

KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM

Present : Adv. A.J Wilson, Member (Law)

OP No 47 /2022

In the matter of : Petition seeking approval for the deviations from the guidelines issued by Ministry of Power for tariff based Competitive Bidding Process for Procurement of Power from Grid Connected Wind Power Projects.

Petitioner : Kerala State Electricity Board Ltd

OP No 48 /2022

In the matter of : Petition filed by M/s KSEB Ltd., seeking approval for adoption of the tariff discovered in the tender invited by KSEBL for setting up of 100MW grid connected wind projects in Kerala under tariff based competitive bidding and to issue Letter of Award to the successful bidders

Petitioner : Kerala State Electricity Board Ltd

Respondents : 1. M/s Aban Green Power Limited.
2. M/s INKEL Limited.
3. M/s Pioneer Wincon Energy Limited.
4. M/s Scoobee Day Garments (India Limited)

Petitioner represented by : Sri. Rajan, Deputy Chief Engineer
Smt. Latha S.V, Asst: Executive Engineer.

Scoobee Day garments represented by : Shri.Sujith Sidharthan, Project manager

INKEL represented by : Shri. Sam, General Manager

Pioneer Wincon represented by : Shri. Biju Joe, Asst Vice President

Date of hearing : 29.09.2022,11;00 AM

Common Order dated 19.10.2022

OP No 47 /2022

1. M/s Kerala State Electricity Board Ltd (hereinafter referred to as M/s KSEB Ltd or the petitioner) filed a petition before the Commission on 20.05.2022 with the following prayers.

“to grant approval for the deviations made by KSEBL, as detailed in the instant petition, from the guidelines notified by the Ministry of power for tariff based Competitive Bidding Process for Procurement of Power from Grid Connected Wind Power Projects.

2. The summary of the petition filed by KSEB Ltd is given below.
 - (1) As per the RPO targets fixed by the Commission as per the KSERC (Renewable Energy and Net Metering) Regulations, 2020, KSEB Ltd had a short fall of 116MU in achieving the non-solar RPO in the year 2021-22, and M/s KSEB Ltd requested to carry forward the shortfall to the subsequent year. M/s KSEB Ltd also has to meet its RPO for the year 2022-23 and its subsequent years.
 - (2) In order to meet the non-solar RPO, M/s KSEB Ltd had floated tender for setting up of 100MW grid connected wind projects in Kerala under tariff based competitive bidding on Build, Own and Operate model for 25 years on 8-12-2021 in accordance with the guidelines published by the Ministry of Power dated 08.12.2017, for tariff based competitive bidding process for procurement of power from the grid connected wind power projects and its subsequent amendments.
 - (3) M/s KSEB Ltd has submitted that certain minor deviations from these guidelines have been adopted in the conditions in the bidding documents as detailed below, in anticipation of the approval of the Kerala State Electricity Regulatory Commission.

Deviations made by KSEB Ltd from the guidelines dated 08.12.20217, notified by the Ministry of Power, GOI.

- (i) As per the guidelines notified by the Ministry of Power under the provisions of the Electricity Act 2003 on 8-12-2017 for tariff based competitive bidding process for procurement of power from the grid connected wind power projects, for intra-state projects, the minimum bid capacity is 25MW with individual project size of 5 MW and above at one site. The relevant clause of the guidelines is extracted below.

“3.1. These Guidelines are being issued under the provisions of Section 63 of the Electricity Act, 2003 for long term procurement of electricity through competitive bidding process, by the ‘Procurer(s)’, from grid connected Wind Power Projects (‘WPP’) having, (a) individual size of 5 MW and above at one site with minimum bid capacity of 25 MW for intra-state projects; and (b) individual size of 50 MW and above at one site with minimum bid capacity of 50 MW for inter-state projects.”

However, in Kerala due to scarcity of land and the peculiarity of the terrain, minimum bid capacity is reduced to 5MW and minimum project size at one site is reduced to 2MW.

- (ii) As per the guidelines, Payment Security Fund, which shall be suitable to support payment for at least 3 (three) months' billing of all the Projects tied up with such fund shall be created by the procurer. However, this clause is excluded from the present RFS. This stipulation is done away with, considering that KSEB Ltd has never defaulted payments to any of its power suppliers.
- (iii) As per the guidelines, Performance Bank Guarantee (PBG) to be fixed by the Procurer [but not to be more than 5% (five percent) of the Estimated Capital Cost for wind power project for the financial year in which the bids are invited] are to be submitted at the time of signing of the PPA. However, this is excluded from the tender.

