



Bihar Electricity Regulatory Commission

Vidyut Bhawan-II, Nehru Path, Patna 800 021

Case No.-01/2026

In the matter of:

Petition for seeking regulatory approval on procurement of 190 MW Assured Peak Power Supply with Wind Solar Hybrid Power under ISTS Hybrid Tranche -VI Scheme from SECI Ltd. on long term basis (i.e., 25 years) including Power Sale Agreement (PSA).

And

In the matter of:

Bihar State Power Holding Company Ltd.

.....**Petitioner**

Solar Energy Corporation of India (SECI)

.....**Respondents**

Quorum:

- | | | |
|-----------------|---|----------------|
| 1. Amir Subhani | - | Chairman |
| 2. A.K Sinha | - | Member (Tech.) |
| 3. P.S Yadav | - | Member (Legal) |

Appearance:

1. Shri Murtaza Helal, C.E(PMC) 2. Shri Chanderekhar Barnwal ESE(PMC) 3. Shri Santosh Anand EEE(PMC) 4. Shri Amit Kumar AEE (PMC) 5. Md Kaishar Jamal 6. Shri Rahul Jha Consultant (PMC)	BSP(H)CL
7. Shri Tarun Mukhija, Sr. Manager	SECI

Date of Order	Order with Signature						Office notes as action taken on order																																																		
5.2.2026	<p style="text-align: center;"><u>Case No. 01/2026</u></p> <p>The instant petition has been filed by Chief Engineer (PMC), Bihar State Power (Holding) Company Limited seeking regulatory approval to procure a total of 190 MW Assured Peak Power Supply with Wind Solar Hybrid Power under ISTS Hybrid Tranche -VI Scheme from SECI Ltd. as REAI on long term basis (i.e., 25 years) including Power Sale Agreement (PSA).</p> <table border="1" data-bbox="296 801 1362 1189"> <thead> <tr> <th>Sl. No.</th> <th>Source</th> <th>Offered Capacity {in MW} Five{0S} Hrs Assured Peak Availability</th> <th>Tariff in Rs/kWh excluding Trading margin {0.07 per unit)</th> <th>Implementing Agency/ Trader</th> <th>PSA Signing Date</th> <th>Commencement date of supply</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Wind+ Solar+ BESS</td> <td>190</td> <td>4.72</td> <td>SECI Ltd</td> <td>To be signed after BEREC approval</td> <td>24 months from the date of execution of PPA</td> </tr> </tbody> </table> <p>2. Petitioner's Submissions:</p> <p>Petitioner states that the Commission, in exercise of powers conferred by Sec-86 (1) (e) of the Electricity Act 2003, has set Renewable Purchase Obligation (RPO) for each year for both the DISCOMs (i.e. NBPDC and SBPDCL). The trajectory is as under:</p> <table border="1" data-bbox="277 1440 1362 1727"> <thead> <tr> <th>FY</th> <th>25-26</th> <th>26-27</th> <th>27-28</th> <th>28-29</th> <th>29-30</th> </tr> </thead> <tbody> <tr> <td>WPO</td> <td>1.45%</td> <td>1.97%</td> <td>2.45%</td> <td>2.95%</td> <td>3.48%</td> </tr> <tr> <td>HPO</td> <td>1.22%</td> <td>1.34%</td> <td>1.42%</td> <td>1.42%</td> <td>1.33%</td> </tr> <tr> <td>DRE</td> <td>2.10%</td> <td>2.70%</td> <td>3.30%</td> <td>3.90%</td> <td>4.50%</td> </tr> <tr> <td>Other RPO</td> <td>28.24%</td> <td>29.94%</td> <td>31.64%</td> <td>33.10%</td> <td>34.02%</td> </tr> <tr> <td>Total RPO</td> <td>33.01 %</td> <td>35.95%</td> <td>38.81%</td> <td>41.36%</td> <td>43.33%</td> </tr> </tbody> </table>						Sl. No.	Source	Offered Capacity {in MW} Five{0S} Hrs Assured Peak Availability	Tariff in Rs/kWh excluding Trading margin {0.07 per unit)	Implementing Agency/ Trader	PSA Signing Date	Commencement date of supply	1.	Wind+ Solar+ BESS	190	4.72	SECI Ltd	To be signed after BEREC approval	24 months from the date of execution of PPA	FY	25-26	26-27	27-28	28-29	29-30	WPO	1.45%	1.97%	2.45%	2.95%	3.48%	HPO	1.22%	1.34%	1.42%	1.42%	1.33%	DRE	2.10%	2.70%	3.30%	3.90%	4.50%	Other RPO	28.24%	29.94%	31.64%	33.10%	34.02%	Total RPO	33.01 %	35.95%	38.81%	41.36%	43.33%	
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3. Petitioner has submitted that there will be an anticipated shortfall of 910 MU's in Total RPO for FY 2026-27 and the shortfall will go up to 4347 MU's in FY2029-30.
4. Petitioner also submits that Ministry of Power vide order dated 27th September 2025 has notified, in accordance with the provisions of section 14 of the Energy Conservation Act 2001, minimum share of electrical energy consumption from renewable energy in the form of Renewable Consumption Obligation (RCO), for designated consumers, who are electricity distribution licensees, open access consumers and captive users. In turn, the obligation will be significantly larger in comparison to the Renewable Purchase Obligation.
5. Petitioner submitted that there will be an anticipated shortfall of 6983 MU in Total RCO for FY 2026-27, the shortfall is expected to go up to 11991 MU in FY2029-30. Procurement of the said power will be vital in fulfillment of the compliance of the obligation towards Renewable Energy integration in the Power Portfolio of Bihar.
6. As regards the instant matter, the petitioner state that SECI had issued Request for Selection (RfS) along with draft Power Purchase Agreement (PPA) and Power sale Agreement (PSA) documents to supply Assured Peak Power with Wind Solar Hybrid Power under ISTS Hybrid Tranche -VI Scheme.
7. SECI Ltd had offered Assured Peak Power Supply with Wind Solar Hybrid Power of 600 MW to the petitioner vide their offer letter dated 10.09.2025 at the discovered tariff in the range of Rs. 4.64-4.73/kWh (excluding the trading margin of Rs 0.07/kWh). SECI has also informed that HPD-4 has offered a discount of Rs 0.01/kWh on discovered Tariff. Further, HPD-2 and HPD-4 have also informed SECI that 4 Hrs. continuously evening Peak Power supply may also be considered as per the requirement of DISCOMs. The details of the proposal from SECI Ltd is given below:

