

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Case No. 138 of 2015

Date: 25 October, 2017

CORAM: Shri. Anand B. Kulkarni, Chairperson
Shri. Azeez M. Khan, Member
Shri. Deepak Lad, Member

In the matter of

Petition filed by RattanIndia Power Limited under Section 86 (1) (f) of the Electricity Act, 2003 read with Articles 4, 8 and 11 of the Power Purchase Agreements dated 22.04.2010 and 05.06.2010 for adjudication of claims and seeking directions to MSEDCL to open Letter of Credit and to make payment of Rs.558 crore outstanding as on 17.10.2015 towards supply of electricity.

RattanIndia Power Limited (RPL) ...Petitioner
V/s
Maharashtra State Electricity Distribution Company Limited (MSEDCL) ...Respondent

Advocate for the Petitioner:

Adv. Malcom Desai

Advocate for the Respondent:

Shri. A.N. Kalekar (Rep.)
Shri. Paresh Bhagwat (Rep.)

Daily Order

1. The Parties were informed that this Case had been partly heard by a 2 Member Bench, and would now be heard by the full Commission including the Chairperson, and the parties agreed to taking the earlier proceedings on record.
2. Heard the Advocate of Petitioner and the Representatives of Respondent.
3. Advocate of RPL stated that:
 - a. During the last hearing, the Commission had directed MSEDCL to pay the undisputed amounts to RPL within one month and gave one week's time to RPL to file its affidavit regarding the disputed claims and two weeks for MSEDCL to respond.

- b. In compliance with the Commission's Order, MSEDCL has only paid Rs. 102.11 crore against the undisputed amount of Rs. 152.75 crore. The remaining amount has not been paid by MSEDCL till date.
 - c. MSEDCL has agreed in the last hearing on the following issues.
 - (i) Late Payment Surcharge (LPS) (Sr. No. 3 of the MoM): As against the claim of Rs. 298.93 crore, MSEDCL agreed to Rs. 102.11 crore.
 - (ii) Contract year penalty and deemed capacity (Sr. No. 5 of the MoM): Entire claim of Rs. 37.5 crore is settled by MSEDCL.
 - (iii) Deemed Capacity Charges (Sr. No. 6 of the MoM): Entire claim of Rs.13.14 crore is settled by MSEDCL.
 - d. MSEDCL has not paid Rs.50.64 crore towards Contract Year penalty and Deemed Capacity Charges, which was an undisputed claim.
 - e. MSEDCL has not replied to the submission made by RPL as directed at the last hearing.
4. MSEDCL stated that it has paid Rs. 102.11 crore against Late Payment Surcharge. For the other two undisputed claims, i.e., Contract Year penalty and deemed Capacity Charges, MSEDCL has asked for an undertaking for surrendering its claim to earlier Capacity Charges which RPL has not provided, and payment will be made as soon as RPL provides the undertaking.
 5. MSEDCL also stated that RPL has not reverted on detailed information pertaining to the amounts due and payable, to which, the Petitioner replied that the information is not formally given to it.
 6. The Commission directed both parties to resolve the differences through joint discussions, and MSEDCL should make payment of the undisputed amounts to RPL. The Commission directed the parties to make their submissions accordingly 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**

**Sd/-
(Anand B. Kulkarni)
Chairperson**