



GAIL (INDIA) LIMITED

INVITES

**EXPRESSION OF INTEREST (EOI) FOR PARTNER
SELECTION TO SET UP COMPRESSED BIO GAS
(CBG) PLANTS**

EOI Document No. GAIL/ND/BD/EOI/CBG-PS/01

EOI Issuance Date: 21.12.2023

Last Date For EOI Submission: 12.01.2024

**EXPRESSION OF INTEREST (EOI)
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DISCLAIMER

1. This Expression of Interest (EOI) document is not an agreement or offer by the issuer to the prospective party. The purpose of this document is to provide basic information for submission of EOI by the prospective parties.
2. While this EOI document has been prepared in good faith, neither the issuer, its affiliates, its employees nor advisors / consultants make any representation or warranty, express or implied as to the accuracy, reliability or completeness of the information contained in this EOI document.
3. Neither GAIL, its affiliates, its employees nor its advisors / consultants will have any liability to any party or any other person under the law of contract, tort, the principles of restitution or unjust enrichment or otherwise for any loss, expense or damage which may arise from or be incurred or suffered in connection with anything contained in this EOI document, any matter deemed to form part of this EOI document, the process, the information supplied by or on behalf of GAIL / its affiliates or its employees, any advisors / consultants or otherwise arising in any way from the selection process.

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SECTION-I

INVITATION FOR EXPRESSION OF INTEREST

**EXPRESSION OF INTEREST (EOI)
FOR PARTNER SELECTION TO SET UP COMPRESSED BIO GAS (CBG) PLANTS
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**INVITATION FOR EXPRESSION OF INTEREST (EOI) FOR PARTNER SELECTION
TO SET UP COMPRESSED BIO GAS (CBG) PLANTS**

1. BACKGROUND

1.1 GAIL (India) Limited (“GAIL”) is India’s leading Natural Gas Company with presence along the entire natural gas value chain comprising of Exploration & Production, LNG imports, Gas Transmission & Marketing, Gas Processing, Petrochemicals, LPG transmission and City Gas Distribution (CGD). GAIL is listed on the National Stock Exchange of India, the Bombay Stock Exchange and the London Stock Exchange (in the form of GDRs) with the market capitalization of nearly INR 90,000 crores.

For additional information on GAIL, please visit <https://www.gailonline.com>

1.2 In the last 5 years, number of initiatives have been taken by the Government of India (GoI) for promoting Biogas/CBG business in India. In 2018, Sustainable Alternative Towards Affordable Transportation (SATAT) program was launched by Ministry of Petroleum & Natural Gas (MoP&NG) for setting up of 5000 CBG plants by FY 2023-24. Further, MoP&NG has issued policy guidelines for synchronization of CBG produced by CBG plants under SATAT scheme with CGD network. CBG business is emerging in India and has potential for significant growth. Recently, GoI has also introduced CBG Blending Obligation (CBO) which, inter-alia, stipulates that CBO shall be kept as 1%, 3% and 4% of total CNG/PNG consumption for FY 2025-26, 2026-27 and 2027-28 respectively. From 2028-29 onwards CBO will be 5%.

1.3 GAIL plans to set up CBG projects of economic size capacity on pan India basis by forming a Joint Venture Company (JVC). In this regard, GAIL invites Expression of Interest (EOI) from an Indian Company / Consortium of Indian companies (hereinafter called “**Party**”) having experience in Biogas/CBG business for forming JVC with GAIL for setting up of initially 10 CBG projects on pan India basis. GAIL or its Affiliate (hereinafter called “**GAIL**”) will hold 50% equity in the JVC and the remaining equity will be held by the Party.

