

**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. 84 of 2016**

**Dated: 2 May, 2017**

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

In the matter of Petition filed by RattanIndia Power Limited (formerly Indiabulls Power Ltd.) (RIPL) under Section 86 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Article 10 of the Power Purchase Agreements dated 22.04.2010 and 05.06.2010 executed between RIPL and Maharashtra State Electricity Distribution Company Limited (MSEDCL) for compensation due to Change in Law impacting revenues and costs during the period from the date of commencement of supply of power by RIPL.

RattanIndia Power Limited (RIPL) .....Petitioner

Maharashtra State Electricity Distribution Company Limited.(MSEDCL) .....Respondent

**Appearance:**

For RIPL: Adv. Vishrov Mukerjee

For MSEDCL: Shri. Paresh Bhagwat

**Daily Order**

Heard the Advocate of the Petitioner and the Representative of Respondent.

Advocate of RIPL stated that it has received the additional submission of MSEDCL on Friday (the last working day) and needs time to file a Rejoinder. He stated that MSEDCL is trying to reopen the issues which the Commission has already dealt with in Order dated 25 March, 2015 in Case No. 173 of 2013. MSEDCL is also relying on the recent CERC Orders in Petition No. 8/MP/2014 and Petition No.156/MP/2014, regarding Change in Law. However, APTEL has scheduled the Appeal No. 111 of 2017 on 25 May, 2017, which is filed by GMR against the Order of CERC in No. 8/MP/2014 on the issues relating to Change in Law, and requested the Commission to adjourn the matter till the APTEL hearing on 25 May, 2017.

He brought to the notice of the Commission that MSEDCL, on the event of contribution to the District Mineral Foundation and National Mineral Exploration Trust, agreed to these

being Change in Law events in Case No. 38 of 2016 of APML, as recorded in the Daily Order dated 3 January, 2017, whereas in RIPL's Case MSEDCL is taking a contrary view.

Advocate of RIPL sought two week's time to file its Rejoinder to the additional submission of MSEDCL.

Representative of MSEDCL stated that it does not have any objection to adjourning the matter till after the APTEL hearing on 25 May, 2017. He stated that MSEDCL has filed certain additional submissions in the matter based on the recent CERC Orders and Supreme Court Judgment, in which some Change in Law events allowed by this Commission had been disallowed by CERC, and some events which were kept pending by this Commission have now been decided. MSEDCL would plead these issues same in the next hearing.

The Commission directed RIPL to submit its Rejoinder in 2 weeks, to which MSEDCL may respond within a week.

The Secretariat of the Commission will communicate the next date of hearing.

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

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