

**Before the  
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION  
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**Case No. 28 of 2015**

**Dated: 23 September, 2015**

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

**In the matter of :-** Petition of Adani Power Maharashtra Ltd (APML) under Section 86(1)(f) of the Electricity Act, 2003 for the hardship being faced due to netting of entire 520 MW in each block instead of allowing compensation for 800 MW from Lohara coal block by the Commission in Order dated 05.05.2014 in Case No. 63 of 2014 for supply of 800 MW from Tiroda Thermal Power Station.

Adani Power Maharashtra Ltd. (APML) .....Petitioner

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

Representative for the Petitioner: Shri. J. J. Bhatt (Advocate)

Representative for the Respondent: Smt. Deepa Chawan (Advocate)

**Daily Order**

Heard the advocates of the Petitioner and the Respondent.

Advocate of Petitioner reiterated the submissions made in Amended Petition and requested to clarify that the Petitioner ought to be allowed prudent compensation by netting of only the energy corresponding to 416 MW instead of 520 MW, as the Normative Availability under the PPA is only 80% and Petitioner is required to achieve Availability of 80% to recover full Capacity Charges.

The Commission enquired about the applicability of 80% Normative Availability to the balance capacity, i.e. 800 MW under the PPA. The Commission directed APML to submit its submission on this issue by 5 October, 2015. MSEDCL is directed to submit the response to the amended Petition, and APML's Rejoinder by 12 October, 2015.

**The Case is reserved for Orders.**

**Sd/-  
(Deepak J. Lad)  
Member**

**Sd/-  
(Azeez M. Khan)  
Member**

**Sd/-  
(Chandra Iyengar)  
Chairperson**