

**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](mailto:mercindia@merc.gov.in)  
Website: [www.mercindia.org.in/www.merc.gov.in](http://www.mercindia.org.in/www.merc.gov.in)**

**Case No. 138 of 2015**

**Date: 18 April, 2017**

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

**In the matter of Petition filed by Rattan India Power Limited under Section 86 (1) (f) of the Electricity Act, 2003 read with Article 4 , 8 and 11 of the Power Purchase Agreement (PPA) dated 22.04.2010 and 05.06.2010 for adjudication of claims of the Petitioner and seeking directions to the Respondent – MSEDCL to open Letter of Credit in terms of the PPA and to make payment of Rs.558 crore outstanding and due to the Petitioner as on 17.10.2015 towards sale and supply of electricity as per the PPA.**

Rattan India Power Limited (RIPL)	...Petitioner
V/s	
Maharashtra State Electricity Distribution Company Limited (MSEDCL)	...Respondent

Advocates for the Petitioner:	Adv. Hormuz Mehta
Advocates for the Respondent:	Adv. Deepa Chawan

**Daily Order**

Advocate of Petitioner stated that RIPL has raised three issues, viz opening of Letter of Credit, payment of Energy Bills due and Late Payment Surcharge. Out of these three issues, opening of Letter of Credit has been now settled, as MSEDCL has opened Letter of Credit for both PPAs as per the PPAs. As regards the payments of Energy Bills and Late Payment Surcharge, RIPL is in the process of reconciliation of the payments made by MSEDCL, post the last hearing.

Representative of MSEDCL stated that Petitioner’s prayer regarding opening of Letter of Credit has been addressed. With regard to the other prayers regarding payments and penal interest charges, she stated that MSEDCL’s computation for payments of bills have not been shared with RIPL, and there are some areas where there may be differences regarding the penal interest amounts. Once these amounts and payments get reconciled, the areas of dispute, if any, would be determined and MSEDCL will approach the Commission for the

same. She further stated that on the issue of basis for penal interest charges, MSEDCL has approached the Commission under Change in Law provisions of the PPA in the Case No. 24 of 2017, which is scheduled for hearing on 2 May, 2017.

Representative of RIPL stated that MSEDCL has never issued any notice of dispute with regards to the bills as per the PPAs, whereas RIPL has followed all the procedures as stipulated in the PPAs.

The Commission gave two weeks time for reconciliation of Energy Bills and payments made there under, and directed MSEDCL to file its submission within two weeks thereafter. RIPL may file a Rejoinder, if any to the submissions of MSEDCL, in a week's time thereafter.

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

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