

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
**World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005**  
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**Case No. 159 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. 189 of 2013 and Order dated 20.08.2014 passed by the Commission in Case No. 140 of 2014.

Adani Power Maharashtra Limited (APML) .....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. 189 of 2013 to enable full recovery of cost of alternate coal, date of applicability of Compensatory tariff, declare the change in NCDP, 2007 as an event of "Change in Law" in terms envisaged

under relevant Article of the PPAs dated 08.09.2008, 31.03.2010, 09.08.2010 and 16.02.2013 and allow appropriate remedial relief in terms of the PPAs executed between MSEDCL and APML.

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