

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No.79 of 2015

Date: 17 March, 2016

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

Petition of M/s Tembhu Power Pvt. Ltd. for allowing Compensatory Tariff. for its small Hydro Power Project at Krishna River near Koregaon Village Karad.

M/s Tembhu Power Pvt. Ltd. Petitioner

Reliance Infrastructure Ltd (R-Infra) Respondent

Present During the hearing

For the Petitioner : None

For the Respondent (R-Infra) : Ms. Anjali Chandurkar (Adv)

Daily Order

Heard the Advocate of the Respondent.

No one appeared on the behalf of the Petitioner during the hearing.

Advocate of the Petitioner arrived at 11.55 Hrs at the Court Room of the Commission after the completion of hearing in the matter.

Respondent stated that:-

1. The Petitioner entered into EPA with Reliance Energy Trading Limited (“RETL”) on 20 December, 2010 for the period of 35 years i.e. from 21.04.2010 to 20.04.2045 at preferential tariff as determined by the Commission. RETL entered into back to back EPA with RInfra for the said power at the same preferential tariff .
2. Thereafter, RInfra directly entered into EPA with the Petitioner on 28 November, 2012 effective from 01.11.2012 and valid upto 20.04.2045 at the preferential tariff as determined by the Commission.

3. There is neither any provision in EPA nor in MERC (RE) Tariff Regulations, 2010 for allowing compensatory tariff as claimed by the Petitioner.
4. The entire basis for claiming compensatory tariff as set out in the Petition is non availability of designed head of 7.5 Mtrs due to failure of the action of GOMWRD and less water release from Koyna Dam.
5. RInfra was not a party to any agreement signed between the Petitioner and the GOMWRD. The revenue loss is due to shortcomings or non-completion of works by GOMWRD for which RInfra is no way concerned or responsible.
6. As per Article 9 of the EPA, the Petitioner has agreed to levelized Tariff of Rs 4.26 per kWh as per the Commission's Order dated 14 July, 2010 in Case No 20 of 2010.

Case is reserved for Order.

Sd/-
(Deepak Lad)
Member

Sd/-
(Azeez M. Khan)
Member