1.4 Request for EOI and Timelines for EOI meeting, EOI submission, etc. are given below-

Request for EOI Document Download	Request for EOI Document may be downloaded from: i. https://www.gailonline.com ii. GAIL’s Tender Website - www.gailtenders.in iii. Govt. CPP Portal - https://eprocure.gov.in
Pre-EOI Submission Meeting Date	28.12.2023 @ 11:00 Hrs (through MS Teams)

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Pre-EOI Meeting Link	https://teams.microsoft.com/l/meetup-join/19%3ameeting_MzYwZGZkMmMtZjkyOS00ZmU4LWJlOTMtYjc2OTA4NGY5MTA3%40threed.v2/0?context=%7b%22Tid%22%3a%22288eb95d-efee-416f-b87b-0470a90e53e9%22%2c%22Oid%22%3a%22f76ca1b9-db23-44aa-909a-8ac46ee322b1%22%7d
EOI Submission Due Date & Time	12.01.2024 @ 16:00 Hrs
EOI Opening Due Date & Time	12.01.2024 @ 16: 30 Hrs
Mode of EOI Submission	By email at cbg_eoi@gail.co.in

- 1.5 Language of EOI: EOI and all correspondence related to EOI shall be in English language. Any printed literature and document submitted in any other language should be accompanied by authenticated English translation, in which case, for purpose of interpretation of EOI, English translation shall govern. Responsibility for correctness in translation shall lie with the Party.
- 1.6 Cost of EOI submission: The Party shall bear all costs associated with the preparation or delivery of its EOI, participating in discussions etc. including costs and expenses related with visits to GAIL's office and the site(s). GAIL will in no case be responsible or liable for those costs and expenses regardless of the outcome of the EOI process.
- 1.7 EOI must be complete in all respect leaving no scope for ambiguity. Complete EOI is to be submitted in the above-mentioned email id only within due date & time, without marking copy to any other e-mail ID's of GAIL.
- 1.8 EOI documents including Annexures shall be signed by a representative authorized by the Board of Directors / Managing Director / Chief Executive Officer / Partner of the Party (in case of Partnership firm) / each member of the Consortium, wherever applicable. Copy of the authorization in name of the signing authority shall also be submitted along with the EOI as **Annexure: 2**.
- 1.9 Clarification, if any, through e-mail, can be obtained from Mr. M. K. Biswas, CGM (BD), GAIL (India) Limited, 16, Bhikaji Cama Place, R K Puram, New Delhi – 110066, India. Email: mkbiswas@gail.co.in; Contact No. 011-26183469.
- 1.10 The EOI is non-binding and the inputs/data provided by prospective Party will be kept confidential. However, in case the bidder recognizes that the data provided by them is confidential and commercially sensitive, the same may be indicated against the relevant queries.
- 1.11 For the purpose of this EOI, Biogas means the raw gas produced from anaerobic decomposition of organic waste like agricultural waste, food waste, organic fraction of municipal solid waste, etc. and comprises of Methane, CO₂, etc. and CBG means

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purified Biogas which meets the specifications of IS 16087:2016 Standard - BIOGAS (BIOMETHANE) — SPECIFICATION, along with its latest amendments, and compressed to the required pressure.

- 1.12 Any organization can submit only one EOI – either as a single Party or as a member of a Consortium. In case any organization submits more than one EOI, all of its EOIs shall be rejected.

2. TERMS AND CONDITIONS OF EOI

- 2.1 Any Company registered in India or a Consortium of Indian companies can participate in the EOI.

- 2.2 Consortium can be formed with the following conditions:

- (a) Number of members in the Consortium shall not exceed 3.
- (b) If the Consortium is selected for forming JVC, the Consortium shall form a Special Purpose Vehicle (SPV) under the Companies Act, 2013. Lead Partner of the Consortium shall take minimum 51% equity in the SPV and other members shall take minimum 10% equity in the SPV.
- (c) Proposed equity shareholding of the member(s) of Consortium in the SPV shall be mentioned while submitting the EOI. It may be noted that legal incorporation of the Consortium is not required at the EOI submission stage.
- (d) Other member(s) of the Consortium shall provide the following undertaking (**Annexure: 3**) on their letter head duly signed by the authorized signatory that it:
 - in-principally agrees to all the conditions of the EOI and
 - ready to work as a Consortium under the Lead Partner
 - agrees to form SPV and take equity in the SPV which shall form JVC with GAIL, if the Consortium is selected.

