

**Before the  
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION  
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.  
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**Case No. 150 of 2013**

**Dated: 24 October, 2013**

**CORAM: Smt. Chandra Iyengar, Member**

**In the matter of: Petition of Maharashtra State Electricity Distribution Company Ltd.  
for Review of Order dated 21.08.2013 passed by MERC in Case No. 68 of 2012.**

Maharashtra State Electricity Distribution  
Co. Limited

.....Petitioner

V/s

Adani Power Maharashtra Limited

.....Respondent

Advocates / Representative for the Petitioner :

Shri. Rahul Chitnis (Adv.)  
Shri. Abhijeet Deshpande (Rep.)

Advocate / Representative for the Respondent:

Shri. Naresh Thacker (Adv.)  
Shri. Kandrap Patel (Rep.)

**Daily Order**

1. Heard the Petitioner and the Respondent.
2. The Commission noted that the Petitioner has gone on appeal before the Hon'ble ATE on the same Order after filing the present review Petition.
3. The Commission noted that the Petitioner has come before this Commission for stay of payment of interim charges decided in second part of Order dated 21 August, 2013. However, the Petitioner has completely ignored the first part of the Order which should have been complied with within 10 days from issuance of the said Order. If that part of the Order had been implemented and consultative process set in motion, the need for the present Petition may not have arisen.
4. As regards the reason for a Committee not being formed, the Petitioner stated that the matter is pending with the Government of Maharashtra and it would make efforts to expedite the matter. The Commission is unwilling to accept that it has not been possible to form the Committee as per the directions issued in the Order in Case No. 68 of 2012 in the given timeframe and till the filing of this review Petition. The Commission noted that in a similar matter which heard by the CERC, the State was able to take a decision and appoint its Representatives on the Committee within 43 days.

5. The Commission directs the Petitioner to implead the Govt. of Maharashtra as party in the matter. Submission on behalf of Govt. of Maharashtra needs to be filed well before the next date of hearing and its authorized Representative should be present during the next hearing. The Commission refrains it from suggesting level of Officer to be appointed as Representative of GoM; but such Representative should have knowledge, capacity and authority to answer and give assurance on any issue that may arise in this case.
6. The Commission gives time to the Petitioner till the final hearing of this case for setting up the Committee and expediting consultative process. The Commission noted that in spite of time limit of 10 days being given to setup a Committee, no progress has been made in this regard. The Commission is of the view that had there been a genuine problem, the Petitioner could have approached the Commission seeking an extension of time to comply with that part of the Order. The Petitioner not only has not done so, but has not even mentioned this matter in their review Petition.
7. With respect to the prayer for stay of Order dated 21 August 2013 to the extent of payment of tariff at rate of Rs. 3.124 per kWh is concerned it appears that subsequent to Order dated 21 August, 2013 the Respondent has raised the bills on the Petitioner which have not been paid. The Commission believes that starting consultative process as stipulated in its Order and arriving at a final decision would be the best solution. The Commission directs that the part related to interim relief (tariff above the PPA rate) of the Order in Case No. 68 of 2012 will be kept in abeyance till the final Order of the Commission on the present review Petition. The Respondent also conveyed its agreement for this arrangement.
8. The Respondent raised the issue of withdrawal of the appeal filed by MSEDCL in APTEL. The Commission has directed the Petitioner to file an affidavit by the end of the day clarifying its position on this issue. Accordingly, the Petitioner submitted its affidavit stating that they will withdraw the Appeal (Dairy No. 2295) filed before the Hon'ble ATE and the process of withdrawal of the said appeal will be start by 30 October 2013.
9. The Petition is admitted for further hearings on the merits of the review Petition. The Secretariat of the Commission will communicate next date of hearing in this matter.

**sd/-**  
**(Chandra Iyengar)**  
**Member**