

**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**

Case No. 71 of 2015

In the matter of

Petition of Tata Power Renewable Energy Limited under Section 94 (1) (f) of the Electricity Act, 2003 read with Regulation 85 and 92 of MERC (conduct of business) Regulations, 2004 for seeking review of the Order dated 13.04.2015 passed by the Commission in Case No. 141 of 2014.

Tata Power Renewable Energy Limited (TPREL) ... Petitioner

V/s

1. Tata Power Company Limited -Distribution
2. The Chief Engineer (STU), Maharashtra State Electricity Transmission Co. Ltd.
3. The Chief Engineer, EHV Construction cum O & M Zone (MSETCL) ... Respondents

Appearance

For the Petitioner : Smt. Deepa Chawan, Advocate

For the Respondent : 1. Shri A. Sethi (Rep.), TPCL (D)
2. Shri B.N. Khasale (Rep.), MSETCL
2. Shri A. Yadav (Rep.), MSETCL

The Consumer Representative : Dr. Ashok Pendse (TBIA)

Dated: 21 October, 2015

CORAM: Smt. Chandra Iyengar, Chairperson

Shri Azeez M. Khan, Member

Shri Deepak Lad, Member

Daily Order

Heard the Advocate of the Petitioner, Respondents and Consumer Representative.

TPREL, the Petitioner requested the Commission to consider its scope of work and delay caused in the execution of the evacuation facility for assessing and adjudicating the issue of Force Majeure.

TPREL submitted that it lost approximately, 90 days in getting MSETCL's approval for change in location of the Palaswadi Project from Dighanchi to Palaswadi as the approval was

granted after a period of 120 days when ordinarily such approvals are granted by MSETCL within a period of 30 days.

Additional 50 days delay in construction of the Solar Field, 33KV/132 KV Switchyard and the Evacuation Facility (132 KV Double Circuit Transmission Line) was on account of local resistance and unrest.

The said delays were due to Force Majeure events being beyond Petitioner's control. Due to such delay, the commissioning of the Palaswadi Project was delayed and TPREL was constrained to seek outage for 26.03.2014. TPREL's solar field and switchyard were completely ready for commissioning on 24.03.2014. The delay beyond 24.03.2014 was due to non-completion of the evacuation facility, which TPREL undertook on behalf of and under the supervision of MSETCL.

The Commission pointed out that above contention of TPREL has already been recorded in the impugned Order at paras 16 to 20.

The Commission directs the parties to file their additional submissions, if any, by 28 October, 2015

The case is reserved for Order.

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

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

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