



THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2295 of 2025

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition under section 63 of the Electricity Act, 2003 for adoption of tariff for Battery Energy Storage Systems (BESS).

AND

IN THE MATTER OF

NTPC Vidyut Vyapar Nigam Limited (NVVN),

Through Additional General Manager,

5th Floor, EOC, NTPC Ltd., A-8A, Sector-24, Noida – 201301

..... Petitioner

VERSUS

1. U.P. Power Corporation Ltd. (UPPCL),

Through Chief Engineer

Shakti Bhawan, 14-Ashok Marg, Lucknow-226001

2. Sunsure Energy Private Limited (SEPL),

Through Associate Vice President

11th Floor, BPTP, Park Centra, Jal Vayu Vihar, Sector 30, Gurugram, Haryana – 122001

3. Enerica Infra 3 Pvt. Ltd. (EITPL),

Through Head Regulatory & Corporate Affairs

Unit No. 101, First Floor, Windsor, Village Kole Kalyan, off CST Road,

Vidyanagari Marg, Kalina, Santacruz (East), Mumbai – 400 098

..... Respondent(s)

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FOLLOWING WERE PRESENT

1. Ms. Aishwarya Subramani, Advocate, NVVN
2. Sh. Justin K. Kurian, DGM, NVVN
3. Sh. Manish Dwivedi, SE-PPA, UPPCL
4. Sh. Kashi Nath Yadav, EE-PPA, UPPCL
5. Sh. C.P. Maurya, AE, UPPCL

ORDER

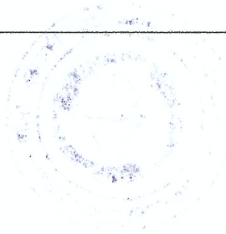
(DATE OF HEARING: 24.02.2026)

1. The Petitioner, NVVN, has filed this Petition seeking adoption of tariff discovered under Tariff Based Competitive Bidding (TBCB) process along with approval of trading margin of 7 paise/kWh plus GST against a contractual arrangement with UPPCL for 250MW/ 1000MWh Standalone Battery Energy Storage System (BESS) to be set up in Uttar Pradesh under Viability Gap Funding (VGF) Scheme. The prayers of the Petitioner are as follows:
 - a) Adopt the tariff discovered by NVVN through the competitive bidding process for the setting up of Battery Energy Storage Systems; and
 - b) Adopt Trading Margin @07 paise/kWh (Seven Paise per Unit) plus applicable GST; and
 - c) Pass any such further Order(s) that this Commission may deem fit in the facts and circumstances of the case.

Brief facts as stated in the Petition

2. NVVN has mainly submitted the following:
 - a) NVVN is a company incorporated under the Companies Act, 1956 and was created by NTPC Ltd. as a wholly owned subsidiary to tap the potential of power trading in the country. NVVN also holds a Category 'I' power trading license as per the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2020.

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- b) On 11.03.2022, the Ministry of Power (MoP), Government of India issued Guidelines for Procurement and Utilization of BESS as part of Generation, Transmission and Distribution assets, along with Ancillary Services (hereinafter referred as 'BESS Guidelines'). These Guidelines have been issued for procurement of energy from BESS, through competitive bidding, from grid connected Projects to be set up on 'Build-Own-Operate' or 'Build-Own-Operate-Transfer' basis.
- c) On 15.03.2024, the MoP passed an Order conveying the sanction of VGF Scheme for development of 4000 MWh BESS capacity with a budgetary support of INR 3,760 Cr. It also included the operational guidelines for this component for development of BESS through Market Mechanism. On 17.10.2024, the MoP conveyed to the Managing Directors of NTPC, NHPC and SJVN about the decision taken considering the falling cost of BESS to extend the VGF for higher BESS capacity. It provided budgetary support of INR 1,350 Cr. for development of 5000 MWh BESS capacity by NTPC, NHPC and SJVN. It was also directed that all agencies to take time bound action for development of BESS under this component in accordance with the operational Guidelines as well as other relevant Rules, Regulations, Guidelines etc. issued by Central Government and the Appropriate Commission. Under this Central Public Sector Undertaking (CPSU) component, NTPC was allocated BESS capacity of 2000 MWh.
- d) NTPC Ltd., vide letter its dated 19.12.2024, has written to MoP to allow NTPC to implement the scheme through its wholly own subsidiary i.e., NVVN, which shall be the BESS Implementing Agency for the allocated 2000 MWh BESS capacity. Subsequently, MoP, vide an Order dated 21.01.2025, had nominated NVVN as BIA for VGF scheme for development of BESS under CPSU component dated 17.10.2024.
- e) On 20.12.2024, UPPCL requested NTPC to float a tender for the entire quantum of 2000 MWh BESS capacity allocated to NTPC, which shall be fully off taken by UPPCL. Thereafter, on 22.02.2025, out of 2000 MWh BESS capacity, NVVN issued a Request for Selection (RfS) bearing RfS No. NVVN/C&M/2024-25/RE-373/BESS-02 and published a tender for supply of energy from 250 MW/ 1000 MWh ISTS- connected Projects of BESS in India to be established with VGF support and also with greenshoe option of additional capacity up to 250 MW/ 1000 MWh, pursuant to the CPSU

