Before the

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005 Tel. 022 22163964/65/69 Fax 22163976

Email: mercindia@merc.gov.in

Website: www.mercindia.org.in/www.merc.gov.in

Interim Application in Case No. 54 of 2015

Date: 15 May, 2015

CORAM: Smt. Chandra Iyengar, Chairperson

Shri. Azeez M. Khan, Member Shri. Deepak Lad, Member

In the matter of Petition filed by Rattan India Power Limited, under Section 86 (1) (f) of the Electricity Act, 2003 read with Article 4.7.1 of the PPA dated 05.06.2010 seeking quashing of the notice dated 07.05.2015 of the MSEDCL seeking Liquidated Damages

Rattan India Power Limited (RIPL) ...Petitioner

V/s

Maharashtra State Electricity Distribution Company (MSEDCL) ... Respondent

Advocates/Representative for the Petitioner: Adv. Akshay Babu

Advocates/Representative for the Respondent:

Adv. Rahul Sinha

Daily Order

Shri. Akshay Babu appeared for the Petitioner and briefed the interim Application to the Commission and requested the Commission for following prayers (a) to (f):

The prayers of the Interim Application made by RIPL are as under-

- a) restrain the Respondent MSEDCL from invoking the Contract Performance Guarantee submitted by the petitioner in form of Bank Guarantee No. 140GPGE101530001 dated 02.06.2010 issued by Canara Bank, New Delhi as extended, Bank Guarantee No.2164ILG013610 dated 02.06.2010 issued by Punjab National Bank, New Delhi as extended & Bank Guarantee No. 6059IPEBG100027 dated 02.06.2010 issued by Bank of India, New Delhi as extended,
- b) restrain the Respondent from withholding any payments due to the petition on account of supply of Power in terms of PPA dated 22.04.2010 & 05.06.2010.
- c) restrain the Respondent from taking any other coercive steps against the Petitioner in appropriating any amount under the impugned letter dated 07.05.2015 from the petitioner by any means;

- d) direct the Respondent MSEDCL not to give effect to the letter dated 07.05.2015 for invocation of Bank Guarantees (Annexure -12), and to not to take any coercive actions whatsoever against the Petitioner, till the pendency of the present petition;
- e) pass ad-interim ex-parte Order(s) in terms of relief prayed in prayers (a) to (d);
- f) pass such other order or further orders as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case."

Shri. Rahul Sinha advocate of MSEDCL sought time to file the rejoinder.

After hearing the Representatives of the Petitioner and Respondent, the Commission stayed the Notice dated 7 May, 2015 issued by MSEDCL till the matter is heard by the Commission in the next hearing or further Orders.

The decision of the Commission to stay the notice dated 07 May, 2015 is not on the merits and is only based on Interim Application in Case No. 54 of 2015.

The Respondent is directed to submit its reply by Wednesday, 20 May, 2015, with a copy served to the Petitioner and authorised consumer representatives.

The Petitioner is directed to submit its additional/rejoinder submission by Wednesday, 27 May, 2015 with a copy to the Respondent and authorised consumer representatives.

Date of further Hearing will be communicated to the parties by the Secretariat of the Commission.

Sd/(Deepak Lad) (Azeez M. Khan)
Member Member

Sd/-(Chandra Iyengar) Chairperson