KSEB Ltd had submitted the bidding documents along with the petition.

3. The Commission admitted the petition as OP No. 47/2022.

OP No 48 /2022

4. M/s Kerala State Electricity Board Ltd (hereinafter referred to as M/s KSEB Ltd or the petitioner) filed a petition before the Commission on 12.07.2022 with the following prayers.

“to adopt the tariff discovered in the tender invited by KSEBL for setting up of 100MW grid connected wind projects in Kerala under tariff based competitive bidding and grant approval to issue Letter of Award to the successful bidders.”

5. The summary of the issues raised in the petition are given below.

- (1) Inorder to meet the short fall in non-solar RPO, M/s KSEB Ltd floated tender for setting up of 100MW grid connected wind projects in Kerala under tariff based competitive bidding on Build, Own and Operate model for 25 years on 8-12-2021 power from the grid connected wind power projects and its subsequent amendments. M/s KSEB Ltd also made minor deviations in the bidding documents from the guidelines to suit the specific requirements of KSEB Ltd.
- (2) The technical bid was opened on 15.03.2022. The following four bidders had submitted technical bids.
 - (i) M/s.Scoobee Day Garments (INDIA) Limited,
 - (ii) M/s.Aban Green Power Private Limited,
 - (iii) M/s.INKEL Limited.
 - (iv) M/s.Pioneer Wincon Energy Systems Private Limited.
- (3) M/s KSEB Ltd decided to prequalify all the above 4 bidders. The price bid was opened on 23.04.2022. The details of the tariff offered are given below:

SI No	Name of Bidder	Capacity Offered in MW	Rate Rs/kWh Offered
1	M/s. Aban Green Power Private Limited	10	3.96
2	M/s.Inkel Limited	14	4.09
3	M/s. Pioneer Wincon Energy Systems Private Limited	5.25	4.09
4	M/s. Scoobee Day Garments (INDIA) Limited	6.3	4.10

- (4) M/s KSEB Ltd requested to the bidders to reduce the tariff to the L1 price (Rs.3.96)/kWh). The final tariff offered by the bidders are given below.

SI No	Name of Bidder	Capacity Offered in MW	Rate/kWh Offered
1	M/s. Aban Green Power Private Limited	10	3.96(L1)
2	M/s.Inkel Limited	14	4.09(L2)
3	M/s. Pioneer Wincon Energy Systems Private Limited	5.25	4.09(L2)
4	M/s. Scoobee Day Garments (INDIA) Limited	6.3	4.09(L2)

- (5) M/s KSEB Ltd further submitted that, the tariff rate for wind plants derived through bidding process are reasonable compared to the wind tariff approved by the Commission for other wind projects in the State. The details are as submitted below.

Sl.No.	Developer	Capacity (MW)	CoD	Tariff (Rs/unit)
1	Ramakalmedu	14.25		3.14
2	Agali	13.8		3.14
3	Koundikkal	4.8		3.14
4	Ahaliya	8.4		5.23
5	INOX	16		4.09
6	Kosamattom	1		3.93
7	SECI	75		2.82

- (6) M/s KSEB Ltd has also submitted that with the implementation of General Network Access, the concept of free transmission charges for Solar and Wind are dispensed with. So even though wind power can be obtained at the rate of Rs.2.82/unit from large wind developers outside the State, with the addition of transmission charges of Rs.0.45/unit and losses, the rate of power at Kerala periphery would be around Rs.3.50/unit.

- (7) The policy of the State Government is to promote generation from sources inside the State and to increase internal generation by 40%. Further, the tariff discovered in the tender as detailed above is reasonable. Considering these aspects, KSEB Ltd requested to adopt the tariff discovered in the tender for setting up of 100MW grid connected wind projects in Kerala under tariff based competitive bidding and grant approval to issue Letter of Award to the successful bidders.

The Commission admitted the petition as OP No. 48/2022.

6. The hearing of the petitions was held on 29.09.2022, through video conference. Smt. Latha S.V, Asst: Executive Engineer, presented the petition on behalf of KSEB Ltd. The representatives of the Respondents 2,3 and 4 attended the hearing and offered the comments. However, the Respondent-1 has not appeared for the hearing. The summary of the deliberations during the hearing is given below.