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component of the VGF Scheme with bidding parameter as discharge energy tariff (Rs./kWh) on discharged energy from the BESS where the charging power is also kept under the scope of Batter Energy Storage System Developer (BESSD). Green shoe option was later withdrawn vide amendment dated 06.06.2025.

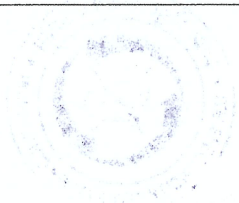
- f) On 10.03.2025, amendments to RfS dated 22.02.2025 were made based upon UPPCL's request to connect the BESS at STU connectivity at 400/200kV Garautha Substation, District-Jhansi, Uttar Pradesh. The MoP issued modifications dated 24.03.2025 to the Operational Guidelines for Implementation of CPSU component of the VGF scheme. Again on 11.04.2025, MoP issued a Corrigendum to the Operational Guidelines dated 11.03.2022 and allowed BIA or Project Developer or Procurer, as specified in RfS, to secure charging power for the BESS Project.
- g) On 22.06.2025, the MoP extended the BESP/ PPA signing date with Developers under the CPSU component of VGF Scheme up to 31.08.2025 for eligible pending entities. The following are some important dates with respect to the instant bid conducted:

Sl. No.	Date	Particulars
1.	22.02.2025	Publication of Tender
2.	13.03.2025	Pre-bid date
3.	11.07.2025	Last date of Bid Submission
4.	12.07.2025	Technical Bid Opening Date
5.	24.07.2025	Financial Bid Opening Date
6.	26.07.2025	e-Reverse Auction date

- h) On 12.08.2025, Letters of Awards (LoAs) were issued by NVVN to the following bidders with the respective discovered tariffs as per the e-RA conducted on 26.07.2025:

Sl. No.	Successful bidders	Quantum (MW/MWh)	Discovered discharge energy tariff (INR/ kWh)	Location preference	Inter-connection Voltage level
1.	Sunsure Energy Private Limited	125/ 500	6.64	400kV/220kV Garautha	220 KV
2.	Enerica Infra 3 Private Limited	125/ 500	6.65	UPPTCL Substation	220 KV

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- i) On 21.08.2025, NVVN entered into a Battery Energy Discharge Sale Agreement (BEDSA) with UPPCL for supply of energy from 250 MW/1000 MWh of BESS capacity at long term basis of 15 years. Thereafter, on 25.08.2025 & 26.08.2025, NVVN entered into Power Purchase Agreements ('PPAs') with both the successful bidders for procurement of energy from 125 MW/500 MWh BESS capacity.
 - j) As per Clause 46.55 of the RfS and Article 1.1 of BEDSA, a Trading margin @7 paise/kWh plus applicable GST on discharged energy from BESS is to be applied on procurement and supply of contracted capacity. The tariff discovered in the competitive bidding process had been arrived at in complete compliance of the BESS Guidelines and the RfS and thus the Tariff discovered is required to be adopted by the Commission under Section 63 of the Electricity Act, 2003.
3. On 15.12.2025, NVVN filed additional submissions wherein additional documents related to the instant bidding process were placed on record.