- 2.3 Upon selection of a Party under this EOI process and fulfilling of the conditions mentioned in the EOI, JVC will be incorporated under the Companies Act, 2013 of India for setting up of CBG projects. GAIL or its Affiliate will hold 50% equity in the JVC and the remaining equity will be held by the Party (newly formed SPV in case of Consortium).

- 2.4 JVC will be a Board managed Company and it will take independent decisions on setting up of CBG projects based on techno-commercial feasibility of the projects on case to case basis.

- 2.5 Day-to-day activities of the JVC will be carried out by its management. However, major decisions will be taken with the affirmative consent of both GAIL & Party. The affirmative rights will be detailed in the definitive agreement. Further, GAIL and the selected Party shall have Board positions, key management positions and other rights

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in the JVC which will be detailed out in the definitive agreement.

- 2.6 JVC will undertake all activities for setting up initially 10 CBG projects. The roles and responsibilities of the JVC, GAIL and the selected Party, inter-alia, are given below, which will be further detailed in the definitive agreement:

Responsibility of JVC

- (i) Liaising with the concerned Government Bodies / Authorities / other companies for allocation of adequate land & feedstock, infrastructure like electricity connection, water connection, etc.
- (ii) Entering into agreement(s) with concerned Government Bodies / Authorities / other companies with regard to land, feedstock, infrastructure, etc.
- (iii) Preparation of Detailed Feasibility / Project Report for each project
- (iv) Technology selection, Design and EPC (Engineering, Procurement and Construction) and Commissioning of CBG projects.
- (v) Operation and Maintenance (O&M) of the CBG projects
- (vi) Sale of CBG, organic solid & liquid manure produced in the plant and disposing any by-product(s) produced in the plant as per the relevant statutory guidelines including Solid Waste Management Rules, 2016, CPCB/SPCB Rules etc.

Responsibility of GAIL and Party in the JVC

- (i) Providing financing through equity funding.
- (ii) Facilitating JVC in arranging funds.
- (iii) Assisting JVC in preparation of Detailed Feasibility / Project Report for each CBG project.
- (iv) Assisting JVC in Technology selection for setting up of CBG projects.
- (v) Facilitating JVC in identifying and selecting suitable locations for setting up of CBG projects.
- (vi) Facilitating JVC in arranging feedstock for setting up of CBG projects.
- (vii) Facilitating in sale of CBG and organic solid & liquid manure.
- (viii) Deputing manpower into JVC.

3. QUALIFICATION CRITERIA

The Party shall meet following qualification criteria:

3.1 Technical Criteria

The Party or Lead Partner of the Consortium should own or have operated or have undertaken EPC or provided technology for at least one plant of minimum capacity 4.8 Tons Per Day (TPD) of CBG **OR** 12,000 Cubic Metres Per Day (CMPD) of Biogas.

The above plant should have operated at an aggregate capacity of at least 60% of

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annual name plate capacity in any 12 continuous months in preceding 3 years from EOI submission date and must be in operation as on EOI submission date.

As documentary evidence for above plant:

The Party should submit documentary evidence as **Annexure: 4** against the above Technical Criteria such as proof of ownership, Operation of the project, work order, sale order(s) / invoice(s), etc. from the owner of the plant duly signed and stamped by its Authorized Signatory; **and**

For capacity utilization (in case Party is the owner of the CBG plant, then capacity utilization shall be certified by the statutory auditor of the company; and, in other cases Party shall provide certificate from the owner of the CBG plant regarding capacity utilization of the plant).

3.2 Financial Criteria

1. **Net Worth:** Net worth of the Party or combined net worth of Consortium members (in case of Consortium) should be greater than Rs. 50 crores as per the latest audited annual financial statements. Net worth should be positive for each member of the Consortium.

Net Worth shall be computed as: Paid up share capital plus Free Reserves & Surplus less accumulated losses, deferred expenditure and miscellaneous expenditure not written off, if any

2. Party / all members of the Consortium must furnish details of net worth and last three years turnover in the format placed at **Annexure: 5**.

