ul>
2.	Hosting Infrastructure	Primary Data Center(DC): Web Werks India 9th Floor, Sigma IT park, Sector 8, Rabale, Navi Mumbai, Thane 400701, INDIA Secondary Site (DR): Cyfuture India SDF Block G-13/14, Noida Special Economic Zone (NSEZ) Phase II, Noida 201 305, India	<ul style="list-style-type: none"> <li>• Vulnerability Assessment</li> <li>• Penetration Testing</li> </ul>

*The validity of this certificate is for Three years i.e. up to 26.02.2023 subject to compliance to STQC guidelines on Annual Surveillances.*

*Disclaimer. Any changes in the above certified e-procurement Software /System application and /or hosting infrastructure will require re-certification."*

28. In view of the above, we are of the view that the selection of the Petitioner, out of various Government Producers, has been done on the basis of a transparent,



competitive bid process with VGF as the bid parameter and in accordance with the provisions of the CPSU Scheme Phase II.

29. Insofar as the adoption of usage charges under the PUAs is concerned, the said aspect also came up for consideration before this Commission in Petition No. 174/AT/2021 in the matter of NTPC Limited v. Solar Energy Corporation of India Limited and Ors., wherein NTPC had prayed for the adoption of usage charges for the 1692 MW Solar PV Projects selected through the competitive bid process under the CPSU Scheme Phase II Tranche I & II. The Commission, in its order dated 13.12.2021, *inter alia*, had observed as under:

*“34. In support of allowing the prayer of the Petitioner for adoption of usage charges, the Petitioner and the Respondent, SECI have placed reliance on the provisions of the Standard Bidding Guidelines, which envisage bidding based on VGF as bid parameter and provide for adoption of pre-specified tariff and also on the order dated 1.3.2021 passed by the Commission in Petition No. 160/AT/2019 along with IA No.81/2019, wherein the bid process was also conducted on VGF as bid parameters and the Commission had adopted the pre-specified tariff. The relevant extract of the Standard Bidding Guidelines reads as under:*

*“4.3 Bidding Parameters: For procurement of electricity, the Procurer may opt for either ‘Tariff as Bidding Parameter’ or ‘Viability Gap Funding (VGF) as Bidding Parameter’.*

*.....*

*4.3.2 VGF as the Bidding Parameter: It involves a mechanism wherein a pre-determined tariff is offered to the Solar Power Generator along with a financial assistance, to enable the Solar Power Generator to supply power at this tariff. For VGF based Bidding, the Procurer shall specify the following before issuance of RfS: (a) Pre-determined tariff payable to the selected Solar Power Generator for the duration of the PPA and the Maximum amount of Viability Gap Funding (VGF) support required by them. The bidders who do not want to avail the VGF support, may offer in their bids, a discounted tariff, lower than the pre-determined tariff offered by the Procurer...”*

*35. Indisputably, the Standard Bidding Guidelines provide for VGF as a bidding parameter for conducting competitive bid process under Section 63 of the Act. The mechanism involves pre-determined tariff payable to the selected solar power generator and the maximum amount of VGF support required by them. Further, in case the bidders do not want to avail of VGF, they may offer a discounted tariff than that*

of pre-determined tariff.

36. However, we note that the bidding process on the basis of VGF as bid parameter under the CPSU Scheme Phase-II is not exactly as per the Standard Bidding Guidelines, since instead of pre-determined tariff (in terms of the Standard Bidding Guidelines), the CPSU Scheme Phase-II only provides for pre-determined ceiling usage charges. Further, the CPSU Scheme Phase-II recognizes that the usage charges may be mutually agreed between the parties (which is not the case in the Standard Bidding Guidelines) albeit subject to the ceiling as specified therein. Therefore, the lower usage charges as may be mutually agreed between the parties (the Petitioner and the Telangana DISCOMs in the instant case) cannot be equated with the discounted tariff (for bidders who quote nil VGF) under the VGF based bidding as per the Standard Bidding Guidelines since the Petitioner has not foregone the VGF entitlement in the present case.

37. On the other hand, in the case of bid process involved in Petition No. 160/AT/2019, there was pre-determined tariff of Rs.5.45/kWh (Rs.4.75/kWh in case benefit of Accelerated Depreciation was availed) and the bidders were required to compete on the basis of VGF requirement per MW. Thus, the bidding process envisaged and conducted therein as per the provisions of 'Scheme for Setting up of 750 MW grid connected Solar PV Power Projects under Batch-I of Phase-II of Jawaharlal Nehru National Solar Mission with Viability Gap Funding support from National Clean Energy Fund' was similar to that specified in the Standard Bidding Guidelines and did not provide for any mutual agreement for lowering the predetermined tariff. Thus, the instant case is distinguishable from the matter involved in adoption of tariff in Petition No. 160/AT/2019.

