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. 136 of 2015 and Case No. 85 of 2016

Date: 6 October, 2016

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

In the matter of Petition filed by Lanco Vidarbha Thermal Power Ltd. (LVTPL) under Sections 86(1)(f), 86 (1)(k) and other applicable provisions of the Electricity Act, 2003 in connection with the disputes and differences arising under the Power Purchase Agreement dated 25.09.2008 entered between LVTPL, (formerly named Lanco Mahanadi Power) Ltd. and MSEDCL. (Case No. 136 of 2015)

And

Petition filed by Maharashtra State Electricity Distribution Company Limited under inter-alia Section 86(1)(f), of the EA,2003, for adjudication of the disputes and claims arising under the PPA dated 25.09.2008 executed between Lanco Vidarbha Thermal Power Limited (LVPTL) and MSEDCL. (Case No. 85 of 2016)

Lanco Vidarbha Thermal Power Ltd. (LVTPL)Petitioner V/s

Maharashtra State Electricity Distribution Company Ltd. (MSEDCL)Respondent

Advocate for the Petitioner: Adv. Sanjay Sen

Advocate for the Respondent: Adv. Harinder Toor

Daily Order

Heard the Advocates of Petitioner and Respondent.

Advocate of MSEDCL sought three weeks time to submit Rejoinder to the Reply of the Petitioner in Case No. 85 of 2016 stating that Case Nos. 136 of 2015 and 85 of 2016 are interlinked matters, and requested the Commission for an adjournment of both the matters.

However, Advocate of LVTPL, opposed the adjournment. The Commission rejected the request for adjournment of MSEDCL and the hearing was proceeded with.

Advocate of LVTPL set out the chronology of events from the signing of the PPA, and stated that there was a Force Majeure event because of delay in Environmental Clearance for the project. MSEDCL denied occurrence of any Force Majeure event. Advocate of LVTPL submitted that MSEDCL not only encashed the BG against Performance Guarantee, but is demanding additional Performance Guarantee and Liquidated Damages also. He requested the Commission to allow him to submit the Case Laws and ATE's Judgment regarding termination of PPA and Force Majeure, which was allowed.

The Commission further directed MSEDCL to make its written submissions, if any, within 2 weeks, with a copy to the LVTPL.

The next date of hearing in Case No. 136 of 2015 and Case No. 85 of 2016 will be communicated to the parties by the Secretariat of the Commission.

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