



**ORDER  
OF THE  
WEST BENGAL ELECTRICITY REGULATORY COMMISSION  
IN CASE NO. OA – 345/ 20-21**

IN REGARD TO THE APPLICATION SUBMITTED BY WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED (WBSEDCL) FOR ISSUANCE OF APPROPRIATE ORDER FOR SELECTION OF SINGLE BIDDER AS PER PROVISION 7.1 OF THE GUIDELINES VIDE NO. 23/25/2011 – R&R (VOL – III) OF MINISTRY OF POWER, GOVERNMENT OF INDIA FOR SHORT TERM PROCUREMENT OF POWER BY DISTRIBUTION LICENSEES THROUGH TARIFF BASED BIDDING PROCESS

**PRESENT:**

**SRI SUTIRTHA BHATTACHARYA, CHAIRPERSON  
SRI DURGADAS GOSWAMI, MEMBER  
SRI PULAK KUMAR TEWARI, MEMBER**

**DATE: 03.05.2021**



**Certified true Copy**





Application for issuance of appropriate order for selection of single bidder as per provision 7.1 of the guidelines vide No. 23/25/2011 – R&R (Vol – III) of Ministry of Power, Government of India for short term procurement of power by Distribution Licensees through Tariff based bidding process



### Facts in brief:

1.0 The West Bengal State Electricity Distribution Company Limited (WBSEDCL) has submitted an application through email dated 16.10.2020 for issuance of appropriate order for short – term procurement of power through Tariff based bidding process by selection through single bidder as per provision 7.1 of the guidelines vide No. 23/25/2011 – R&R (Vol-III) of Ministry of Power, Government of India. WBSEDCL submitted the requisite application fee on 23.11.2020 and the application has been admitted by the Commission in Case No. OA – 345/20 - 21 on 21.01.2021.

2.0 The application of WBSEDCL inter-alia states the following:

2.1 As per the directives of the Commission given in the tariff order dated 04.07.2018 for 2017 – 18, WBSEDCL had floated an e-tender cum e-reverse auction on National e-bidding Portal ([www.mstcecommerce.com](http://www.mstcecommerce.com)) vide NIT dated 10.09.2020 which was subsequently modified on 11.09.2020 and 14.09.2020 as per the guidelines framed by Ministry of Power, Gol for procurement of renewable (non-solar) and / or non-fossil fuel based cogeneration power on short term basis.

2.2 After Technical and Financial bids and e-Reverse Auction, WBSEDCL had found that single-bidder (TPTCL) had quoted the price from mini hydro source for period as detailed below:

Sl No	Period	Requisitioned Quantum	Quantum of Power Quoted	Price bid
1	21.09.2020 – 31.10.2020	506 MW	12 MW	Rs. 4.42/ kWh
2	01.11.2020 – 30.03.2021	400 MW	6 MW	Rs. 4.42/ kWh
3	01.04.2021 – 31.10.2021	299 MW	6 MW	Rs. 5.00/ kWh
4	01.11.2021 – 31.03.2022	235 MW	5 MW	Rs. 5.50/ kWh

2.3 WBSEDCL has stated that only the price bid for sl no (1) and (2) above are within the capped price for small hydro source as specified clause (iii) of regulation 6.1 of West Bengal Electricity Regulatory Commission (Cogeneration and Generation of Electricity from Renewable Sources of Energy) Regulations, 2013, as amended (in short 'WBERC RE Regulations').

2.4 WBSEDCL further stated that in terms of clause no. 7.1 in the guidelines issued by Ministry of Power, Government of India vide Notification no. 23/25/2011-R&R (Vol – III) dated 30.03.2016 selection of single bidder may be done only with the consent of the Appropriate Commission, if the number of Bidders responding to the RfP is less than two and the procurer still wants to continue with the selection process.

2.5 In view of the above, WBSEDCL has prayed before the Commission to issue an appropriate order for selection of single bidder as per provision 7.1 of the guidelines vide Notification No. 23/25/2011-R&R (Vol – III) dated 30.03.2016 of the Ministry of Power, Government of India for short-term procurement of power by Distribution Licensees through tariff-based bidding process so that WBSEDCL may purchase







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renewable power from small hydro source (excluding the period already over) where the offered price is within the cap price of small hydro sources.

**Observations of the Commission:**

- 3.0 The Commission observes that no validity period of the bid has been specified by WBSEDCL in the application. On query, WBSEDCL only vide letter dated 01.02.2021 has submitted that the validity period of the bid had expired on 22.10.2020.
- 4.0 In view of expiry of the validity period of the bid, the Commission has hardly any scope for analyzing the application made by WBSEDCL.

**Order:**

- 5.0 In view of the above, the Commission disposes of the application of WBSEDCL with the following directions:
- (i) WBSEDCL shall in future specify the date of validity of any bid in their application.
- (ii) WBSEDCL shall submit such application complete in all respect before the Commission well before the expiry of validity period of the bid.
- 6.0 Let a copy of the order be served upon WBSEDCL.

sd/-  
(PULAK KUMAR TEWARI)  
MEMBER

sd/-  
(DURGADAS GOSWAMI)  
MEMBER  
**Certified true Copy**

sd/-  
(SUTIRTHA BHATTACHARYA)  
CHAIRPERSON

Dated: 03.05.2021



*M. Guha Roy*  
(M. Guha Roy)  
Secretary