Records of Proceedings

4. During the hearing dated 20.01.2026, Ms. Ritu Apurva, Counsel of NVVN submitted that instant Petition was filed for adoption of discovered tariff of Rs. 6.64/kWh (for SEPL) & Rs. 6.65/kWh (for EITPL) under TBCB process with Viability Gap Funding for the tenure of 15 years. She further submitted that the instant bidding was concluded as per bidding documents and there was no deviation from the MoP Guidelines.
5. The Commission enquired NVVN about the correctness and justification of the prayer for trading margin plus GST. Ms. Apurva, responding to the Commission's query, stated that GST was paid on the trading margin because trading margin was a service charge, however, as per clause 46.55 of the RfS, GST is excluded on the energy bill. Sh. Manish Dwivedi on behalf of UPPCL submitted that GST on Trading Margin was excluded under 'Composite model' (i.e., in the instant bidding), while under 'Tolling model' it was considered as included.
6. On specific query of the Commission regarding the mention of appropriate Commission being CERC at places, Sh. Justin K. Kurian, on behalf of NVVN, responded that at initial stage bidding document was prepared considering BESS project could be established

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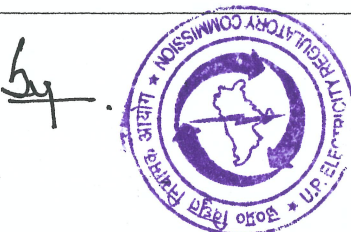


anywhere in India, however, on UPPCL's consent, it was decided to establish it at Garautha Substation, Jhansi therefore, the appropriate Commission was the UPERC. The Commission advised UPPCL to remove all such ambiguities and bring out suitable corrections in the document at the time of executing agreements (PPA/BEDSA) in order to avoid any confusion. The Commission further opined that in cases where UPPCL intended to participate in a State specific long-term bidding, wherein UPPCL consents to procure 100% power, the bidding documents should be placed before the Commission for its approval before bid invitation. The Commission admitted the Petition and allowed Respondent(s) to file their respective reply within four weeks' time. Further, the Commission directed NVVN to furnish the following information:

- a. Bid Conformity Certificate that the MoP Guidelines dated 10.03.2022 & VGF Guidelines dated 17.10.2024 were compiled and there was no deviation from these Guidelines.
 - b. Copy of Newspaper Advertisement published for this Bidding process.
 - c. Date wise corrigendum issued (i.e., RfS published till signing of BEDSA) along with respective activities in a tabular format.
 - d. Justification for the discovered tariff concluded in this bidding process is competitive considering present market scenario.
 - e. Justifications for inclusion of GST on trading margin in 'Composite Model' along with relevant supporting documents viz. notification, guidelines etc.
 - f. Clarification for the Article 16.3(ii) of the PPA regarding stated 'Dispute Resolution Procedure'.
7. On the hearing dated 24.02.2026, Counsel of NVVN submitted that requisite details as sought by the Commission were filed on 23.02.2026. Further, she stated that since electrical energy is exempted from GST, NVVN is ready to amend the appropriate Article in the BEDSA dated 21.08.2025 regarding trading margin to be just 7 paisa/kWh. Representative of UPPCL did not object to the approval of BEDSA dated 21.08.2025 or to the request of amending the said BEDSA.

Additional Submission

8. On 23.02.2026, NVVN filed additional submissions and has mainly submitted the following:





- a) The Bid Conformity Certificate dated 14.08.2025 issued by NVVN to the Ministry of Power indicating that the BESS Guidelines dated 10.03.2022 and VGF Guidelines dated 17.10.2024 were compiled and there was no deviation from these Guidelines. The date wise corrigendum issued along with respective activities in a tabular format had been annexed.
- b) Based on the advisory issued by the Ministry of Information and Broadcasting dated 17.05.2017, the requirement of publishing advertisements in newspapers for the procurement of goods and services have been done away with. Accordingly, NTPC and its subsidiaries publish tenders on widely used electronic tendering platforms, namely Bharat ETS, as well as on their respective company tender portals, such as the NTPC Tender Portal and NVVN's Tender Portal. All BESS tenders conducted by NVVN to date, namely, 1000 MWh under the MoP Market Component, Tranche-I, and 2000 MWh under the CPSU Component for Rajasthan and Uttar Pradesh, have been published on the e-procurement portal (Bharat ETS), as well as on the NTPC tender website and NVVN's official website.
- c) The tariff discovered for supply of energy from BESS project pursuant to the competitive bidding process is reasonable, market-aligned, and prudent, and had been arrived at strictly in accordance with the BESS Guidelines dated 10.03.2022. The tariff has been discovered through a transparent e-Reverse Auction process conducted on 26.07.2025, ensuring adequate competition and price discovery based on prevailing market conditions. The discovered tariff therefore represents the most competitive price offered by qualified bidders under the applicable tender conditions.
- d) The comparison done with Bihar State Power Generation Company Ltd. (BSPGCL) BESS Tender for Bihar which was concluded in the month of July 2025 under State Component. BSPGCL tender was capacity-based tender (Rs/MW/month), where the bidder was required only to make BESS capacity available, and charging power arrangement was in the scope of the respective State utility. In contrast, this tender was an energy-based tender (Rs/kWh), wherein the bidder was responsible for arrangement of charging power, including associated costs and losses, and for supplying energy during peak demand hours. Accordingly, for a like-to-like