38. In light of the above observations, we are of the view that the usage charges as mutually agreed between the Petitioner and the Telangana DISCOMs cannot be stated to have been discovered through a process of competitive bidding under Section 63 of the Act.

39. However, at the same time, we do recognise that in terms of the provisions of the CPSU Scheme Phase-II, the bid processes have been conducted with VGF as a bid parameter against the pre-determined ceiling usage charge of Rs.3.50/kWh, though the actual usage charge was subject to mutual agreement within the said ceiling. Therefore, in line with the bid process envisaged in the Standard Bidding Guidelines, the Commission deems it fit to adopt the ceiling usage charge of Rs.3.50/kWh under Section 63 of the Act in respect of 1692 MW capacity under Tranche-I and Tranchell in respect of the Petitioner....."

30. The above observations of the Commission in the case of CPSU Scheme Phase II Tranche I & II squarely apply to the present case.



31. In the present case, the parties have submitted that the RfS dated 29.1.2021 was issued by IREDA under Section 63 of Act, following the principles of standard bidding guidelines dated 3.8.2017 issued by the Ministry of Power and the CPSU Scheme for setting up the 12,000 MW grid-connected Solar PV Power Projects by the Government Producers with VGF for self-use or use by Government/ Government entities, either directly or through Distribution Companies, issued by the MNRE vide No. 302/4/201 7-GRID SOLAR dated 5.3.2019.

32. The relevant clauses of the CPSU Scheme dated 5.3.2019 stipulate as under:

*“3. Proposal for setting up of 12,000 MW capacity under Government Producer Scheme*

*...*

*3.2.3 Usage Charges: Power produced by the Government Producers can be used for self-use or use by Government/Government entities, either directly or through DISCOMS on payment of mutually agreed usage charges of not more than Rs. 3.5/kWh which shall be exclusive of any other third party charges like wheeling and transmission charges and losses, point of connection charges and losses, cross-subsidy surcharge, State Load Despatch Centre (SLDC)/ Regional Load Despatch Centre (RLDC) charges, etc. as may be applicable.*

*4. Power to remove difficulties*

*If there is need for any amendment to the Government Producer Scheme for better implementation or any relaxation is required in the norms due to operational problems. MNRE will be competent to make such amendments with the approval of Minister-in-charge, without increasing the financial requirements and VGF limits.”*

33. The relevant Change in Law Article of the PUAs is as under:

*“10. CHANGEINLAW*

*10.1 "Change in Law" shall mean the occurrence of any of the following events after the effective date of PUA, resulting into any additional recurring/ non recurring expenditure by the NLCIL or any income to the NLCIL:*

*a) the enactment, coming into effect, adoption, promulgation, amendment, modification or repeal (without re-enactment or consolidation) in India, of any Law, including rules and regulations framed pursuant to such Law;*

*b) a change in the interpretation or application of any Law by any Indian Governmental Instrumentality having the legal power to interpret or apply such Law, or any Competent Court of Law;*

*c) the imposition of a requirement for obtaining any Consents, Clearances,*

*Permits and/or licenses which was not required earlier;*

*d) a change in the terms and conditions prescribed for obtaining any Consents, Clearances and Permits or the inclusion of any new terms or conditions for obtaining such Consents, Clearances and Permits; except due to any default of the NTPC REL;*

*e) any statutory change in tax structure or any change in the rates of any taxes or introduction of any new tax made applicable for setting up of Solar Power Project and supply of power by the NTPC REL to the Distribution Licensee.*

*10.2 Further, "Change in Law" shall also mean any statutory change in tax structure or introduction of any new tax made applicable for setting up of Solar Power Project and generation of energy including change in any additional duties under Customs like Anti-Dumping Duty, Countervailing duty on subsidised articles, Safeguard duty etc. and any other taxes including GST, levies, cess etc. applicable on such additional duties resulting into any additional recurring/non-recurring expenditure by the NLCIL or any income due to the NLCIL*

*11.0 RELIEF FOR CHANGE IN LAW.*

*11.1. NLCIL shall be required to approach the Appropriate Commission for seeking approval of Change in Law.*

*11.2. The decision of the Appropriate Commission to acknowledge a Change in Law and the date from which it will become effective provide relief for the same, shall be final and governing on NLCIL and the Distribution Licensee.*

*11.3. While determining the consequence of Change in Law under Article 11 the Parties shall have due regard to the principle that the purpose of compensating the Party affected by such Change in Law, is to restore through Monthly Usage Charge payments, to the extent contemplated in this Article 11, the affected Party to the same economic position as if such Change in Law has not occurred."*

34. We observe that the bids were submitted on 23.9.2021, and the LoA was issued by IREDA on 4.10.2021, taking into account the maximum usage charges of Rs. 2.45/kWh. Subsequently, the Petitioner approached the procurers and executed Power Usage Agreements (PUAs). The Petitioner entered into a PUA with RUVNL on 17.8.2023 and a PUA with the Telangana DISCOMs on 27.8.2024. We observe that a total of two Power Usage Agreements (PUAs) were executed by the parties, taking into account the maximum usage charges of Rs. 2.45/kWh.

