

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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MA No. 3 of 2018 in Case No. 91 of 2015

Miscellaneous Application filed by Vidarbha Industries Power Limited (Generation Business) seeking liberty to amend the existing Petition 91 of 2015 to raised additional grounds and prayers

MA No. 4 of 2018 in 199 of 2017

Miscellaneous Application filed by Vidarbha Industries Power Limited (Generation Business) seeking liberty to amend the existing Petition 91 of 2015 to raised additional grounds and prayers

MA No. 5 of 2018 in 91 of 2015

Miscellaneous Application filed by Shri K Balan for Impleadment in MA No. 3 of 2018 filed by VIPL-G to amend the pleadings in Case No. 91 of 2015

MA No. 6 of 2018 in 199 of 2017

Miscellaneous Application filed by Shri K Balan for Impleadment in MA No. 4 of 2018 filed by VIPL-G to amend the pleadings in Case No. 199 of 2017

Date: 14 September, 2018

CORAM: Shri. I.M.Bohari, Member
Shri. Mukesh Khullar, Member

Vidarbha Industries Power Ltd (Generation Business) (VIPL-G)Petitioner
Reliance Infrastructure Ltd (RInfra-D)Respondent

Appearance:

For the Petitioner: ...Shri. Deepa Chawan (Advocate)
For the Interveners: ... Shri Harinder Toor (Advocate)
...Shri Pulkit Sharma (Advocate)
For the Respondent: ...Shri Ghanshyam Thakkar
For the Consumer Representatives: ...Dr. Ashok Pendse

Daily Order

Heard the Advocates of the Petitioner, Interveners and Representative of Respondent and Consumer Representative

1. The Intervener reiterated his submission and cited the provision of the Section 64 of Electricity Act, 2003 and Regulation 18 of MERC (Conduct of Business) Regulations, 2004 for impleading him as party in this Misc. Application.
2. The Advocate for the Petitioner stated that the methodology as sought by the intervener is clearly mentioned in the Misc. Application of the Petitioner. The very nature of this Application is to amend the prayers of the Main Petition, for which the Commission will duly consider the Public Participation in accordance with the (Conduct of Business Regulations), 2004. The Intervener could file his suggestions and objections in the Main Petition and the Petition may be decided on its merits accordingly.
3. The Advocate on behalf of Shri Mukesh Acharya stated that he is in the process of filing the Intervention Application. However, in case the Commission decides to dismiss the Intervention Application and decides to allow the amendments into the main Petition, then he will file his suggestions and objections during the hearing of the main Petition.
4. Dr. Pendse from Thane Belapur Industries Association stated that the dispensation allowed under the change in law is applicable to generating companies under section 63 of the Electricity Act. The Petitioner stated that under the MYT Regulations, Change in Law is recognizes as uncontrollable factor.
5. As regards the Application received from Shri Balan for impleadment, the Commission will conduct the Public Hearing to extend adequate opportunity to the Public to file their suggestions and Objections, if any. Therefore the Commission is of the view that impleadment in this Misc. Application does not serve any additional purpose.
6. Since signing of long term FSA is in the larger interest of Consumers, therefore, the Commission directs VIPL-G to step up their efforts for expeditious execution of much delayed FSA by taking up the matter with the concerned authorities, so as to not render the PPA approved by the Commission, infructuous.

7. The Commission allows prayers made by M/s. VIPL-G in its Misc. Applications seeking amendment in the Mid Term Review Petition (Case No. 199 of 2017) as per the Supreme Court Judgement in Civil Appeal 5399-5400 of 2016 (Energy Watchdog Vs CERC).
8. The Commission further directs M/s. VIPL-G to file its revised Petition incorporating the amendments as proposed and also amending the Respondent, taking into account the management change effected recently from RInfra (Distribution Business) to M/s Adani Electricity Mumbai Ltd (AEML)
9. For the reason above, M/s. VIPL-G is directed to file the Revised Petition for True up of FY 2014-15, FY 2015-16 and FY 2016-17 for scrutiny of the Commission. The Secretariat of the Commission shall communicate about admission of the Petition for Public Hearing in the matter.

Misc. Applications are disposed off accordingly.

Sd/-
Mukesh Khullar
(Member)

Sd/-
I.M Bohari
(Member)