

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 122 of 2015

Dated: 11 February, 2015

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

In the matter of
Petition of MSEDCL seeking amendment in the PPA signed under Case 1 Stage 1
project in relation to ambiguity in definition of contracted capacity and installed
capacity

Maharashtra State Electricity Distribution Company Ltd. (MSEDCL)Petitioner
Vs
Adani Power Maharashtra Limited (APML)Respondent No. 1
JSW Energy Limited (JSW)Respondent No. 2

Appearance

Representative for the Petitioner: ...Smt. Kiran Nagaonkar (Rep)
Representative for the Respondent No. 1: ...Shri Jignesh Lingadia (Rep)
Representative for the Respondent No. 2: ...Adv. Ramanuj Kumar

Representative for Consumer Representative: ...Shri Ashok Pendse (TBIA)
...Smt Ashwini Chitnis (Prayas)

Daily Order

Heard the representatives of the Petitioner, Respondents and Consumer Representatives.

Representative of the Petitioner requested the Commission to keep the matter on hold as MSEDCL will try to resolve the issue through discussion with the Respondents. Similar request is also made by APML vide its letter dated 10 February, 2016.

Representative of the Respondents agreed to the suggestions of the Petitioner for discussion. Ms. Ashwini Chitnis of Prayas requested the Commission to direct MSEDCL to provide the following:

1. Complete Petition,
2. Comparison of Clauses in all the PPAs it has signed under Case 1, Stage 1 and Case1, Stage 2, which deal with Capacity in all its form such as Installed Capacity, Contracted Capacity, etc, which have impact on calculation of Capacity Charge.
3. Details of Case 1- Stage 1 & Case 1- Stage 2 PPAs,

4. PPA wise- Generation, Computation of Capacity Charge and Energy Charge.

Shri. Pendse stated that, due to change in Availability Factor, there is change in computation in Capacity Charges.

The Commission also enquired whether Auditor had been appraised by MSEDCL regarding the background documents relating to this case. The bidding documents were issued by Government of India under Case 2 which were modified to Case 1 through quasi judicial procedures and bidders have bid based on the documents made available to them.

The Commission directed MSEDCL to submit the following within two weeks:

1. Comparison of Clauses in all the PPAs it has signed under Case 1, Stage 1 and Case1, Stage 2, which deal with Capacity in all its form such as Installed Capacity, Contracted Capacity, etc
2. Details of Case 1- Stage 1 & Case 1- Stage 2 PPAs,
3. PPA wise- Generation, Computation of Capacity Charge and Energy Charge and actual payment done by MSEDCL

The Commission allowed one month's time to parties for discussion, following which MSEDCL shall revert to the Commission. The Commission directed MSEDCL to submit its say as to whether it would be prudent for the Commission to re-open the PPA at this stage. MSEDCL also needs to study the pros and cons in case the Clauses of the PPA are changed. MSEDCL should provide complete Petition to Consumer Representatives and Respondents immediately.

Sd/-
(Deepak Lad)
Member

Sd/-
(Azeez M. Khan)
Member