



**ORDER
OF THE
WEST BENGAL ELECTRICITY REGULATORY
COMMISSION**

IN CASE NO. OA – 553 / 25 – 26

APPROVAL OF THE DEVIATIONS FROM THE MODEL BIDDING DOCUMENTS AS PER THE MINISTRY OF POWER GUIDELINES DATED 06.03.2019 FOR PROCUREMENT OF 800 MW POWER UNDER LONG TERM FROM THIRD GREENFIELD POWER STATION OF 1 X 800 MW TO BE SET UP ON DESIGN, BUILD, FINANCE, OWN AND OPERATE (DBFOO) MODEL

DATE: 05.03.2026



Approval of the deviations from the Model Bidding Documents as per the Ministry of Power guidelines dated 06.03.2019 for procurement of 800 MW power under long term from third greenfield power station of 1 x 800 MW to be set up on Design, Build, Finance, Own and Operate (DBFOO) model

Facts in brief:

- 1.0 The West Bengal State Electricity Distribution Company Limited (WBSEDCL) submitted a petition on 19.02.2026 seeking approval for deviations from the Model Bidding Documents issued under the Ministry of Power guidelines dated 06.03.2019 for procurement of 800 MW power under Long-Term Arrangement from the Third Greenfield Power Station of 1 x 800 MW capacity to be set up on Design, Build, Finance, Own and Operate (DBFOO) model, in terms of Section 86(1)(b) read with Section 63 of the Electricity Act, 2003.

The Commission admitted the petition in Case No. OA – 553 /25 – 26.

- 2.0 In the petition, WBSEDCL has inter-alia stated the following:

- 2.1 WBSEDCL has envisaged that there shall be a substantial increase in power demand within its licensed area in the next five (5) to ten (10) years from existing consumers as well as future load growth. In this regard, WBSEDCL has referred to the Resource Adequacy Plan published by Central Electricity Authority (CEA) upto 2034-35. WBSEDCL also submitted that, it has long term power purchase agreements with WBPDC, DPL and Central Generating Stations viz. NTPC. However, a number of such plants have completed their useful life and some have been decommissioned in recent years. Further, as the demand for power increased throughout the country, there are difficulties in allocation from Central Generating Stations. Moreover, the power procured from outside the State, impact the overall tariff of the end consumers due to the transmission charges and losses.

Thus, WBSEDCL is looking for available possibilities of power procurement within the state of West Bengal through Tariff Based Competitive Bidding (TBCB) in order to achieve energy security on state specific generating units which will in turn help to provide reliable and quality power to the existing and intending consumers.

- 2.2 In view of the above, WBSEDCL proposes to procure 800 MW power from a Thermal Power Plant to be set up in the State of West Bengal through DBFOO model under the guidelines specified by the Ministry of Power on 06.03.2019. WBSEDCL submitted that, Department of Power, Government of West Bengal has also planned to set up a third greenfield coal-based power plant of 1x800 MW capacity under TBCB route and has agreed to act as Nodal Agency for this purpose.



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- 2.3 The Department of Power, Government of West Bengal being the Nodal Agency, will carry out the bid process and coordinate the activities between WBPDCCL, WBSEDCL, WBSETCL and the potential bidders. The Department of Power, Government of West Bengal on 09.01.2026 read with Corrigendum dated 19.01.2026 has already secured a long-term coal supply for the third greenfield project under SHAKTI Para B(iv.) notified by the Ministry of Coal vide Office Memorandum dated 22.05.2017 and amendment thereof, to assure coal availability to the developers.
- 2.4 In this regard, WBSEDCL has made certain deviations/ modifications in Request for Qualification (RFQ), Request for Proposal (RFP) and Power Supply Agreement (PSA) of the Model Bidding Documents to ensure clarity on contractual provisions and to facilitate e-reverse bidding.
- 3.0 In view of the above, WBSEDCL in accordance with Clause 4 of the Guidelines dated 06.03.2019 has sought approval before this Commission for deviations/ modifications in RFQ, RFP and PSA from the Model Bidding Documents notified by the Ministry of Power, Government of India.

Observations of the Commission:

4.0 Requirement of Power:

- 4.1 WBSEDCL had already proposed for purchase of 6120 MW thermal power through competitive bidding from 2 Greenfield projects and 3 Brownfield projects under section 63 of the Electricity Act 2003, which were already been approved by the Commission vide orders in Case No. OA – 510 / 24 – 25, OA – 511 / 24 – 25, OA – 513 / 24 – 25, OA – 529 / 25 – 26 and OA – 550 / 25 – 26. Now, WBSEDCL in this instant petition has further proposed to purchase additional 800 MW from a third Greenfield project under competitive bidding under section 63 of the Electricity Act 2003, to meet its future demand.