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comparison, the capacity charges discovered under the BSPGCL tender have been converted to a per-unit (Rs/kWh) basis, considering project life, annual degradation, round-trip efficiency, charging power cost, and applicable transmission charges and losses. Charging power is assumed as Rs. 2.56/kWh based on prevailing pricing trends of Solar tenders. Transmission charges and losses have been considered for Bihar State for comparative analysis. Based on the above methodology, the comparative tariff analysis for 4-hour BESS projects discovered in July 2025 is summarized below:

- BSPGCL BESS: Rs. 8.44/kWh (ex-bus).
- NVVN BESS: Rs. 6.64/kWh & Rs. 6.65/kWh (ex-bus).

- e) Electrical energy is exempted from levy of GST under the applicable provisions of the GST laws. Accordingly, billing by NVVN to the UPPCL under the BEDSA is envisaged to be on the basis of energy discharged from BESS, in accordance with the PPA provisions and tariff discovered through the competitive bidding process, along with the trading margin of Rs. 0.07/kWh on energy, as approved. However, it was agreeable to amend the relevant provisions of the BEDSA, in terms of the directions of the Commission, so as to clearly reflect billing strictly on the discovered tariff (Rs./kWh) plus trading margin of Rs. 0.07/kWh on the energy discharged from BESS. In view of the same, NVVN proposes to amend the Article 1.1, Article 1.2, Article 2.11.3, Article 4.3.1 and Article 2.1 of the BEDSA dated 21.08.2025.
- f) Article 16.3 of the PPA deals with the dispute resolution mechanism. Article 16.3.1(i) recognizes the dispute-resolution process undertaken by the Commission in terms of Section 86(1)(f) of the Electricity Act, 2003. Therefore, being an umbrella contract, there could be several other disputes or differences that may arise between the parties but on which this Commission would not exercise any jurisdiction. If so, Article 16.3.1(i) refers to a detailed dispute-resolution process. This procedure is one for resolving disputes or differences by mutual consultation. Every big Public Sector Undertaking has set up an expert settlement council to deal with claims up to a certain pecuniary jurisdiction. In the present case, it is up to Rs. 25 Crs. The Expert Settlement Committee (ESC) is constituted by NVVN's management from a panel of independent experts





representing diverse disciplines such as engineering, finance, and legal, and reconciles disputes or differences through a conciliation process.

- g) In terms of the Office Memorandum dated 29.12.2021 & 27.11.2025 issued by the Ministry of Power, as amended from time to time, the Conciliation Committee of Independent Experts (CCIE) mechanism shall form part of and stand incorporated into the dispute resolution procedure under all the contracts and contractual disputes in respect of contracts of CPSUs/Statutory Bodies under the administrative control of the Ministry of Power and executing power projects shall be allocated to the appropriate CCIE by the Central Electricity Authority. Accordingly, in NVVN, disputes involving amounts exceeding Rs. 25 crores are referred to the CCIE for reconciliation in compliance with the said mandate.
- h) Both the conciliation processes would proceed as per Part III of the Arbitration and Conciliation Act, 2016. This dispute resolution procedure is forward-looking and avoids unnecessary time being spent by various parties due to the delays that occur in the long court process in adjudicating such disputes.