4. EVALUATION METHODOLOGY

If the Party meets above Qualification Criteria, the EOI shall be further evaluated based on the following methodology:

Only following plants shall be considered for meeting experience criteria:

- i. *CBG / Biogas plants with the commissioned name plate capacity of minimum 4.8 TPD of CBG / 12000 CMPD of Biogas*
- ii. *CBG / Biogas plant must be operational on EOI submission date*
- iii. *Experience should be in the preceding 10 years from EOI submission date*
- iv. *In case party is the owner of the project the relevant experience proof shall be certified by the Statutory auditor of the Party.*

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S. No.	Criteria	Max. Marks	Document Required
(i)	Number of operational CBG / Biogas plant for which Party / any member of Consortium has provided its Technology	15	Party to submit relevant experience proof from the owner of the plant as Annexure: 6
a)	> 5 number	15	
b)	>3 number & <=5 number	10	
c)	>=1 number & <=3 number	5	
d)	NIL	0	
(ii)	Number of operational CBG/Biogas plants for which the Party or any member of the Consortium has O&M experience of at least 1 year	20	Party to submit relevant experience proof from the owner of the plant as Annexure: 7
a)	>5 number	20	
b)	>3 number & <=5 number	15	
c)	>1 number & <=3 number	10	
d)	1 number	5	
(iii)	Number of CBG/Biogas plants for which the Party or any member of the Consortium is owner or carried out EPC	20	In case of Party being EPC player, Party to submit relevant experience proof from owner of the plant and in case of Party being Owner, Party should submit relevant proof of ownership as Annexure: 8
a)	>5 number	20	
b)	>3 number & <=5 number	15	
c)	>=1 number	5	
(iv)	Experience of the Party or any member of the Consortium for various feedstock in the capacity of Owner or Technology Provider or EPC player or O&M service provider	15	Shall be derived from the documents submitted as part of Annexure: 6,7 & 8
a)	Municipal Solid waste (MSW), Agriculture Waste & Press mud	15	
b)	Only Agriculture Waste	5	
c)	Only MSW	5	
d)	Only Press mud	5	

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S. No.	Criteria	Max. Marks	Document Required
e)	In case of experience of any two type of feedstock mentioned above	10	
(v)	Average Annual Turnover of Party or Lead Partner of Consortium for latest 3 Financial years, FY 2020-21, 2021-22 and 2022-23 as per audited balance sheet	20	As per Annexure:5
a)	More than or equal to INR 100 crore	20	
b)	More than or equal to INR 75 crore, but less than INR 100 crore	15	
c)	More than or equal to INR 50 crore, but less than INR 75 crore	10	
d)	More than or equal to INR 25 crore, but less than INR 50 crore	8	
e)	More than or equal to INR 10 crore, but less than INR 25 crore	5	
(vi)	Party / any member of Consortium approved by Ministry of Agriculture and Farmers Welfare, Government of India to sell Fermented Organic Manure (FOM) and Liquid Fermented Organic Manure (LFOM) in bulk.	10	Relevant gazette notification

The above evaluation may be carried out by GAIL on its own or through a third party / consultant. The decision of GAIL in this regard shall be final and binding on the EOI applicants.

In case same marks are scored by more than one Party, then Party having higher Net worth shall be selected (in case of Consortium, combined Net worth of all members shall be considered).

Further, GAIL reserves the right to call the Party for making Presentation(s) before GAIL team / management and seek additional information (if required).

5. ACTIONS ENVISAGED AFTER SELECTION OF PARTY

Following actions shall be undertaken after selection of Party under this EOI:

1. DFR and financial appraisal of at least 2 CBG projects. Cost for the same shall be shared equally between GAIL and the selected Party.
2. In case of Consortium, SPV shall be formed by the members of the Consortium as per conditions of EOI.
3. Subsequently, GAIL and the Party will negotiate and finalize definitive agreements for formation of JVC.

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4. Entering into definitive agreements and incorporation of JVC subject to respective Board approval and regulatory/statutory approvals.

