

**Before the  
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION  
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**Case No. 118 of 2013**

**Dated: 21 November, 2013**

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

**In the matter of:** Petition filed by JSW Energy Limited under Section 61, 86(1)(b) and other applicable provisions of the Electricity Act, 2003

JSW Energy Limited (JSW) .....Petitioner

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

Advocates / Representative for the Petitioner Shri. J.J. Bhat (Counsel), JSW Energy Ltd.

Advocates / Representative for the Respondent Smt. Deepa Chawan (Counsel), MSEDCL

**Daily Order**

1. Heard the representatives of the Petitioner and Respondent.
2. JSW Energy Ltd. is directed to submit a copy the submissions made before the Hon'ble ATE in appeal against the Commission's Order in Case No. 9 of 2011; and a copy of the Regulations referred to in Paragraph 10 of the Petition.
3. The Commission has observed the Appeal filed before the Hon'ble ATE challenging the Order in Case No. 9 of 2011 is pending for Judgment. Therefore, the issue of force majeure is sub judice.
4. The CCEA on 21 June, 2013, taking into account the overall domestic coal requirements and actual availability, decided that Coal India Limited (CIL) would sign FSAs for only 65%, 65%, 67% and 75% of the Annual Contracted Quantity (ACQ) for the remaining 4 years of the 12th five year plan. To meet the balance requirement of coal, generators would have to procure costlier coal, i.e. e-auction/ imported coal. On 26 July, 2013, NCDP, 2007 was amended by the MoC taking into account the shortfall in availability of coal. On 31 July, 2013, the Ministry of Power issued an advisory to the CERC/ SERCs to consider the higher cost of e-auction

imported coal as pass-through on a case to case basis. The Commission feels that specific mechanism may be developed to deal with similar cases. JSW may suggest a formula/ mechanism to address the issue if they wish to.

5. The Secretariat of the Commission will communicate next date of hearing in this matter.

Sd/-  
(Chandra Iyengar)  
Member