Analysis & Decision

9. NVVN being a BIA, by way of instant Petition, is seeking adoption of discovered tariff under Section 63 of the Electricity Act along with approval of trading margin on long-term power procurement of 250MW/ 1000MWh from Standalone Battery Energy Storage System (BESS) to be set up in the vicinity of UPPTCL's 400/220kV Garautha substation at Jhansi, Uttar Pradesh under Viability Gap Funding (VGF) Scheme dated 17.10.2024, issued by Ministry of Power, Government of India.
10. The Commission, vide its Order dated 26.08.2025 in Petition No. 2224/2025, had allowed UPPCL for power procurement form 250 MW/1000MWh BESS capacity whose tariff adoption is under consideration in the instant case. The relevant extract of the said Order dated 26.08.2025 is reproduced as under:

"5. UPPCL, by way of instant Petition, is seeking approval for procurement of 250MW/1000MWh BESS capacity with VGF under TBCB process on long-term basis of 15 years through a BESS Implementing Agency i.e., NVVN in the present case. The Commission after hearing the UPPCL's argument at length came to a conclusion that this BESS capacity would help in integration of

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Renewable Energy and also help in managing the peak demand of the UPPCL thereby optimizing the power purchase cost. Further, as the project would be established at Garautha substation at Jhansi i.e., within the State, it would also help in avoiding the interstate transmission loss as well as in reducing the transmission congestion. The Respondent/NVVN has not filed its submissions/objections in the matter.

6. In view of above, the Commission grants approval to procurement of 250MW/1000MWh BESS capacity with VGF under Section 63 of the Act on long-term basis of 15 years. Further, the Commission advises the parties to initiate tariff adoption process and BESPAs approval at the earliest for timely implementation of the project since the tariff in the bidding process is already finalised."

11. On perusal of the documents placed on record, it is observed that NVVN published RfS No. NVVN/C&M/2024-25/RE-373/BESS-02 dated 22.02.2025 for selection of BESSD for setting up of 250 MW/1000MWh Standalone BESS capacity in India with VGF Scheme under TBCB process and also with greenshoe option however, greenshoe option was subsequently withdrawn vide amendment dated 06.06.2025. RfS was published on the e-procurement portal (i.e., Bharat ETS), as well as on NTPC tender website and NVVN's official website. On 10.03.2025, amendment to the RfS dated 22.02.2025 was made on UPPCL's request to connect BESS at 400/220kV Garautha substation, Jhansi, Uttar Pradesh. The key milestones in the bidding process were as under:

Sl. No.	Particulars	Date	Remarks
1.	RfS & PPA Publication	22.02.2025	NIT Publication
2.	Notice to Bidders	03.03.2025	Notice reg Cancellation of Pre-Bid Meeting as amendment related to STU connectivity was to be issued
3.	Corrigendum issued for Bid Extension 01	04.03.2025	Bid Submission date extended upto 26-03-2025 as amendment related to STU connectivity to be published.
4.	Notice to Bidders	10.03.2025	Notice reg availability of tender documents at NVVN website.
5.	Amendment 10.03.2025 publication	10.03.2025	Regarding STU Connectivity at Garautha Substation from earlier ISTS.
6.	Battery Energy Discharge Sale Agreement publication	10.03.2025	Sale Agreement Publication
7.	Pre-bid addenda	11.03.2025	Pre-bid notice
8.	Pre-bid meeting	13.03.2025	

