

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

IA No.02 of 2023 in Petition No. 2098 of 2022.

In the matter of:

Application filed by the Petitioner for amendment in Petition No. 2098 of 2022.

And

IA No. 05 of 2024 in Petition No. 2098 of 2022.

In the matter of:

Application filed by the Petitioner for amendment in Petition No. 2098 of 2022.

And

In the matter of:

Petition under Section 86 read with Section 63 of the Electricity Act, 2003 for approval of deviations from the Guidelines issued by Central Government for procurement of power through Tariff based Competitive Bidding Process from Grid connected Renewable Energy Sources i.e., Wind, Solar and Wind-Solar Hybrid Projects and for approval of bid documents for carrying out bidding process for procurement of power from Hybrid Power Projects having RE generation with co-located Energy Storage Systems.

Petitioner : Gujarat Urja Vikas Nigam Limited

Represented by : Ld. Adv. Mr. Utkarsh Singh alongwith Mr. M.K. Jani and Mr. B. B. Patel

V/s.

Objector No. 1 : Wind Independent Power Producers Association

Represented by : Nobody was present.
Objector No. 2 : Apraava Energy Private Limited
Represented by : Nobody was present.
Objector No. 3 : Greenko Energies Private Limited
Represented by : Nobody was present.
Objector No. 4 : M/s Renew Power Pvt. Limited
Represented by : Nobody was present.

CORAM:

Pankaj Joshi, Chairman

Jatin N. Thakkar, Member

Date: 19/02/2026.

DAILY ORDER

1. The above matter was kept for hearing on 17.02.2026.
2. At the outset, Ld. Adv. Mr. Utkarsh Singh, appearing on behalf of the Applicant/Petitioner GUVNL submitted that the present Petition has been filed under Section 86 read with Section 63 of the Electricity Act, 2003 seeking approval of deviations from the Guidelines issued by Central Government for Procurement of Power through Tariff based Competitive Bidding Process from Grid connected Renewable Energy Sources i.e., Wind, Solar and Wind-Solar Hybrid Projects with mandatory provisions of Energy Storage Systems.
 - 2.1. He further submitted that subsequent to the filing of the present Petition and IA No. 2 of 2023, the Central Government vide its Notification No.

23/03/2023 – R& R dated 09.06.2023 has issued Guidelines for Tariff Based Competitive Bidding Process for Procurement of Firm and Dispatchable Power from Grid Connected Renewable Energy Power project with Energy Storage Systems ('FDRE' Guidelines).

2.2. He submitted that pursuant to the aforesaid Guidelines dated 09.06.2023, the Applicant/Petitioner has filed IA No. 05 of 2024 seeking amendment of the Petition No. 2098 of 2022 and thereby seeking approval of the Commission for deviations from the Guidelines dated 09.06.2023 issued by Central Government for Tariff Based Competitive Bidding process for procurement of Firm and Dispatchable Power from Grid Connected Renewable Energy Power project with Energy Storage Systems vide Notification No. 23/03/2023 – R& R dated 09.06.2023 and also sought approval for revised bid documents for carrying out bidding process for Procurement of 500 MW Firm and Dispatchable Power from Grid connected Renewable Energy Power Project with Energy Storage Systems under tariff based competitive bidding.

2.3. He further submitted that pending the present matter and IAs before Commission, Ministry of Power, Government of India issued the amendment to the Guidelines for Procurement of Firm and Dispatchable Power from Grid Connected Renewable Energy Power Projects with Energy Storage Systems on 12.02.2025.

2.4. He submitted that pursuant to the Amendment to the FDRE Guidelines vide Notification dated 12.02.2025 and the Memorandum dated 09.12.2024 issued by MNRE for Amendment in list of Approved Models and Manufacturers of Solar Photovoltaic Modules (ALMM), the Petitioner has filed Additional submission on 22.04.2025 seeking deviations from

the amended Guidelines Clause for Procurement of Firm and Dispatchable Power from Grid Connected Renewable Energy Power project with Energy Storage Systems and further seeking amendment/incorporation of new provisions in bidding documents (RfS and draft PPA).