- (1) M/s KSEB Ltd submitted that, in order to meet the non- solar RPO obligation, the licensee had floated tender on 08.12.2021, for setting up of 100MW grid connected wind projects in the State under tariff based competitive bidding for 25 years, in accordance with the guidelines published by the Ministry of Power on 08.12.2017.

M/s KSEB Ltd further submitted that, in order to meet the specific requirements, M/s KSEB Ltd had made certain deviations in the bidding documents from the bidding guidelines dated 08.12.2017 notified by the Ministry of Power, Government of India. The deviations made by M/s KSEB Ltd have been brought before the Commission vide the petition OP No. 47 of 2022. M/s KSEB Ltd requested before the Commission to approve the deviation as detailed in the petition OP No.47/2022.

M/s KSEB Ltd further submitted that the technical bid was opened on 15.03.2022 and four bidders submitted technical bids. The total offer received was for 35.55MW as against the bid quantum of 100MW. M/s Aban Green Power Private Limited has quoted the lowest rate of Rs 3.96/unit for a capacity of 10 MW. M/s.Inkel Limited and M/s. Pioneer Wincon Energy Systems Private Limited quoted Rs 4.09 respectively for 14 MW and 5.25 MW. M/s. Scoobee Day Garments (INDIA) Limited quoted Rs 4.10 for 6.3 MW.

The benchmark tariff (upper ceiling tariff) specified in the bid document was Rs 4.10/unit, the generic tariff for wind power projects specified in the KSERC (Renewable Energy & Net Metering) Regulations, 2020. The tariff quoted by the bidders were within the benchmark tariff specified in the bid. KSEB Ltd requested the bidders other than L1 to reduce the tariff to L1. None of the bidders other than L1 were willing to reduce the tariff to L1. However, M/s. Scoobee Day Garments (INDIA) Limited, reduced the rate to Rs 4.09/unit from Rs 4.10/unit, at the rate quoted by the L2 bidder M/s Inkel Limited.

M/s KSEB Ltd further submitted that, all the bidders quoted below the benchmark rate specified in the bid. The tariff offered by the bidders were competitive when compared to the tariff of the Wind IPPs in the State. The policy of the State Government is to promote wind generation within the State. Considering these aspects, M/s KSEB Ltd has decided to proceed with the bidders and decided to issue Lol with the bidders.

M/s KSEB Ltd further submitted that, M/s Aban Green Power Limited, the L1 bidder vide the email dated vide the email dated 26th June 2022 informed that they were reluctant to proceed with the bid.

- (2) The Commission during the hearing directed the respondents to clarify whether they are willing to reduce the tariff to the L1 tariff or not. The Respondents M/s.Inkel Limited, M/s. Pioneer Wincon Energy Systems Private Limited and M/s. Scoobee Day Garments (INDIA) Limited submitted that because of the exorbitant Evacuation Cost, Land cost, Machine Cost as well as due to certain logistics issues faced by them, they are unable to match the L1 rate.

Analysis and Decision

7. The Commission has examined in detail the petitions filed by M/s KSEB Ltd, deliberations of the subject matter during the hearing held on 29.09.2022, as per the provisions of the Electricity Act, 2003, Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Wind Power Projects notified by Ministry of Power, Government of India, various Regulations and Orders in force, decided on the matter as follows.
8. The following petitions filed by KSEB Ltd before the Commission is related to the procurement of 100MW Wind Power from grid connected wind projects in Kerala under tariff based competitive bidding for meeting the non-Solar renewable purchase obligations of KSEB Ltd.
 - (1) Petition OP No.47/2022 is for getting approval for the deviations made by KSEB Ltd in the bidding documents from the bidding guidelines notified by the Ministry of Power, Gol dated 08.12.2017.
 - (2) Petition OP No. 48/2022 is for seeking approval for adoption of the tariff discovered in the tender invited by KSEB Ltd for 100MW grid connected wind power projects within the State of Kerala.
9. The Commission has examined the two petitions separately as per the provisions of the Electricity Act, 2003 and the details are given below.

Petition OP No. 47/2022

10. Section 63 of the Electricity Act 2003 permits the Distribution licensees to procure power through the transparent process of bidding in accordance with the guidelines issued by the Central Government and the Commission has to

adopt such tariff determined through transparent process of bidding. The Section 63 of the Electricity Act 2003 is extracted below for ready reference.

“63. Notwithstanding anything contained in section 62, the Appropriate Commission shall adopt the tariff if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government.”

