

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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MA No. 11 of 2017 in Case No. 35 of 2016

Date: 27 June, 2017

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

Intervention Application filed by Maharashtra Airport Development Company (MADC) in Case No. 35 of 2016 regarding Petition filed by Abhijeet MADC Nagpur Energy Private Limited against RInfra-D to make payments, on account of the Change in Law, as per the terms of the PPA dated 04.08.2010

Maharashtra Airport Development Company (MADC)Intervention Applicant
Abhijeet MADC Nagpur Energy Private Limited (AMNEPL)Petitioner
Reliance Infrastructure Ltd. Respondent

Advocate for the Applicant:	Adv. Hemant Singh
Advocate for the Petitioner:	Adv. Samir Malik
Advocate for the Respondent:	Shri. Ghanshyam Thakkar

Daily Order

1. Heard the Advocates of Applicant and Petitioner and Representative of Respondent.
2. MADC stated that:
 - a. AMNEPL has violated its obligations qua the 26 % equity stake holding of MADC in AMNEPL. It has executed a PPA with RInfra-D and has failed to share the revenue generated, as agreed, with MADC from the sale of power to RInfra-D.
 - b. Through letter dated 4 June, 2013, AMNEPL had not only conceded but is in default by not disclosing information and not paying the revenue share to MADC but had also

given assurances to MADC that revenue share amount, as per agreed terms, shall be paid to MADC by June 2014.

3. AMNEPL stated that:

- a. Representatives of MADC were present during the hearing held on 31 March, 2016, but did not plead. This Application is filed after Case No. 35 of 2016 is reserved for the Judgment, and hence it is liable to be dismissed.
- b. MADC may approach the appropriate forum, as per the Concession Agreement. In PPA of AMNEPL and RInfra-D, there is no provision for sharing of revenue, and the matter of dispute between them is before the Commission for adjudication under section 86 (1) (f), whereas the Commission has no role to play in the Concession Agreement between AMNEPL and MADC.

4. RInfra-D stated that it will abide by the decision of the Commission.

Miscellaneous Application (MA) 11 of 2017 in Case No. 35 of 2016 is reserved for Order. Final Order will be issued in Case No. 35 of 2016.

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

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