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9.	Corrigendum issued for Bid Extension 02	26.03.2025	Bid Submission date extended upto 07.04.2025 due to pending inputs related to bidders' queries.
10.	Corrigendum issued for Bid Extension 03	07.04.2025	Bid Submission date extended upto 17.04.2025 due to pending inputs related to bidders' queries.
11.	Amendment 10.04.2025 publication	10.04.2025	Regarding QR
12.	Performa for CEO-CFO Certificate	10.04.2025	Annexure
13.	Corrigendum issued for Bid Extension 04	17.04.2025	Bid Submission date extended upto 28.04.2025 due to pending inputs.
14.	Corrigendum issued for Bid Extension 05	28.04.2025	Bid Submission date extended upto 08.05.2025 due to pending inputs.
15.	Corrigendum issued for Bid Extension 06	07.05.2025	Bid Submission date extended upto 20.05.2025 due to pending decision related to Capital State Subsidy.
16.	Corrigendum issued for Bid Extension 07	20.05.2025	Bid Submission date extended upto 30.05.2025 due to pending decision related to Capital State Subsidy.
17.	Corrigendum issued for Bid Extension 08	29.05.2025	Bid Submission date extended upto 07.06.2025 due to pending decision related to Capital State Subsidy.
18.	Substation Details	06.06.2025	Annexure
19.	Pre-bid replies	06.06.2025	Replies to bidders
20.	Amendment 02	06.06.2025	Amendment
21.	Corrigendum issued for Bid Extension 09	07.06.2025	Bid Submission date extended up to 16.06.2025 due to pending decision related to Capital State Subsidy.
22.	Corrigendum issued for Bid Extension 10	16.06.2025	Bid Submission date extended up to 25.06.2025 due to pending decision related to Capital State Subsidy.
23.	Corrigendum issued for Bid Extension 11	25.06.2025	Bid Submission date extended up to 07.07.2025 due to pending decision related to Capital State Subsidy.
24.	Amendment 03	27.06.2025	Amendment
25.	Reply to bidders' queries	27.06.2025	Reply to bidders
26.	Reply to bidders' queries	02.07.2025	Reply to bidders
27.	Amendment 04	04.07.2025	Amendment
28.	Revised Financial Bid Format	04.07.2025	Annexure

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29.	Corrigendum issued for Bid Extension 12	04.07.2025	Bid Submission date extended up to 11.07.2025 as UPPCL provided decision related to Capital State Subsidy on 04.07.2025.
30.	Reply to bidders' queries	10.07.2025	Reply to bidders
31.	Last date for Bid submission	11.07.2025	
32.	Technical Bid opening Date	12.07.2025	
33.	Financial Bid Opening Date	24.07.2025	
34.	e Reverse Auction Date	26.07.2025	
35.	Battery Energy Discharge Sale Agreement signing date	21.08.2025	
36.	PPA signing date with L2 Bidder	25.08.2025	
37.	PPA signing date with L1 Bidder	26.08.2025	

12. The technical bids were opened on 12.07.2025. NVVN received bids from 11 numbers of bidders by the Bid Due Date (i.e., 11.07.2025) and technical bids were opened on 12.07.2025. List of bidders who submitted Techno-commercial bids is as below:

S. No.	Name of the Bidder Company
1	Patel Infrastructure Limited
2	Stockwell Solar Services Pvt. Ltd.
3	ACME Solar Holdings Limited
4	MB Power (Madhya Pradesh) Ltd.
5	Rama Mec Solar Developers Pvt. Ltd.
6	Sunsure Energy Pvt. Ltd.
7	Enerica Infra 3 Private Limited
8	Reliance NU Energies Private Limited
9	NTPC Renewable Energy Limited
10	Oriana Power Limited
11.	MKC Green Energy Limited

13. Based on the bid evaluation done by Bid Evaluation Committee, Bidder- Rama Mec Solar Developers Pvt. Ltd. does not meet the qualifying requirements therefore, the same was not considered for further proceedings. Accordingly, techno-commercial bids of remaining ten bidders were opened on 24.07.2025 and the details of quoted Capacity and tariff were as under:

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S. No.	Name	Quoted Capacity (MW)	Quoted Tariff (INR/kWh)	Bidder Status
1	Patel Infrastructure Limited	125	7.94	L6
2	Stockwell Solar Services Pvt. Ltd.	125	7.99	L7
3	ACME Solar Holdings Limited	125	8.00	L8 (H1)
4	MB Power (Madhya Pradesh) Ltd.	125	7.99	L7
5	Sunsure Energy Pvt. Ltd.	125	7.88	L4
6	Enerica Infra 3 Pvt. Ltd.	125	7.79	L3
7	Reliance NU Energies Pvt. Ltd.	125	7.92	L5
8	NTPC Renewable Energy Limited	125	8.00	L8 (H1)
9	Oriana Power Limited	125	7.25	L2
10	MKC Green Energy Limited	125	6.90	L1

14. Subsequent to the elimination of H1 bidders i.e., NTPC Renewable Energy Limited and ACME Solar Holdings Limited, e-Reverse Auction was conducted on 26.07.2025 among the remaining 8 bidders. The result of the e-Reverse Auction was as below:

S. No.	Name	Capacity (MW)	Tariff (INR/kWh)
1	Sunsure Energy Pvt. Ltd.	125	6.64
2	Enerica Infra 3 Pvt. Ltd.	125	6.65
3	Stockwell Solar Services Pvt. Ltd.	125	6.65*
4	Oriana Power Limited	125	6.74
5	MKC Green Energy Limited	125	6.90
6	Reliance NU Energies Pvt. Ltd.	125	7.92
7	Patel Infrastructure Limited	125	7.94
8	MB Power (Madhya Pradesh) Ltd.	125	7.99

*Price bid submitted subsequent to bid submitted by Enerica infra 3 Pvt. Ltd.