11. As mandated under Section 63 of the Electricity Act, 2003, Ministry of Power, Government of India vide the Resolution No. 23/54/2017-R&R dated 8th December 2017 notified the Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Wind Power Projects. The paragraph 5.1(c) of the said guidelines mandate that, approval of the Appropriate Commission is to be obtained for deviations, if any, in the draft RfS, draft PPA, draft PSA from these guidelines.

Further, the paragraph 22 of the bidding guidelines provides that, the deviations from the guidelines in the SBDs shall be subject to the approval of the Appropriate Commission.

12. KSEB Ltd in the petition OP No. 47/2022 submitted that, the licensee had incorporated the following deviations in the bidding documents from the bidding guidelines notified by Ministry of Power, Gol dated 08.12.2017.

(1) **Minimum bid capacity.**

As per the bidding guidelines dated 8.12.2017 for tariff based competitive bidding process for procurement of power from the grid connected wind power projects, the minimum bid capacity is 25MW with individual project size of 5 MW and above at one site. The relevant clause of the guidelines is extracted below.

“3.1. These Guidelines are being issued under the provisions of Section 63 of the Electricity Act, 2003 for long term procurement of electricity through competitive bidding process, by the ‘Procurer(s)’, from grid connected Wind Power Projects (‘WPP’) having, (a) individual size of 5 MW and above at one site with minimum bid capacity of 25 MW for intra-state projects; and (b) individual size of 50 MW and above at one site with minimum bid capacity of 50 MW for inter-state projects.”

However, in Kerala due to scarcity of land and the peculiarity of the terrain, minimum bid capacity is reduced to 5MW and minimum project size at one site is reduced to 2MW.

(2) **Payment Security Fund.**

As per the guidelines, Payment Security Fund, which shall be suitable to support payment for at least 3 (three) months’ billing of all the Projects tied up with such fund shall be created by the procurer. However, KSEB Ltd has excluded this clause from the present RFS, considering that KSEB Ltd has never defaulted payments to any of its power suppliers.

(3) Performance Bank Guarantee (PBG).

As per the guidelines, Performance Bank Guarantee (PBG) to be fixed by the Procurer [but not to be more than 5% (five percent) of the Estimated Capital Cost for wind power project for the financial year in which the bids are invited] are to be submitted at the time of signing of the PPA. However, this is excluded from the tender.

13. The Commission has examined the deviations made by M/s KSEB Ltd as above in the bidding documents for procuring 100MW wind power from the developers within the State of Kerala. The bidding documents notified by the Ministry of Power, GoI is the general guidelines applicable for the whole Country. However, the clause-22 of the bidding guidelines permit the procurer to make necessary deviations in the bidding documents to suit their requirements subject to the approval of the Appropriate Commission.

In the present case KSEB Ltd is the procurer, the incumbent distribution licensee within the State of Kerala. M/s KSEB Ltd is the distribution licensee regulated by the Kerala State Electricity Regulatory Commission (KSERC). Hence this Commission, has the authority to approve the deviations in the bidding documents made by KSEB Ltd from the general bidding guidelines notified by the MoP, GoI dated 08.12.2017.

KSEB Ltd submitted that the deviations made by the M/s KSEB Ltd in the bidding documents is for meeting its specific requirements. The bid capacity was reduced considering the scarcity of land and peculiarity of the terrain in the State of Kerala. M/s KSEB Ltd proposed to exclude the clause on the Performance Security Fund citing the reason that M/s KSEB Ltd has never defaulted payments to its suppliers. M/s KSEB Ltd has also excluded the clause on the 'Performance Bank Guarantee' for attracting more participation in the bid.

The Commission after examining the matter in detail, hereby approve the deviations made by KSEB Ltd in the bid documents for procuring 100MW wind power from the developers within the State of Kerala, from the bidding guidelines notified by Ministry of Power, Government of India dated 08.12.2017.

Petition OP No. 48/2022

14. The Commission has examined the prayer and the issues raised in the petition OP No. 48/2012, and noted the following.

- (1) M/s KSEB Ltd floated the bid on 08.12.2021 for procuring 100MW wind power from the developers within the State through tariff based competitive bidding. The maximum ceiling tariff specified in the bid was Rs 4.10/unit.
- (2) Four bidders participated in the tender invited by M/s KSEB Ltd, the details are given below.