35. However, on 16.9.2022, MNRE, in continuation of the CPSU Scheme Phase-  

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Order in Petition No. 260/AT/2025

II, enhanced the ceiling of maximum usage charges to Rs. 2.57/kWh pursuant to the Ministry of Finance Notification No. 8/2021, dated 30.9.2021, whereby the GST rates applicable to specified renewable energy devices and parts were revised from 5% to 12%.

36. Subsequently, the Petitioner executed PUAs with the TSDISCOMs on 17.8.2023 for the procurement of 300 MW at Rs. 2.52/kWh, and a PUA with the TSDISCOMs on 27.8.2024 for the procurement of 200 MW at Rs. 2.57/kWh. The instant Petition has been filed seeking the adoption of the usage charges reflected in these PUAs.

37. The relevant Clauses of the RfS dated 29.1.2021 are as under:

*“7.0 The maximum permissible limit for VGF is kept at Rs. 0.70 Crore/MW (INR 70 lakhs per MW) for projects; the actual VGF to be given to a Government Producer under the RfS would be decided **through e-reverse auction using VGF amount as a bid parameter to select the SPD.**”*

*8.0 **Bidders shall be required to submit their bids by offering VGF amount in INR per MW. Bidders who do not want to avail VGF, can submit their bid by offering ‘0’ (Zero) VGF.**”*

38. The relevant Clauses of the CPSU Scheme dated 5.3.2019 is as under:

*“3.2.5 VGF: With the objective of covering the cost difference between the domestically produced solar cells and modules and imported solar cells and modules, VGF shall be provided under the Scheme. While the maximum permissible VGF has been kept at Rs.0.70 cr./MW, the actual VGF to be given to a Government Producer under the Scheme would be decided through bidding using VGF amount as a bid parameter to select project proponent. The Solar Energy Corporation of India (SECI) will be entrusted with the task of conducting the bidding amongst Government Producers for allocation of solar power project capacity under the Scheme, with VGF amount as a bid parameter to select project proponent. The maximum permissible VGF amount will also be reviewed from time to time, by MNRE, and will be reduced by MNRE if the cost difference comes down. VGF will be released in two tranches as follows:*

- (i) 50% on Award of contract to the EPC contractor (including in-house EPC Division); and*
- (ii) Balance 50% on successful commissioning of the full capacity of the*

*project.”*

39. From the above, we observe that the bidding process was conducted on 23.9.2021 with the VGF amount as the bidding parameter. In terms of the bidding documents, the maximum permissible limit for VGF of Rs. 0.55 crore/MW was to be reckoned, corresponding to the ceiling usage charges of Rs. 2.45/kWh. We are of the considered view that the parameters prevailing on the date of bidding are to be treated as the reference point and cannot be varied thereafter, as any such post-bidding alteration would undermine the sanctity of the competitive process. A change in the usage charges subsequent to the bidding can be considered only on account of a Change in Law, in terms of the provisions of the Power Usage Agreements. Accordingly, at this stage, only the parameters notified to the bidders at the time of bidding, namely, the maximum permissible VGF of Rs. 0.55 Crore/MW and the usage charges of Rs. 2.45/kWh, can be taken into account. We, therefore, adopt the usage charges of Rs. 2.45/kWh in respect of the 510 MW Solar PV Power Project of the Petitioners under Tranche-III of the CPSU Scheme Phase-II.

40. As regards the compensation due to the Change in Law as stated by the BPC, i.e. IREDA, in its affidavit dated 25.4.2025, the PUAs require the Petitioners to approach the Commission for approval for relief for the Change in Law. Accordingly, liberty is granted to the Petitioners to approach the Commission through a separate Petition within a period of six weeks from the issuance of this order for seeking any relief as per Articles 10 & 11 of the PUAs/ Supplementary PUAs. However, in the interim, we allow the Change in Law compensation, as communicated by the MNRE, as interim relief to be charged by the Petitioners on a provisional basis pending the final decision of the Commission on the Petition to be filed in this regard.

41. Petition No. 260/AT/2025 is disposed of in terms of the above.

Sd/-  
**(Ravinder Singh Dhillon)**  
Member

sd/-  
**(Harish Dudani)**  
Member

sd/-  
**(Ramesh Babu V.)**  
Member

sd/-  
**(Jishnu Barua)**  
Chairperson