

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No. 158 of 2014

Dated: 26 February, 2015

CORAM: Smt. Chandra Iyengar, Chairperson
Shri. Azeez M. Khan, Member
Shri. Deepak Lad, Member

In the matter of: In the matter of Review Petition under Section 94(1)(f) of the Electricity Act, 2003 & Regulation 85 of MERC(Conduct of Business) Regulations, 2004 of Final Orders dated 15.07.2014 passed by the Commission in Case No. 154 of 2013 and Order dated 20.08.2014 passed by the Commission in Case No. 147 of 2014.

Indiabulls Power Limited (IPL)Petitioner

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

Representative for the Petitioner: Shri. Vikram Nankani (Advocate)

Representative for the Respondent: Ms. Deepa Chawan (Senior Counsel)

Consumer Representative: Ms. Ann Josey (Prayas)

Daily Order

Heard the Advocates of Petitioner, Respondent and Consumer Representative.

The Petitioner made submissions on maintainability of review. In support of his arguments, the Petitioner has cited Judgements of Supreme Court. The Petitioner also made submissions on the merits of the grounds raised in the review Petition.

The Petitioner further requested to review the Order dated 15.07.2014 in Case No. 154 of 2013 to enable full recovery of cost of alternate coal, to allow quantity shortfall due to low GCV coal supplied by CIL, to declare the change in NCDP, 2007 as an event of "Change in

Law” in terms envisaged under Article 10.1.1 of the PPAs dated 22.04.2010 and 05.06.2010, and allow appropriate remedial relief in terms of the PPAs executed between MSEDCL and IPL.

Ms. Deepa Chawan on behalf of Respondent has objected on maintainability of Petition and also cited Judgements of Supreme Court in support of her submissions.

The Commission directed Petitioner to file its written submission by 10 March, 2015 and Respondent to submit its reply by 20 March, 2015. The Commission also directed Prayas to submit its written submission by 20 March, 2015.

The Case is reserved for Order.

Sd/-
(Deepak Lad)
Member

Sd/-
(Azeez M. Khan)
Member

Sd/-
(Chandra Iyengar)
Chairperson