Sl No	Name of Bidder	Capacity Offered in MW	Rate Rs/kWh Offered
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1	M/s. Aban Green Power Private Limited	10.00	3.96
2	M/s.Inkel Limited	14.00	4.09
3	M/s. Pioneer Wincon Energy Systems Private Limited	5.25	4.09
4	M/s. Scoobee Day Garments (INDIA) Limited	6.30	4.10
	Total	35.55	

As against the requirement of 100MW, the total offer received was only for 35.55MW as detailed above. The L1 bidder, M/s Aban Green Power Private Limited offered 10MW @Rs 3.96/unit. The tariff quoted by other bidders were in the range Rs 4.09/unit to Rs 4.10/unit.

- (3) KSEB Ltd submitted that since the L1 bidder has offered only 10MW as against the bid quantum of 100MW, it had requested other bidders to reduce the quoted tariff to match with the L1 rates. However, the bidders M/s Inkel Limited (14MW) and M/s Pioneer Wincon Energy Systems Private Limited were reluctant to reduce the rate further. But M/s Scoobee Day Garments limited reduced the rate from Rs 4.10/kWh to Rs 4.09/kWh, i.e, to match with the L2 rate.
- (4) Accordingly, the final offer received from the bidders after negation and matching of tariff is given below.

Sl No	Name of Bidder	Capacity Offered in MW	Rate/kWh Offered
1	M/s. Aban Green Power Private Limited	10.00	3.96(L1)
2	M/s.Inkel Limited	14.00	4.09(L2)
3	M/s. Pioneer Wincon Energy Systems Private Limited	5.25	4.09(L2)
4	M/s. Scoobee Day Garments (INDIA) Limited	6.3	4.09(L2)
	Total	35.55	

- (5) KSEB Ltd further submitted that, they had decided to issue Letter Of Indent (LoI) to all the bidders, at the final tariff offered by the bidders subject to the approval due to the following.
- (i) The final tariff offered by all the bidders are less than the ceiling tariff of Rs 4.10/unit specified in the bid.
 - (ii) The offered quantum was only 35.55MW as against the bid quantum of 100MW.
 - (iii) The policy of the State Government is to promote the internal generation within the State and to increase the internal generation to 40% of the total power requirement.

Considering the above aspects, M/s KSEB Ltd requested before the Commission to adopt the L1 rate @Rs 3.96/unit offered by M/s Aban Green Power Private Limited for the supply of 10 MW wind power, and L2 rate @Rs 4.09 per unit offered by the bidders (a) M/s Inkel Limited for the offered quantum of 14MW, (b) M/s Pioneer Wincon Energy

Systems Private Limited for the offered quantum of 5.25 MW and (c) M/s Scoobee Day Garments Private Limited for 6.3MW.

15. The Commission has examined the entire aspects including the selection of bidders by M/s KSEB Ltd as per the provisions of the Electricity Act, 2003 and the notice inviting tender (NiT) floated by M/s KSEB Ltd. In this case, the L1 bidder M/s Aban Green Power Private Limited offered only 10MW wind power @Rs 3.96/unit as against the bid quantum of 100 MW. Hence, M/s KSEB Ltd requested other bidders to reduce their offered tariff to the L1 rate of Rs 3.96/unit. However, the other bidders who quoted higher rates than L1 were not willing to reduce their tariff to the L1 rate. The final tariff offered by the bidders other than L1 bidder was Rs 4.09/unit, which is Rs 0.13/unit higher than the L1 rate. Though the other three bidders have not reduced their quoted tariff to the L1 rate, the licensee proposed to issue Lol to these bidders citing the reasons given in the paragraph 14(5) above, subject to the approval of this Commission.

The Commission has examined the bidding guidelines notified by the Ministry of Power, Gol and noted that there is no provision in the bidding documents for selection of bidders at a higher rate than L1. However, the paragraph 10.09 and 10.10 of the bidding guidelines permit the procurer M/s KSEB Ltd to specify the detailed procedure for evaluation of the bid and selection of the bidders. The relevant paragraphs of the bidding guidelines are extracted below.