Sl. No.	HPD	Offered Quantum (MW/MWh)	Discovered Tariff (Rs./kWh)	Suo-Moto Reduced Tariff (Rs./kWh)	SJVN's Trading Margin (Rs./kWh)
1	HPD-1	50	4.64	-	0.07
2	HPD-2	300	4.69	-	0.07
3	HPD-3	60	4.72	-	0.07
4	HPD-4	190	4.73*	4.72	0.07
Total		600			

8. SECI also offered that HPD-4 i.e. M/s Acme Cleantech Solutions Pvt Ltd has proposed to increase the BESS capacity for their 190 MW contracted capacity which shall enable 5 hours of peak power supply to the off-taker in place of the original 4 hours (2 hours each in the morning and evening). Under the revised proposal, HPD-4 has also committed to schedule peak power supply during any 5 hours period in non-solar hours

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as per its requirement.

9. Petitioner submitted that inter-state transmission charges & losses will be applicable for the instant offered Assured Peak Power Supply with Wind Solar Hybrid Power as per provisions mentioned under CERC (sharing of inter-State Transmission Charges and Losses) (Fourth amendment) Regulations, 2025.

10. Petitioner further submitted that as per the above Regulations, Wind or solar projects or a combination of wind and solar project commissioned up to 30.06.2025 are eligible for full waiver and after 30.06.2025 the waiver is reduced in phase wise manner as mentioned below:-

Period of COD	Number of years from COD	Percentage of drawl Schedule from identified generating station , to be considered
1.7.2025 to 30.06.2026	25 Years	75
1.7.2026 to 30.06.2027	25 Years	50
1.7.2027 to 30.06.2028	25 Years	25
After 30.06.2028	25 Years	0

11. The petitioner also submits that in addition to the above, in accordance with clause 5(2) (b)(II) under CERC (sharing of inter-State Transmission Charges and Losses) (Fourth amendment) Regulations, 2025, the proposed project will be eligible for 100% ISTS charges waiver on energy supplied from the co-located BESS component.

12. SECI Ltd., in its offer letter, mentioned that the project developer (i.e., (HPD-4) M/s ACME Solar Holdings Limited) has assured the commissioning of the project within 24 months from the date of PPA i.e. before 30th January 2028, thereby enabling the DISCOMs (i.e., NBPDC and SBPDCL) to avail the benefit of a 25% ISTS waiver on energy supplied from the solar component and a 100% ISTS waiver on energy supplied from the co-located BESS component.

13. Petitioner submitted the key features of the RfS as under: -

(I) Assured Peak Power Supply from BESS + Wind during Non-solar hours (5 hours):
Supply power during non-solar hours to cater 5 hrs. of power supply during Peak Hours selected by DISCOM. 5 hrs. of 190 MW firm power will be supplied from Wind + BESS.

(II) Peak Availability & Penalty provision: Minimum 80% during peak hours of contracted capacity in MW on monthly basis. RPD (RE Power Developer) shall pay penalty for shortfall @2 (Two) times of the applicable PPA tariff if the RPD fail to meet the power supply commitment during peak hours.