6. OTHER INFORMATION

- 5.1 This EOI is issued with the intent of selecting suitable JVC partner, GAIL reserves the right to reject any EOI or terminate the EOI process at any point of time without assigning any reason.
- 5.2 EOI Validity: The EOI must be valid for a period of 12 months from the due date of EOI submission.
- 5.3 **Submission of EOI**: The Party shall submit the EOI along with all relevant documents sought in the EOI including but not limited to following:
 1. Cover Letter for submission of the EOI - **Annexure: 1**.
 2. Authorization letter in name of the Authorized Signatory issued by the Board of Directors / Managing Director / Chief Executive Officer / Partner of the Party (in case of Partnership firm) / each member of the Consortium – **Annexure: 2**.
 3. Details of Registration of Party / each member of Consortium – certificate of incorporation.
 4. Undertaking from other members of the Consortium (other than Lead Partner) – **Annexure: 3**
 5. Documents as per Technical Criteria (Clause 3.1) of the EOI - **Annexure: 4**
 6. Documents as per Financial Criteria (Clause 3.2) of the EOI. Details of financial capability for Party / each member of Consortium along with Audited Financial Statements shall be submitted as per format provided at **Annexure: 5**.
 7. Documents sought under Evaluation Methodology (Clause 4) of the EOI document- **Annexure: 6,7 & 8 and the relevant gazette notification**.
 8. Undertaking by the Party / each member of the Consortium – **Annexure: 9**.
 9. All pages of the EOI and the enclosures must be certified / attested by the Authorized Signatory.

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SECTION-II

ANNEXURES TO BE ENCLOSED

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ANNEXURE-1

FORMAT FOR SUBMISSION OF EOI

(to be printed on the official stationery / letterhead of the Party/Lead Partner of Consortium)

To
GAIL (India) Limited
GAIL Bhawan,
16 Bhikaji Cama Place,
R K Puram, New Delhi - 110066

Dear Sir,

Subject: Submission of Expression of Interest for “Partner Selection to set up Compressed Bio Gas (CBG) Plants”.

With reference to EOI Ref. No: GAIL/ND/BD/EOI/CBG-PS/01 Dated 21.12.2023 and after examining selection criteria and other information provided in the EOI Document, _____ (name of the Party) hereby submit its Expression of Interest for partnership with GAIL to set up CBG plants along with all requisite information / documents.

We hereby declare that -

1. All terms and conditions mentioned in the EOI Document have been read and understood and are acceptable to us.
2. We are meeting the Qualification Criteria mentioned at Clause 3 of the EOI Document and necessary documentary evidence in this regard are enclosed.

We hereby unconditionally and irrevocably agree and accept that the decision made by GAIL in respect of any matter regarding or arising out of the EOI shall be binding on us.

Yours Sincerely,

(Signature & Stamp of Authorized Signatory)

Designation:

Date:

Place:

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ANNEXURE-2

(Authorization Certificate on the Letter Head of Party / each member of Consortium)

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ANNEXURE-3

Undertaking by other members of the Consortium (other than Lead Partner)

(to be submitted on Company Letterhead)

With reference to EOI Document Ref. No. GAIL/ND/BD/EOI/CBG-PS/01 Dated 21.12.2023, following is hereby certified:

- (i) Our organization principally agrees to all the conditions of the EOI and
- (ii) Our organization is ready to work as a Consortium member under the Lead Partner [Name of the Lead Partner].
- (iii) Our organization agrees to form a Special Purpose Vehicle (SPV) under the Companies Act, 2013 with the Lead Partner, if the Consortium is selected as a JV Partner. The SPV shall form Joint Venture Company with GAIL.

[Signature & Stamp of Authorized Signatory]

Date:

Place:

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ANNEXURE-4

*(Experience proof towards meeting technical criteria (clause 3.1), to be submitted by Party /
Lead Partner of the Consortium)*

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ANNEXURE-5

**Format For Certificate From Practicing Chartered Accountant For Financial Capability Of The
Party / Each Member Of The Consortium**

We have verified the Audited Financial Statements and other relevant records of M/s..... (Name of the Party) and certify the following:

A. AUDITED ANNUAL TURNOVER OF LAST 3 YEARS:

Year	Amount (Currency)
Year 2020-21:	
Year 2021-22:	
Year 2022-23:	

B. NETWORTH AS PER LAST AUDITED FINANCIAL STATEMENT:

Description	Year:
1. Net Worth	

Notes:

- (i) It is further certified that the above mentioned applicable figures are matching with the returns filed with Registrar of Companies (ROC)
- (ii) We confirm that above figures are after referring instructions provided in the Format.
- (iii) Practicing Chartered Accountants shall generate Unique Document Identification Number (UDIN) for all certificates issued by them.