Considering the above, WBSEDCL was directed to provide detailed justification for the requirement of purchase of additional 800 MW thermal power in terms of regulation 4 of the West Bengal Electricity Regulatory Commission (Modalities of Tariff Determination) Regulations, 2023 read with the direction given by the Commission in paragraph 4.4 of the order dated 20.08.2025 in Case No. OA – 527 / 25 – 26.



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- 4.2 WBSEDCL vide letter dated 02.03.2026 submitted that, they propose to purchase thermal power to meet its requirements in a phased manner. In first phase, WBSEDCL proposes to procure 5460 MW from three Greenfield projects (2x800 MW, 2x800 MW, 1x800 MW), one Brownfield project of 1x800 MW at the existing land of Durgapur Projects Limited (DPL) and the 5th unit of Sagardighi TPP (660 MW) of WBPDC. WBSEDCL further submitted that, bidding for the two brownfield projects of 2260 MW (1600 MW at Santaldih and 660 MW at Bakreswar), for which approval has been taken from the Commission in Cases No. OA – 510 / 24 – 25 and OA – 511 / 24 – 25 will be taken up in subsequent phase.
- 4.3 The Commission observes that CEA has published a fresh Report on Resource Adequacy Plan for Generation for West Bengal in respect to the period from 2025 – 26 to 2035 – 36 (Version 2.0) in December, 2025. From the report available in the website of CEA, the Commission observes that the overall peak demand for the State of West Bengal is projected to increase from 14017 MW in 2025 – 26 to 23677 MW in 2035 – 36. To meet up the demand growth by 2035 – 36, in addition to the planned projects the revised CEA report proposes for additional 5251 MW Thermal power, 18359 MW Solar Power, 6400 MW Wind Power, 4700 MW DRE Capacity, 3540 MW Storage for 6 Hours capacity and 3626 MW Storage for 4 Hours capacity, as tabulated below:

Report of Resource Adequacy Plan by CEA						
Financial Year	Additional Thermal Capacity	Additional Wind Capacity	Additional Solar Capacity	Additional storage (6 hrs.) Capacity	Additional storage (4 hrs.) Capacity	Additional DRE Capacity
In MW						
2025 – 26	0	0	0	0	0	1265
2026 – 27	0	700	4000	1667	0	463
2027 – 28	0	700	4000	1535	0	512
2028 – 29	0	700	1000	338	0	565
2029 – 30	1600	300	1100	0	0	622
2030 – 31	1600	700	1582	0	0	183
2031 – 32	359	750	683	0	0	194
2032 – 33	641	750	1165	0	211	205
2033 – 34	426	700	1219	0	610	217
2034 – 35	420	700	1610	0	1145	229
2035 – 36	205	400	2000	0	0	243
Total	5251	6400	18359	3540	3626	4700



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- 4.4 In view of the above, the Commission observes that the proposal to purchase 5460 MW of thermal power in its 1st Phase by WBSEDCL is in line with the thermal capacity addition proposed by CEA upto 2035 – 36 considering the sent-out generations from the plants.
- 4.5 The Commission is of considered opinion that WBSEDCL is required to analyze/ review their power requirement afresh for the subsequent phases duly considering the Resource Adequacy Plan of CEA (version 2.0). WBSEDCL shall accordingly submit a fresh approval for requirement of power from the brownfield projects envisaged at Santaldih TPS and Bakreswar TPS in proposed subsequent phases.
- 5.0 The Commission observes that, WBSEDCL in the instant application proposes that the 800 MW (1 x 800 MW) third Greenfield thermal power plant to be developed under the DBFOO model through competitive bidding, where the land is to be identified in such location, which falls under Category 'C' in terms of MoEF&CC Notification No. G.S.R. 465(E). dated 11.07.2025. Coal linkage to the successful bidder is proposed to be provided under SHAKTI scheme.
- 6.0 In terms of section 63 of the Electricity Act 2003, the Commission has to adopt the tariff if such tariff is determined through a transparent process of bidding in accordance with the guidelines issued by the Government of India. Any deviation from the guidelines and Model Bidding Procedure needs prior approval of the Commission. Model Bidding Document issued by Ministry of Power, Government of India contains Model Request for Qualification (RFQ), Model Request for Proposal (RFP) and Model Power Supply Agreement (PSA). In the instant petition WBSEDCL proposed certain deviations in the RFQ, RFP and PSA.
- 6.1 RFQ Document:
- 6.1.1 The Commission observes that the proposed deviations by WBSEDCL in the RFQ of the Bidding Documents are primarily related to the background, identification of land in view of the notification of the Ministry of Environment, Forest and Climate Change dated 11.07.2025, commencement period of the power station has been considered as 60 months and provisions of e-reverse bidding along with its portal for conducting the bid process.



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6.1.2 The timelines for schedule of bidding process have been modified in manner to facilitate Site Visit and Presentation for assessment of the land identified by the bidders.

