

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Date: -25 June, 2021

CORAM: - Sanjay Kumar. Chairperson
I.M Bohari, Member
Mukesh Khullar, Member

Case No 24 of 2017

Compliance of the APTEL Judgment in Appeal No.77 of 2018 & IA Nos. 318 of 2018 & 125 of 2019 dated 27 April, 2021

Maharashtra State Electricity Distribution Company Ltd:-

... Petitioner

Vs

1. Adani Power Maharashtra Limited:-
2. JSW Energy Limited :-
3. RattanIndia Power Limited:-
4. GMR Warora Energy Limited:-

- ...Respondent No. 1
- ...Respondent No. 2
- ...Respondent No. 3
- ...Respondent No. 4

Appearance

For Petitioner: -

...Shri Ravi Prakash (Adv)

For Respondent No. 1:-

...Shri. M.R.Krishna Rao (Adv)

For Respondent No. 2:-

...Shri. Aman Anand (Adv)

For Respondent No. 3:-

...Shri. Vishov Mukherjee (Adv.)

For Respondent No. 4:-

...Shri. Ambrish Khare (Rep)

Daily Order

1. Heard Advocates of Petitioner and Respondents.
2. Advocate of MSEDCL stated that in compliance with the interim Order dated 17 June 2021 passed by the Commission, MSEDCL has released part payments of undisputed amount to the tune of Rs 83 Cr to the concerned generators and is releasing amount of Rs 129.57 Cr today itself. Thereby 50 % of the undisputed amount of Rs 426.38 Cr will be released today. For balance 50% payment, MSEDCL requested one week period. He further stated that as per the

directives of the Commission, MSEDCL has shared the computations of LPS with the Generators vide mail dated 19 June, 2021 and except GMR, all other generators have replied to mail with discrepancies which are being reconciled. After reconciliation of the disputed amounts, MSEDCL would report the same to the Commission within a week's time. MSEDCL further stated that it is complying with the Orders of the APTEL as well as of the Commission in true letter and spirit but without prejudice to its rights in Civil Appeal No 1843 of 2021 filed by MSEDCL before Hon Supreme Court against APTEL Order in Appeal No 77 of 2018. He informed that its stay application which was to be listed today has unfortunately not been listed and might be listed sometime next week.

3. Advocate of APML stated that MSEDCL has not complied with directives of the APTEL as well as the Commission. Further MSEDCL has applied MCLR rates instead of SBI PLR rates in the computations which are not acceptable to APML. Further no comments are received from MSEDCL on the computations submitted by APML.
4. Advocate of JSW stated that reconciliation in their case was limited to Rs. 6 crore which has also been cleared recently. Hence, MSEDCL should make the payment of the same immediately.
5. Advocate of RPL stated that time period given by APTEL is expiring and MSEDCL is trying to expand the period. Further the computations are based on MCLR rates and not on SBI PLR rates. MSEDCL is wrongly pleading before Hon Supreme court that there would be increased burden to the consumers as this amount is on account of default in making payments in timely manner by MSEDCL which as per MERC Tariff Regulations, cannot be allowed as pass through to the consumers.
6. Advocate of GMR Vadodara stated that it has submitted the computations to MSEDCL vide mail dated 16 June, 2021. MSEDCL has not disputed any of the bill raised by GMR in the past. Therefore, the question of admitted and non-admitted amount doesn't arise at this stage and MSEDCL should immediately pay the amount as claimed by GMR.
7. All the generators except GMR gave consent to the proposal of MSEDCL to pay 50 % of the admitted amount today and remaining 50 % within a week's time. GMR contended that instead of payment of 50% of amount as admitted by MSEDCL, it should be paid immediately 50% of the amount claimed by generators pending reconciliation.
8. On the concerns of the Commission and the Respondents, about the expiry of time period stipulated by APTEL, MSEDCL undertook to approach Hon'ble APTEL for seeking extension of the time limit for compliance of the APTEL Order.

9. Considering the submissions made by Petitioners and Respondent, the Commission directs as follows:

- a. MSEDCL to pay additional amount to respective generators today itself so that 50% amount of claims admitted by MSEDCL is paid on or before 25 June 2021.
- b. Balance 50% of the admitted amount to be released to the concerned generators within a week's time.
- c. MSEDCL and the generators should reconcile the balance claims (amount) within a period of 3 days and MSEDCL to file the submission before the Commission on or before 29 June, 2021. The submissions shall also include the time bound plan to release additional amounts if any as a result of reconciliation.
- d. Based on submissions filed by MSEDCL/generators on reconciliation of LPS amount, the Commission will pass final Order in the matter quantifying LPS amount, if so required.
- e. As submitted, MSEDCL is at liberty to file the application before APTEL for extending the time limits for compliance of the APTEL Order.

Post receipt of the above submissions, case is reserved for Orders.

Sd/-
(Mukesh Khullar)
Member

Sd/-
(I.M. Bohari)
Member

Sd/-
(Sanjay Kumar)
Chairperson