

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Date: 8 May 2023

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

Case No. 56 of 2023

Petition of ACME Sikar Solar Pvt. Ltd. and ACME Solar Holdings Pvt. Ltd. seeking declaration that the PPA dated 04.04.2022 stands validly termination and for return of Performance Bank Guarantee dated 22.03.2022 amounting to Rs. 24 Crores pursuant to the termination.

And

IA No. 30 of 2023 in Case No.56 of 2023

Interlocutory Application seeking urgent listing and issuance of interim directions in Case No. 56/AD/2023.

ACME Sikar Solar Pvt. Ltd. (ASSPL)

ACME Solar Holdings Pvt. Ltd (ASHPL)

} ... Petitioners

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

Respondent

Appearance:

For the Petitioners

: Mr. Deepa Chavan (Adv.)

For the Respondent

: Mr. Ravi Prakash (Adv.)

Daily Order

1. Heard the Advocate of Petitioners and Respondent.

2. The Commission notes that main contention in the Petition is about non issuance of un-conditional No Objection Certificate (NOC) by MSETCL for firming up of Long Term Access (LTA) with CTU for the Petitioner's 300 MW Project which has ultimately led to Petitioner initiating process for termination of PPA. Therefore, the Commission is of the opinion that MSETCL needs to be impleaded in the matter so that its submission on difficulties in issuing un-conditional NoC can be heard.
3. Advocate of the Petitioner agreed for the same. However, she requested that in the meantime MSEDCL may be directed not to take any coercive step in terms of encashment of its PBG. She stated that PBG is valid till May 2024.
4. In view of above, 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.
5. Further, as PBG is valid till May 2024, the Commission directs MSEDCL not to take any coercive action, till final disposal of the matter.

IA No.30 of 2023 stands disposed of. Subsequent to receipt of above submissions, next date of hearing in Case No. 56 of 2023 will be intimated by the Secretariat of the Commission.

Sd/-
(Mukesh Khullar)
Member

Sd/-
(I. M. Bohari)
Member

Sd/-
(Sanjay Kumar)
Chairperson