

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
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Date: 1 December 2020

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

Case No. 124 of 2020

Petition of Pristine Industries Limited under Sections 86(1)(e) and 86(1)(f) of The Electricity Act, 2003 pertaining to adjudication of disputes with Maharashtra State Electricity Distribution Company Limited for Non-Compliance of Commission's Order dated 26 November 2019 in Case No. 272 of 2019

Pristine Industries Limited : Petitioner
Maharashtra State Electricity Distribution Company Ltd. : Respondent

Case No. 125 of 2020

Petition of Pertinent Infra and Energy Ltd. under Sections 86(1)(e) and 86(1)(f) of The Electricity Act, 2003 pertaining to adjudication of disputes with Maharashtra State Electricity Distribution Company Limited for Non-Compliance of Commission's Order dated 26 November 2019 in Case No. 274 of 2019

Pertinent Infra and Energy Ltd. : Petitioner
Maharashtra State Electricity Distribution Company Ltd. : Respondent

Case No. 126 of 2020

Petition of Priyadarshini Polysacks Ltd. under Sections 86(1)(e) and 86(1)(f) of The Electricity Act, 2003 pertaining to adjudication of disputes with Maharashtra State Electricity Distribution Company Limited for Non-Compliance of Commission's Order dated 26 November 2019 in Case No. 273 of 2019

Pertinent Infra and Energy Ltd. : Petitioner
Maharashtra State Electricity Distribution Company Ltd. : Respondent

Case No. 148 of 2020

Petition of Classic Marble Company Pvt. Ltd. under Section 86 (1)(f) of The Electricity

Act, 2003 for adjudication of Dispute with Maharashtra State Electricity Distribution Company Limited

Classic Marble Company Pvt. Ltd. : Petitioner
Maharashtra State Electricity Distribution Company Ltd. : Respondent

Case No. 156 of 2020

Petition of Shah Promoters and Developers under Sections 86(1)(e) and 86(1)(f) of The Electricity Act, 2003 pertaining to adjudication of disputes with Maharashtra State Electricity Distribution Company Limited for Non-Compliance of Commission's Order dated 17 January 2019 in Case No. 245 of 2018

Shah Promoters and Developers : Petitioner
Maharashtra State Electricity Distribution Company Ltd. : Respondent

Case No. 173 of 2020

Petition of Sun n Sand Hotels under Sections 86(1)(e) and Section 86 (1)(f) of The Electricity Act, 2003 for adjudication of Dispute with Maharashtra State Electricity Distribution Company Limited and seeking directions to Maharashtra State Electricity Distribution Company Limited for making payments as per Power Purchase Agreement dated 31 July 2006, 11 October 2006 and 20 April 2009 and various earlier Orders of the Commission

Sun n Sand Hotels : Petitioner
Maharashtra State Electricity Distribution Company Ltd. : Respondent

Case No. 184 of 2020

Petition of M/s Kukreja Development Corp. against Maharashtra State Electricity Distribution Company Limited for willful disobedience of the Direction of the Commission passed in the Order dated 9 January 2019 in Case No. 287 of 2018 to release Principal and / Delay Payment Charges (DPC)

M/s Kukreja Development Corp. : Petitioner
Maharashtra State Electricity Distribution Company Ltd. : Respondent

Case No. 185 of 2020

Petition of M/s Kukreja Enterprises against Maharashtra State Electricity Distribution Company Limited for willful disobedience of the Direction of the Commission passed in the Order dated 9 January 2019 in Case No. 288 of 2018 to release Principal and / Delay Payment Charges (DPC)

M/s Kukreja Enterprises : Petitioner

Maharashtra State Electricity Distribution Company Ltd.