15. After conclusion of e-Reverse Auction, two number of successful bidders were found eligible for issuing Letter of Award with capacity of 125 MW/500 MWh each as under:

S. No.	Successful Bidders	Quantum (MW/MWh)	Discovered Discharge Energy Tariff (INR/ kWh)	Location Preference	Inter-Connection Voltage
1.	Sunsure Energy Private Limited	125/ 500	6.64	400kV/220kV Garautha UPPTCL Substation	220 KV
2.	Enerica Infra 3 Private Limited	125/ 500	6.65	400kV/220kV Garautha UPPTCL Substation	220 KV

16. NVVN submitted that instant Bidding process was conducted as per the Ministry of Power, Guidelines dated 10.03.2022 as well as VGF Guidelines dated 17.10.2025. The relevant extract of the Bid conformity certificate dated 14.08.2025 is as follows:

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"Subject: Certification towards compliance with requisite Guidelines for award for supply of energy from 250MW/ 1000MWh Battery Energy Storage System (BESS) in Uttar Pradesh as per Operational Guidelines for CPSU Component.

References:

1. Operational Guidelines F. No. 42-26/1/2022-NRE-Part (II) dated 17.10.2024, and subsequent amendments and clarifications thereof dated 24.03.2025 & 11.04.2025
2. NVVN nomination as BIA order No. 48-15/1/2025-NRE dated 21.01.2025
3. Tariff Based Competitive Bidding Guidelines for Procurement and Utilisation of BESS as part of Generation, Transmission and Distribution assets, along with Ancillary Services vide letter No. 23/16/2020-R&R Part (1) dated 11.03.2022

Sir,

In pursuance to NTPC Vidyut Vyapar Nigam (NVVN) Ltd. nomination as BESS Implementing Agency (BIA) for development of BESS (2000 MWh) under CPSU Component Guidelines as referred above, NVVN has completed the tendering activities for supply of energy from 250MW/ 1000MWh BESS tender for Uttar Pradesh Power Corporation Limited (UPPCL) and issued LOA to the successful bidders.

.....
This certification letter is being submitted towards fulfilment of above requirement by NVVN as BIA for selection of developers for supply of energy from 250MW/ 1000 MWh BESS project(s) in UP as per above. Further details are attached herewith as Annexure-I.
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17. Accordingly, the Commission finds that bidding process was conducted in compliance to the bidding documents prepared in terms of MoP Guidelines therefore, it adopts the tariff (as specified at para 16 above) discovered through Tariff based complete bidding process under Section 63 of the Electricity Act, 2003 and approves the agreed trading margin of 7 paise/kWh of discharge units under Article 1 (Applicable Tariff) of the Battery Energy Discharge Sale Agreement (BEDSA) dated 21.08.2025 executed between NVVN and UPPCL for procurement of 250MW/ 1000MWh BESS power for long-term period of 15 years.
18. Regarding prayer (b), the Commission observes that Article 1.1 of BEDSA dated 21.08.2025 provides for exclusion of GST on Trading margin therefore, GST on trading margin will not be payable by UPPCL to NVVN. NVVN has also subsequently, during hearing dated 24.02.2026, acknowledged that Electrical

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energy is exempted from GST therefore, GST on trading margin is also excluded on trading margin.

19. Further, the Commission advises the parties to take proactive steps and facilitate BESS Project Developers in ensuring timely completion of the project (*SCOD being February 2027 as per PPAs dated 25.08.2025 & 26.08.2025*) in order to achieve the Energy Storage project's objectives, which would ultimately help the UPPCL in its effective peak load management.

The Petition stands disposed of in terms of above.

(Sanjay Kumar Singh)

Member

(Arvind Kumar)

Chairman

Place: Lucknow

Dated: 11.03.2026

