



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**