6.1.3 Certain provisions have been inserted to ensure the financial stability and legal compliance of the bidders or its consortium members. Further, the number of members of consortium has been reduced from 6 to 4 in order to avoid complexities in shareholding percentage and to ensure serious participations.

6.2 RFP Document:

6.2.1 The Commission observes that the proposed deviations by WBSEDCL in the RFP of the Bidding Documents are primarily related to the background, specifying the figures of fees and bid security, submission of bids in e-portal, provisions to facilitate e-reverse bidding in line with the principles of the RFQ stage.

6.2.2 The refundable period of bid security has been changed to 180 days from 60 days and bids security are in form of bank guarantee only.

6.2.3 The petitioner also proposed a tabular breakup of fixed and fuel charge and breakup of per unit railway freight and distance as a part of bid parameter to be submitted by bidders in the Form of Appendix VIII. Bid parameters are proposed to be in INR denominated. WBSEDCL has provided the indicative *ex-mine* cost as on date in Appendix VIII. WBSEDCL submitted that it will provide additional clarity to the bidders to bid more realistically and will also help the Nodal Agency and the Utility for the purpose of bid evaluation.

6.3 PSA Document:

6.3.1 WBSEDCL has proposed for supply contract for 30 years from the Appointed Date in place of 25 years plus 5 years extensions given in the Model PSA, considering the COD as 60 months.

6.3.2 The utility will be responsible for evacuation of power in consultation with STU.



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- 6.3.3 The timeline for satisfying the conditions precedent by the Supplier has been proposed to be extended to 12 months in place of 180 days given in the Model PSA so as to provide flexibility to the bidders for obtaining different approvals and financial closure in developing a green field project.
- 6.3.4 A new proviso has been proposed for inclusion wherein the Utility shall return the damages recovered from the Supplier on account of delay in fulfilling the Conditions Precedent if the Supplier achieves the COD of the units within the Scheduled Completion Date considering the Utility's primary goal is to secure power supply before the SCOD.
- 6.3.5 The computation of Fixed Charges has been proposed to be on cumulative availability upto each month, in place of monthly availability as given in the Model PSA. In this regard, it is submitted that the Model PSA also provides for cumulative reconciliation at the end of financial year.
- 6.3.6 Under fuel transportation cost, specific provision for road transportation is proposed to be limited to 115% of the applicable railway freight for the corresponding distance slab.
- 6.3.7 It is proposed to allow a margin of GCV loss for staking of coal in line with WBERC (Terms & Conditions of Tariff) Regulations, 2011, as amended from time to time.
- 6.3.8 A new clause related to raising of Supplementary Invoice has been proposed to be incorporated to safeguard the settlement of Provisional Monthly Invoice against State Energy Accounting/ Regional Energy Accounting and recovery against any Change in Law.
- 6.3.9 Further, provisions for prior approval of the Commission for an Additional Fuel Supply Arrangement have been modified in a manner consistent with the intent of Regulation 5.8.7A of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) (Third Amendment) Regulations, 2020.
- 6.3.10 Beside these, a few modifications have been proposed to give more clarity to the bidders along with incorporating recent sectoral changes related to provisions of the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022 as amended



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from time to time and ramp rate as per the Central Electricity Authority (Flexible Operation of Coal based Thermal Power Generating Units) Regulations, 2023. Some typographical errors have also been modified.

7.0 The Commission observes that the proposed deviations by WBSEDCL in the Bidding Documents are primarily related to the power plant capacity, its location, additional time for commencement considering domestic supply of BTG and to facilitate e-reverse bidding and hence the deviations to said extent in the RFQ, RFP and PSA is found reasonable.

Order:

- 8.0 In view of the above, the Commission accords its approval to the deviations including e-reverse bidding proposed by WBSEDCL in the RFQ, RFP and PSA from the Model Bidding Documents for the proposed 800 MW thermal power project under DBFOO model.
- 9.0 After completion of the bidding process, WBSEDCL shall submit its application for adoption of tariff along with all requisite documents and also seek approval from the Commission of the Power Supply Agreement entered with the Successful Bidder in terms of the provisions of the Tariff Regulations.
- 10.0 As observed in paragraph 4.5 above, WBSEDCL shall take fresh approval regarding requirement of power before initiation of bidding for 2x800 MW brownfield project at Santaldih and 1x660 MW brownfield project at Bakreswar in its proposed second phase.
- 11.0 The petition is thus disposed of.
- 12.0 A copy of the order shall be posted in the website of the Commission.
- 13.0 WBSEDCL shall download the copy of the order from the website of the Commission and act on it. Certified copy of the order, if applied for, be given to the parties on completion of formalities laid down in the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013, as amended and on submission of necessary fees.

Dated : 05.03.2026

**Sd/-
(DR. MALLELA VENKATESWARA RAO)
CHAIRPERSON**

**Sd/-
DEPUTY DIRECTOR, WBERC**