

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.
Tel. 022 22163964/65/69 Fax 22163976
Email: mercindia@merc.gov.in
Website: www.merc.gov.in

Date: -20 May, 2022

CORAM: - Sanjay Kumar. Chairperson
I.M Bohari, Member
Mukesh Khullar, Member

Miscellaneous Application 76 of 2022 In Case No 227 of 2018
and
Miscellaneous Application 103 of 2022 in Case No 124 of 2018

Compliance of the APTEL Judgment in in Appeal No 118 of 2021 and in Appeal No 40 of 2022 dated 22 March 2022

RattanIndia Power Limited:-	Petitioner
Vs	
Maharashtra Electricity Distribution Company Ltd (MSEDCL):-	Respondent No.1
Adani Power Maharashtra Limited (APML):-	Petitioner
Vs	
Maharashtra Electricity Distribution Company Ltd (MSEDCL):-	Respondent No.1

Appearance

For Petitioner (RPL):	Shri Vishrov Mukharjee (Adv)
For Petitioner (APML):	Shri. Sourav Roy (Adv)
For Respondent:	Shri. G. Saikumar (Adv)

Daily Order

1. Heard Advocate of Petitioners and Respondent.

2. Advocate of RPL stated that APTEL in its judgment dated 22 March, 2022 has allowed the compensation against evacuation charges as change in Law event and has allowed carrying cost at the rate of Late Payment Surcharge as described in power purchase agreement. He further stated that the claims against evacuation charges are submitted to MSEDCL for making payments, he seeks indulgence of the Commission to direct MSEDCL to make payments within time frame.
3. Advocate of APML supporting the submission of RPL stated that claims against evacuation charges are submitted with MSEDCL for making payments.
4. Advocate of MSEDCL stated that APTEL's judgment has been challenged by MSEDCL before the Supreme Court however as there is no stay said judgment is binding on MSEDCL and it is in the process of complying with the same.
5. He further stated that for working out the impact of Change in Law event, the third-party verification certificate for the Gross Calorific value (GCV) of the alternate coal is required. The same has been received from APML but not from RPL which is an important document for verification. After verification of the documents submitted, MSEDCL would approach the Commission for compliance of the same.
6. RPL stated that it has already submitted such third-party verification certificate but will again submit the same along with audited certificate of claimed amount.
7. The Commission pointed out that APTEL judgment allowing carrying cost for change in law claim at LPS rate is different from its earlier judgment wherein such carrying cost for change in law claims relating coal shortfall has been allowed at rate of interest for Working Capital. Considering the different views of APTEL, the Commission directs Petitioners and Respondent to submit their position in this matter.
8. Considering the submissions made by Petitioners and Respondent, the Commission directs as follows:
 - a. RPL to submit third-party verification certificate for GCV along with audited certificate of claimed amount to MSEDCL by Monday, 23 May 2022.
 - b. MSEDCL to verify the change in law claims of both Petitioners within a week thereafter by Monday, 30 May 2022 and file its submission on the same with copy to all parties by said date.

- c. Parties to file their submission on issue of rate of carrying cost as highlighted above by 30 May 2022.

Next hearing in the matter is scheduled on Tuesday 31 May 2022 at 10.30 am.

**Sd/-
(Mukesh Khullar)
Member**

**Sd/-
(I.M. Bohari)
Member**

**Sd/-
(Sanjay Kumar)
Chairperson**