2.5. He further submitted that the Commission had passed Daily Order dated 15.09.2025 in IAs No. 02 of 2023 & 05 of 2024 in the present matter, wherein directions were given to the Petitioner GUVNL for inviting comments/suggestions/objections from the stakeholders in the present Petition by issuing public notices in newspaper and accordingly, in compliance thereof, the Petitioner has published the same in one English Newspaper i.e., 'Indian Express' and one Gujarati Newspaper, viz. (i) 'Divya Bhaskar' newspaper and also uploaded the same on its website for inviting the comments/suggestions/objections from the stakeholders in the present Petition. It is further submitted that in response to the aforesaid public notice, the Petitioner has not received any comments/suggestions/objections from the stakeholders. He further submitted that the Applicant/Petitioner has served the copy of the additional submission dated 22.04.2025 to all the Objectors through email dated 17.09.2025 and 15.10.2025. He submitted that on 19.11.2025 the Applicant/Petitioner has filed the compliance Affidavit with respect to the directives passed by the Commission in its Daily Order dated 15.09.2025.

2.6. In response to the query of the Commission for proposing Demand Fulfilment Ratio (DFR) criteria instead of guaranteed CUF criteria provided under the Central Government Guidelines as amended, and as

to why any revision in DFR value is not permitted post commissioning of the project, the representative appearing on behalf of the Applicant/Petitioner submitted that, under the present Bid Documents, the minimum supply obligation has been stipulated in terms of DFR, defined as the ratio of *[Power Injection scheduled by the RPD (MW) in a particular time block / Demand (MW) specified by GUVNL for the corresponding time block]*. It is submitted that DFR is based on block-wise scheduling of power by the power developer (RPD), whereas CUF is determined on the basis of total energy generated over an entire financial year and does not envisage block-wise scheduling. According to the Applicant/Petitioner, the proposed bid is for Firm supply of power on Round the Clock basis and therefore stringent and time-specific performance criterion in terms of DFR is proposed in the bid instead of CUF based criteria which is generic in nature. It was further submitted that any revision in the minimum DFR stipulated in the Bid Documents would have substantial financial bearing on the tariffs to be discovered. The Bid Documents, having prescribed DFR as the minimum performance benchmark, form the basis of tariff determination. Therefore, permitting revision of the minimum DFR post-commissioning, without corresponding adjustment in tariff, would materially affect the annual energy supply obligation of the project developer and consequently impose significant financial implications upon the Applicant/Petitioner. The Applicant/Petitioner also submitted that the minimum energy supply obligations either in terms of CUF or DFR, each having a direct bearing on tariff discovery. In CUF-based bids, bidders are not permitted to quote CUF lower than the stipulated minimum CUF, which may subsequently be revised downward but not below the tender-specified

minimum CUF. In contrast, where DFR is prescribed as the minimum performance criterion, the same already represents the threshold obligation and cannot be reduced further by the project developer.

- 2.7. In response to the query of the Commission regarding the likely impact on the discovered rate/tariff in the event the said provision/condition is allowed to be retained, it is submitted that considering the nature of bid i.e., supply of Firm and Dispatchable Power for Round the Clock, the DFR based criteria is more relevant than CUF based criteria and therefore, deviations is proposed for incorporation of DFR based supply obligation instead of CUF based supply obligation. It was further submitted that the Applicant/Petitioner, through the present tender, seeks to convert the inherently infirm nature of Renewable Energy (RE) into a firm and dispatchable supply framework. He further submitted that the present procurement is structured as a Round-the-Clock (RTC) tender, and therefore the performance obligations and risk allocation embedded therein have a direct bearing on tariff determination.
- 2.8. In response to the query of the Commission as to whether the Applicant/Petitioner has filed its reply to the comments/suggestions of the Objectors in the present matter, Ld. Counsel appearing on behalf the Applicant/Petitioner sought two weeks' time to file its response to such comments/suggestions of the Objectors. In response to the further query of the Commission, it is submitted that the Applicant/Petitioner has sought the amendments in the present Petition by filing IAs (IAs No. 02 of 2023 and 05 of 2024) from time to time and also filed additional submissions seeking amendment in the deviation from Competitive Bidding Guidelines due to various reasons including amendment in FDRE

