

**Before the
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: 03 January 2023

**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
Maharashtra State Electricity Transmission Co. Ltd. (MSETCL)	: Impleaded Respondent

Appearance:

For	
The Petitioner	: Mr. S.K. Rungta (Sr. Adv.)
The Respondent	: Mr. Ravi Prakash (Adv.)

Daily Order

1. Heard the Advocates of Petitioner and Respondent.
2. The Advocate of the Petitioner stated that if the matter is to be heard on merit, then submission of MSETCL is necessary. The Commission noted that in last hearing dated 4 October 2022, the Commission directed CWPBPL to implead MSETCL as a necessary party. Advocate of CWPBPL informed that on 5 December 2022 it has served all pleading to MSETCL and added it as party Respondent on e-filing portal of the Commission. MSETCL has not filed the reply on the matter.
3. The Commission noted that MSETCL is also not present for the hearing. Considering nature of case and to ensure principle of natural justice, the Commission adjourned the hearing and directs registry to issue copy of this Daily Order to MSETCL. MSETCL shall file its reply within 2 weeks from the date of this Daily Order. If MSETCL opts not to respond, then the matter will be decided ex-party.

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