(III) Project have more than 50% CUF due to generation of Wind Power.

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(IV) Penalty in case of shortfall in annual committed energy 0.5 times of PPA tariff.

(V) Duration of PSA/PPA: 25 years.

(VI) Expected SCD: 24 months from the date of signing of PPA.

14. In response to the above offer, BSPHCL vide email dated 31.12.2025 gave consent for procurement of 190 MW Assured Peak Power Supply with Wind Solar Hybrid Power under ISTS-Connected RE Power Hybrid Tranche-VI Scheme through SECI Ltd as REIA.

15. Petitioner submitted that procurement of the proposed Power project will help in fulfillment of RPO/RCO along with mitigating the power required during peak hours. This procurement will also help in mitigating the anticipated RPO/RCO shortfall in the coming years. It is also mentioned that Central Electricity Authority (CEA) in the Long-Term Resource Adequacy Plan (LT-DRAP) published for Bihar, has also suggested ensuring Project Capacity of 5290 MW BESS Capacity by FY 2035-36 along with 13025 MW from solar and 5281 MW from Wind Project to meet the RPO requirement along with the anticipated peak demand reliably.

16. Petitioner further submitted that to cater power requirement during peak hour and fulfill RPO/RCO requirement of DISCOMs, it is proposed to procure a total of 190 MW Assured Peak Power Supply with Wind Solar Hybrid Power from above said scheme through SECI Ltd as per details given below:-

REIAs	Name of Successful Bidder	Offered Capacity in MW with Five(05) Hrs Assured Peak Availability	Considered Quantum (MW)	Applicable Tariff (Rs/kWh)	Trader Trading Margin (Paisa/kWh)	Minimum Annual Assured Energy during Peak hour (in MU's)	Total deliverable annual energy of the project (MU)
SECI Ltd	M/s Acme Solar Holdings Limited (HPD-4)	190	190	4.72	7	277.40	840

Commission's analysis & Order:-

17. The Commission, vide the RoP dated 22.1.2026, had directed both the parties to file a fresh draft PSA after revisiting the points raised by the Commission. The following points were raised: -

(a) Regarding Article 2.6 of the PSA pertaining to State Govt. guarantee.

(b) Regarding flexibility in discharge pattern of peak power as per Article 2.11.3 (ii)(a).

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(c) Maximum and Minimum energy to be declared by the project developer.

(d) Provision for considering peak hours of the DISCOMs, if the same is not declared by it one day ahead.

In compliance thereof, the petitioner vide letter no. 20 dated 2.2.2026, has filed a fresh draft PSA incorporating the above points. It has been inter-alia informed that as per Article 2.6 of the PSA the Tripartite agreement signed between RBI, Central Government and State Government shall qualify for the State Govt. guarantee covering the security for payment of energy charges. It is therefore, not a clause requiring any fresh guarantee and hence it may be allowed to be retained. The petitioner also explained the above submission in course of hearing today.

18. On going through the submissions made by the petitioner and the oral arguments placed in support of it, we find that in future also power availability is expected to will remain surplus mainly during the solar hours. However, during the period from April to October, the portfolio of Bihar is expected to remain in deficit during non-solar hours in future.

19. Although the instant procurement may add to the surplus in solar duration, but it will also help in mitigating the deficit power scenario during peak hours wherein petitioner is relying solely on spot buying through Power Exchange(s). However, due to significantly lesser availability of power at Power Exchange(s), even at the maximum possible price, the requirement is not met. This causes difficulty in achieving the commitment of 24x7 power supply. We also find that apart from meeting the peak hour deficit, the instant power will help achieving the RPO/RCO trajectory also.

20. The Project is scheduled to be Commissioned by 30.6.2028 which would be it eligible under the 25% ISTS transmission charges waiver regime. Moreover, energy discharged from BESS (co-located with solar component in the current project) would attract 100% transmission charges waiver, as project would be Commissioned before 30.6.2028.

21. It is also observed that the Hon'ble CERC vide its order dated 24.2.2015 in case no. 311/AT/2024, has adopted tariff for total 1200 MW capacity, although PPA for only 600 MW was tied by SECI by that time.

Order: -

In view of the above, we allow the prayer of the petitioner and accord our approval on the proposal to procure a total of 190 MW Assured Peak Power Supply with Wind Solar Hybrid Power under ISTS Hybrid Tranche -VI Scheme from

SECI Ltd. as REAI on long term basis (i.e., 25 years) including Power Sale Agreement (PSA) at the tariff of 4.72/unit plus the trading margin of Rs 0.07/ kWh payable to SECI by the procurer as adopted by CERC.

**Sd/-
(P.S. Yadav)
Member**

**Sd/-
(A.K. Sinha)
Member**

**Sd / -
(Amir Subhani)
Chairman**