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. 138 of 2015

Date: 25 July, 2017

<u>CORAM:</u> 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 (MSEDC	CL)]	Respondent
		<u>r</u>
Advocates for the Petitioner:	Adv. Kuna	al Kaul

Advocates for the Respondent:

Daily Order

- 1. Heard the Advocate of Petitioner and Respondent.
- 2. Advocate of Petitioner stated that
 - a. During the last hearing, the Commission had given two weeks time for reconciliation of Energy Bills and their payment and had directed MSEDCL to file its submission within two weeks thereafter.
 - b. RIPL has received a submission, including reconciliation statement, from MSEDCL only yesterday, and it will require some time to verify the same.
 - c. RIPL is in process of identifying payments against outstandings, Delayed Payment Charge, and claims against Change in Law and CCEA decision.

Adv. Deepa Chawan

- d. To a query of the Commission, RIPL stated that it has prepared a head-wise consolidated statement which shows a large difference between RIPL's computation and the statement of MSEDCL.
- e. RIPL is facing financial difficulties due to outstanding payments pending with MSEDCL and the liabilities of RIPL need to be paid. Therefore, the Commission may accord some interim relief for smooth functioning of the Generating Plant.
- 3. Advocate of Respondent stated that
 - a. In case of the principal amount, no dispute remains according to the last joint reconciliation. Both the parties may submit their issue wise say on the disputed amount.
 - b. However, MSEDCL is in the process of reconciliation of head-wise amounts as per the invoices and bills.
 - c. Both parties will sit together in time bound manner to discuss the differences in their reconciliation statement, if any, and therefore the Commission maynot to allow any interim relief.
- 4. The Commission expressed its displeasure on non-payment of even the undisputed amounts by MSEDCL for the supply of power and unnecessarily increasing the Delayed Payment Charges which ultimately will be passed on to the consumers. The Commission observed that this amount may be disallowed while determining Annual Revenue Requirement in the future.
- 5. The Commission directed the both parties to resolve their disputes through joint discussions and approach the Commission with the agreed and disputed amounts within 2 weeks.

The next date of hearing will be communicated to the parties by the Secretariat of the Commission.

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