: Respondent

Case No. 186 of 2020

Petition of M/s O.P Enterprises against MSEDCL for willful disobedience of the Direction of Commission passed in the Order dated 9 January 2019 in Case No. 285 of 2018 to release Principal and / Delay Payment Charges (DPC)

M/s O.P Enterprises

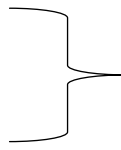
: Petitioner

Maharashtra State Electricity Distribution Company Ltd.

: Respondent

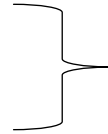
Appearance:

Pristine Industries Limited
Pertinent Infra and Energy Ltd.
Pertinent Infra and Energy Ltd.
Shah Promoters and Developers



: Smt. Dipali Sheth (Adv.)

M/s Kukreja Development Corp.
M/s Kukreja Enterprises
M/s O.P Enterprises



: Shri. V.N Bohra (Adv.)

Classic Marble Company Pvt. Ltd.
Sun n Sand Hotels

: Shri. Aklesh Jain (Adv.)

: Shri. Anand K Ganesan (Adv.)

Maharashtra State Electricity Distribution Company Ltd.

: Shri. Ashish Singh (Adv.)

Daily Order

1. Heard the Representatives of the Petitioners and Respondent. As all the Petitions are seeking similar relief in relation to the non-payment of dues by the Maharashtra State Electricity Distribution Company Ltd. (MSEDCL), the Commission has heard these matters together.
2. The Representatives of the Petitioners after relying on specifics of their case as mentioned in their respective Petitions, have stated as follows:
 - a. They have to approach this Commission repeatedly for payment of their legitimate dues. MSEDCL is releasing the payment only when such Petition gets before the Commission.
 - b. MSEDCL is discriminating among generators while making payments of outstanding

amount to generators.

- c. MSEDCL is making timely payments to the Short-Term Power Suppliers. Also, while releasing the payments to generators under regular Energy Procurement Agreement (EPAs), only Principal amount gets released, DPC and Interest on DPC is not released.
 - d. Although, MSEDCL may have issues of financial liquidity as of now because of COVID or other reasons, it needs to come clear and transparently share its action plan for clearing such dues without any discrimination.
 - e. Any reconciliation of outstanding amount needs to be undertaken without disposing of these petitions.
 - f. Petitioners requested the Commission to seek specific reply from MSEDCL and keep these Petitions pending till MSEDCL makes full payments so that issues can be resolved and repeated filing of Petitions seeking payment of legitimate dues can be avoided.
3. The representative of MSEDCL submitted that it is not disputing its liability to pay outstanding amount and it is in fact trying hard to arrange funds to clear these dues. It has recently paid some amount and requested the Commission to grant some more time so that it can clear maximum dues. Also, MSEDCL has approached Financial Institutions and has provided all details of outstanding dues to them, but financial support is yet to be received. MSEDCL consented to the request of Petitioners to keep these Petitions pending.
4. Having heard the parties, the Commission directs as follows:
- a. MSEDCL and Petitioners shall reconcile outstanding amount within 2 weeks.
 - b. Thereafter, MSEDCL shall file submission within 3 weeks covering following aspects:
 - Reconciled outstanding amount of each of the Petitioner.
 - Payment plan with specific timeline/dates to clear these dues.
 - Its plan to clear all subsequent recurring bills of all generators
 - Its reply on alleged discrimination in payment of dues to generators.MSEDCL shall serve a copy of the above filing to all Petitioners.
 - c. Petitioners can file their reply to above said MSEDCL submission within 2 weeks thereafter.
 - d. MSEDCL should clear the dues in chronological order without any discrimination.
 - e. Commission expects MSEDCL to secure the funds from the Financial Institutions and get the reconciled dues directly settled from them. Let substantial compliance

be reported rather than mere assurances as regards payment of dues of these petitioners when the matter gets fixed for hearing.

Subsequent to receipt of above submissions, next date of hearing in these matters will be informed by the Secretariat of the Commission.

**Sd/-
(I. M. Bohari)
Member**

**Sd/-
(Mukesh Khullar)
Member**