

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Email: mercindia@merc.gov.in
Website: www.merc.gov.in**

Date: 29 November 2022

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

Case No. 119 of 2021 & I.A. No.23 of 2021 in 119 of 2021

Case No. 119 of 2021

Petition of Clean Wind Power (Bhavnagar) Pvt. Ltd. seeking directions against Maharashtra State Electricity Distribution Limited by declaring that the Power Purchase Agreement dated 17.07.2018 stands frustrated on account of various prolonged and continuing Force Majeure events causing impossibility of performance, and consequential reliefs. and Application on behalf of the Applicant/Petitioner seeking ad Interim Ex-parte directions against the Respondent.

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Miscellaneous Application No. 23 of 2021

Interlocutory Application of Clean Wind Power (Bhavnagar) Pvt. Ltd. seeking interim reliefs, including restraining MSEDCL from invoking/encashing the Petitioner's Performance Bank Guarantee.

M/s. Clean Wind Power (Bhavnagar) Pvt. Ltd. : Petitioner

Maharashtra State Electricity Distribution Co. Ltd (MSEDCL) : Respondent

Appearance:

For the Petitioner : Mr. S.K. Rungta (Sr. Adv.)

For the Respondent : Mr. Ravi Prakash (Adv.)

Daily Order

1. Heard the Advocates of Petitioner and Respondent.
2. Advocate of the Petitioner submitted that the Petitioner is seriously interested in commissioning

the project, at least of 25 MW capacity for which Grid Connectivity is available and it has given its proposal to MSEDCL which is still under consideration of MSEDCL.

3. Advocate of MSEDCL submitted that the Petitioner has not offered any viable proposal. He suggested that matter be heard on its merits.
4. The Advocate of the Petitioner stated that if the matter is to be heard on merit, then MSETCL needs to be impleaded in the matter as allowed by the Commission in last hearing dated 4 October 2022. The Petitioner has not yet impleaded MSETCL, as it was hoping for favourable response from MSEDCL on its proposal. Therefore, he suggested that Petitioner may be allowed to implead MSETCL, and matter may be listed for argument thereafter.
5. In view of above request, the Commission adjourned the hearing with direction to the Petitioner to implead MSETCL in the matter and serve the copy of the Petition immediately. MSETCL shall file its reply within 2 weeks thereafter. Rejoinder, if any shall be filed within 1 week from the date of reply from MSETCL.

Next date of hearing will be intimated by the Secretariat of the Commission.

Sd/-
(Mukesh Khullar)
Member

Sd/-
(I. M. Bohari)
Member

Sd/-
(Sanjay Kumar)
Chairperson