Bidding Guidelines by the Central Government from time to time during the pendency of the present Petition. It is fairly submitted by the Ld. Counsel of the Applicant/Petitioner that the Applicant/Petitioner will file consolidated written submissions in the matter so as to placing on record various deviations sought by the Applicant/Petitioner from time to time, in a single documents i.e. consolidated written submissions. He further requested that the Commission while granting liberty to the Applicant/Petitioner to file written submissions, may also reserve the matter for final order.

3. We have considered the submissions made by the Petitioner. We note that when the matter was called out, nobody was present on behalf of the Objectors although the hearing notice was issued to them. We note that the aforesaid Objectors neither remained present during today's proceedings nor made any written communication about their inability to remain present.
- 3.1. We note that the present Petition is being filed by the Petitioner under Section 63 read with Section 86 of the Electricity Act, 2003 seeking approval of deviations from the Guidelines issued by Central Government for procurement of power through Tariff based Competitive Bidding Process from Grid connected Renewable Energy Sources i.e., Wind, Solar and Wind-Solar Hybrid Projects and for approval of bid documents for carrying out bidding process for procurement of power from Hybrid Power Projects with Energy Storage Systems. We also note that apart from the deviations originally sought in main Petition and amendment therein vide IAs No. 02 of 2023 & 05 of 2024, the Applicant/Petitioner GUVNL has further filed additional submissions on 23.04.2025 pursuant

to the amendment to the FDRE Guidelines by the Central Government on 12.02.2025 and Memorandum dated 09.12.2024 for amendment in “Approved Models and Manufacturers of Solar Photovoltaic Modules (ALMM) by MNRE, Govt. of India. The Applicant/Petitioner has sought to incorporate the relevant provisions of the aforesaid Guidelines notified by the MoP, Govt. of India & MNRE, Govt. of India into the draft tender documents alongwith deviation from the amended Guidelines with respect to DFR based supply obligation instead of CUF based supply obligation provided in the amended Guidelines.

3.2. We note that pursuant to directives of the Commission in Daily Order dated 15.09.2025 in the present matter, the Petitioner has published the public notices for inviting comments/objections/suggestions from the stakeholders in view of IA No. 05 of 2024 filed by the Applicant/Petitioner seeking further amendment in the Original Petition with consideration of FDRE Guidelines issued by the Central Government but the Petitioner has not received any comments/suggestions from the stakeholders in the matter and also filed compliance affidavit dated 19.11.2025 before the Commission in this regard. We further note that the staff of the Commission also uploaded the present Petition and IAs along with the relevant documents on website (www.gercin.org) of the Commission for inviting comments/suggestions from the stakeholders but the Office of the Commission has also not received any comments/suggestions from the stakeholders in the present matter.

3.3. We note that the Ld. Adv. appearing on behalf of the Applicant/Petitioner has completed their arguments in the matter. The Applicant/Petitioner is directed to file consolidated written submissions, within two weeks’ time,

with a copy to the Objectors, from the date of this Order. As noted in para 2.8 above, the Applicant/Petitioner is also directed to file its response to the comments/objections filed by various Objectors/Stakeholders in response to the public notice dated 15.06.2022 issued by the Applicant/Petitioner within two weeks' time from the date of this Order. The Objectors would be at liberty to file their respective submissions, if any, within a week from the date of receipt of consolidated written submissions from the Applicant/Petitioner, with a copy to the Applicant/Petitioner. Subject to the above, the matter is now reserved for appropriate Order.

4. Order accordingly.

Sd/-
[Jatin N. Thakkar]
Member

Sd/-
[Pankaj Joshi]
Chairman

Place: Gandhinagar.
Date: 19/02/2026.