“10.9 Bid Evaluation Methodology; the comparison of bids shall be on the basis of the bidding criteria as specified in the RfS .i.e. the fixed tariff in Rs./kWh for 25 years or more, as the case may be; or the first year tariff in Rs./kWh in case of escalating tariff in Rs./kWh with pre-defined quantum of annual escalations fixed in Rs./kWh and number of years from which such escalation will be provided. Ranking of the bidders will start from the bidder quoting the “lowest tariff(L1)”

10.10 The detailed procedure for evaluation of the bid and selection of the bidder shall be provided for in the RfS.”

16. However, the bidding documents RfS floated by the KSEB Ltd has not specified the criterion for selection of the bidders in the event, the L1 bidder has not offered the bid quantum at the L1 rate. In this case, the bid quantum was 100MW whereas the L1 bidder quoted for 10MW only. However, in this case the quantum offered by the L1 bidder is much less than the bid quantum. Further, the bidders were allowed to quote for a minimum capacity of 2.5MW. Considering these reasons, if the bidders other than the L1 finally agree to reduce the rates to the L1 rate, M/s KSEB Ltd may enter into agreement with such bidders subject to the approval of this Commission.
17. But in the present case, the bidders who quoted higher tariff than the L1 rate were not willing to reduce their quoted tariff to the L1 rate. However, M/s KSEB Ltd recommended to accept the offer of these bidders at the rate higher than

L1 citing the reasons given in para 14(5) above. This is not acceptable to the Commission due to the following.

- (i) M/s KSEB Ltd had not specified such procedures for selection of bidders at higher tariff than the L1 rate in the bidding documents.
- (ii) M/s KSEB Ltd cannot introduce such new criterion at the stage of 'bid evaluation and selection of bidders'.

Considering these reasons, the Commission reject the request of M/s KSEB Ltd to issue Lol to bidders other than L1 at the tariff higher than L1 rate. However, if the bidders who quoted tariff higher than the L1 tariff reduce their tariff to L1 rate, M/s KSEB Ltd can enter in to agreement with such bidders for procurement of power under this petition.

18. The Commission noted that, the L1 bidder M/s Aban Green Power Private Limited had not appeared before the Commission during the hearing held on 29.09.2022. During the deliberations on the subject petition, M/s KSEB Ltd submitted that, the L1 bidder communicated their inability to accept the offer and the bidder is not willing to proceed with the project. The Commission noted the submission of M/s KSEB Ltd and viewed the attitude of the L1 bidder very seriously. The L1 bidder cannot withdraw the offer at this stage after selecting the bidder based on the L1 tariff quoted by them. If the L1 bidder withdraws from the bid at this stage, the entire bidding process become a futile exercise. In case, the L1 bidder withdraws from the offer or is not willing to proceed with the project, the L1 bidder M/s Aban Green Power Private Limited shall be blacklisted and debarred from participating in all future bids invited by M/s KSEB Ltd and other licensees in the State of Kerala for the development of Wind Power Plants, Solar Power Plant and for developing power from any such power sources within the State of Kerala. M/s KSEB Ltd shall communicate the same in writing to the L1 bidder M/s Aban Green Power Private Limited.

Orders of the Commission

19. The Commission, after examining the Petitions filed by M/s KSEB Ltd dated 20.05.2022 and 12.7.2022, the deliberations during the hearing held on 29.09.2022, the provisions of the Electricity Act, 2003, the bidding guidelines notified by the Ministry of Power, Government of India dated 08.12.2017, and other Rules and Regulations in force, hereby orders the following.
 - (1) Approve the deviations made in the bidding documents as detailed in the Petition OP No. 47/2022, from the bidding Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Wind Power Projects notified by Ministry of Power, Government of India dated 08.12.2017.
 - (2) Adopt the L1-tariff of Rs 3.96/unit discovered in the tender for setting up of 100MW grid connected the Wind Power Projects in Kerala under competitive bidding route as detailed in the petition OP No. 48/2022.

- (3) Reject request of the M/s KSEB Ltd to approve the offers of the bidders who offered power at tariff higher than the L1 tariff derived in the tender.
- (4) In case, the L1 bidder withdraws from the offer and or not willing to proceed with the project, the L1 bidder M/s Aban Green Power Private Limited shall be blacklisted and debarred from participating in all future bids invited by M/s KSEB Ltd and other licensees in the State of Kerala for the development of Wind Power Plants, Solar Power Plant and for developing power from any such power sources within the State of Kerala.

M/s KSEB Ltd shall communicate the same in writing to the L1 bidder M/s Aban Green Power Private Limited.

The petition is disposed of. Ordered accordingly.

Sd/-

**Adv. A J Wilson
Member (Law)**

Approved for issue

Sd/-

**C R Satheesh Chandran
Secretary**