Name of Audit Firm:
Chartered Accountant Name:
Date:

[Signature of Authorized Signatory]
Name:
Designation:
Seal:
Membership No.:
UDIN:

Instructions for filling the Format:

1. The Separate Pro-forma shall be used for each member in case of Consortium.
2. The financial year would be the same as one normally followed by the Party for its Annual Report.
3. The Party shall provide the audited annual financial statements along with the EOI. Failure to do so would result in the Proposal being considered as non- responsive.
4. For the purpose of this document:
 - (i) Annual Turnover shall be "Sale Value/ Operating Income" and
 - (ii) Net Worth shall be Paid up share capital plus Free Reserves & Surplus less accumulated losses, deferred expenditure and miscellaneous expenditure not written off, if any.
5. Above figures shall be calculated after considering the qualification, if any, made by the statutory auditor on the audited financial statements of the Party including quantified financial implication.
6. This certificate is to be submitted on the letter head of Practicing Chartered Accountant.

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ANNEXURE-6

*(Operational CBG projects for which Party / any member of the Consortium has provided its
Technology)*

S.No.	CBG Project Name	Location	Name plate capacity (CBG in TPD or Biogas in CMPD)	Feedstock	Experience proof document attached

[Signature & Stamp of Authorized Signatory]

Date:

Place:

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ANNEXURE-7

(Operational CBG projects for which Party / any member of the Consortium has minimum 1 year O&M experience)

S.No.	CBG Project Name	Location	Name plate capacity (CBG in TPD or Biogas in CMPD)	Feedstock	Experience proof document attached

[Signature & Stamp of Authorized Signatory]

Date:

Place:

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ANNEXURE- 8

(Operational CBG projects for which the Party or any member of the Consortium is owner or carried out EPC)

S.No.	CBG Project Name	Location	Name Plate capacity (CBG in TPD or Biogas in CMPD)	Feedstock	Experience proof document attached

[Signature & Stamp of Authorized Signatory]

Date:

Place:

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ANNEXURE-9

Undertaking by a single company / each member of the Consortium

(to be submitted on Company Letterhead)

With reference to EOI Document Ref. No. GAIL/ND/BD/EOI/CBG-PS/01 Dated 21.12.2023, following is hereby certified:

(i) The company has not been affected by any of the following events, conditions or circumstances in the 3 Financial Years immediately preceding the EOI Submission Due Date:

- a) the company having been categorized as a willful defaulter in accordance with Applicable Laws or laws of the country of its incorporation;
- b) the company being subject to proceedings for declaration of or being declared bankrupt, being wound up, or having its affairs administered or conducted by any court, administrator, receiver; or
- c) the company having been declared by a court or other competent authority as being unable to pay its debts or having made any composition or arrangements with creditors or having had the repayment of its debts suspended.

(ii) The company has not been convicted or otherwise being found responsible (or having any of its directors, partners, trustees, officers or managers convicted or being found responsible) by any court, tribunal, regulatory, public or other competent authority for a breach of any laws or regulations which:

- a) related to any act of fraud or dishonesty for which a fine, penalty, damages, compensation or other payment was levied against the company or any of its directors, partners, trustees, officers or managers; or,
- b) resulted in the permanent or temporary suspension of the rights of the company to provide any service or carry on any type of business or operations.

(iii) The company is not put on 'Holiday' by GAIL or Public Sector Project Management Consultant (like EIL, Mecon only due to "poor performance" or "corrupt and fraudulent practices") or banned/ blacklisted by Government department / Public Sector on due date of submission of EOI. Further, neither company nor their allied agency/(ies) are on banning list of GAIL or the Ministry of Petroleum & Natural Gas.

[Signature & Stamp of Authorized Signatory]

Date:

Place:

[Signature & Stamp of the statutory auditor/chartered accountant of the company]