

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Date: 15 June 2021

CORAM: Sanjay Kumar, Chairman
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 (PIL) : Petitioner

Maharashtra State Electricity Distribution Company Ltd. (MSEDCL) : 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. (PIEL) : Petitioner

Maharashtra State Electricity Distribution Company Ltd.(MSEDCL) : 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

Priyadarshini Polysacks Ltd. (PPL) : Petitioner

Maharashtra State Electricity Distribution Company Ltd.(MSEDCL) : 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.(CMCPL) : Petitioner
Maharashtra State Electricity Distribution Company Ltd.(MSEDCL) : 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 (SPD) : Petitioner
Maharashtra State Electricity Distribution Company Ltd.(MSEDCL) : 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 (SSH) : Petitioner
Maharashtra State Electricity Distribution Company Ltd. (MSEDCL) : 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.(KDC) : Petitioner
Maharashtra State Electricity Distribution Company Ltd. (MSEDCL) : 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 (KE) : Petitioner
Maharashtra State Electricity Distribution Company Ltd. (MSEDCL) : 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 (OPE) : Petitioner
Maharashtra State Electricity Distribution Company Ltd.(MSEDCL) : Respondent

Case No. 205 of 2020

Petition seeking directions to Maharashtra State Electricity Distribution Co. Ltd for making payments as per the power purchase agreements dated 31 July, 2006 and 23 November, 2006.

M/S Gujrat JHM Hotels Ltd. (GJHL) : Petitioner
Maharashtra State Electricity Distribution Company Ltd. (MSEDCL) : Respondent

Case No. 227 of 2020

Petition of M/s Avon Cycles Limited requesting the Commission to issue necessary directions to MSEDCL to honor the terms and conditions of article 12.02 of the Energy Purchase Agreement entered between the Petitioner and the Respondent.

M/s Avon Cycles Limited (ACL) : Petitioner
M/s Maharashtra State Electricity Distribution Company Ltd. (MSEDCL) : Respondent

Case No. 234 of 2020

Petition of Mrs. Geetha Pundaleeka against Maharashtra State Electricity Distribution Co. Ltd. for non-compliance of Common Order dated 09.10.2019 in Case No. 262 of 2018 and Order dated 26.09.2019 in Case No. 197 of 2019 and Order Dated 10.08.2020 in Case No. 23 of 2020

Mrs. Geetha Pundaleeka : Petitioner
M/s Maharashtra State Electricity Distribution Company Ltd. (MSEDCL) : Respondent

Appearance:

M/s Pristine Industries Limited	}	
M/s Pertinent Infra and Energy Ltd.		
M/s Priyadarshini Polysacks Ltd.		
M/s Shah Promoters and Developers		: Smt. Dipali Sheth (Adv.)
M/s Sun n Sand Hotels	}	
M/S Gujrat JHM Hotels Ltd.		: Shri. Anand K Ganesan (Adv.)
M/s Kukreja Development Corp.	}	
M/s Kukreja Enterprises		
M/s O.P Enterprises		: Shri. V.N Bohra (Adv.)
M/s Classic Marble Company Pvt. Ltd.		: Ms. Meenakshi Jain (Adv.)
M/s Avon Cycles Limited		: Shri. Roshan S. Tanna (Adv.)
Mrs. Geetha Pundaleeka		: Shri Harsh Gokhale (Adv.)
M/s Maharashtra State Electricity Distribution Company Ltd.		: Shri Ravi Prakash (Adv.)

Daily Order

1. Heard the Advocates of the Petitioners and Respondent.
2. Advocates of Petitioners stated that in spite of explicit directives of the Commission in its Daily Order dated 1 December 2020, MSEDCL has not specified timelines for clearing dues of Wind Energy generators. Further, MSEDCL has made an additional submission on evening of 14 June 2021 quoting Covid-19 pandemic scenario for non-adherence of contractual obligations under EPA and has refused to commit for specific timelines for payment of outstanding dues. It has also brought to the notice of the Commission that even though some amount towards principal and DPC has been paid but interest on DPC amount has not been paid. All advocates have requested the Commission to keep this matter pending till MSEDCL gives a specific commitment for payment timelines and further the mechanism for regular payment of dues to ensure that the Generators are not required to approach the Commission again and again. It was also pointed out that MSEDCL's statement of payment made to Petitioners which was presented during the hearing has not been shared with Petitioners and hence they require time to verify MSEDCL's payment claims.
3. Advocate of MSEDCL submitted that due to Covid-19 pandemic situation, its revenue stream has been greatly disturbed. In such situation MSEDCL is striving hard to find out ways to fulfil its contractual obligations. Advocate of MSEDCL presented a statement of arrears settlement with respect to Petitioners in the present matters. In reply to Commission's query regarding regular process for reconciliation of dues, Advocate of MSEDCL assured that the issue will be discussed with concerned officials for setting up such process so that payable amount is reconciled regularly.

4. Having heard the parties, the Commission notes that many wind generators are approaching with request to direct MSEDCL for payment of their dues. Being contractual obligation, MSEDCL is bound to pay such dues. At the same time, the Commission is also aware of MSEDCL's disturbed cashflows in current pandemic situation. In such circumstance, MSEDCL should devised a plan in consultation with wind generators for settlement of their dues in timebound manner and regular payment of current bills. MSEDCL shall also consider other options of collaborative and supportive participation of generators for early monetization of arrears amount. They shall submit such timebound plan within two weeks from the date of this order and shall serve a copy on all the parties. Alongside, MSEDCL should also immediately share with the petitioners its statement of payments made as was presented during the hearing.

Subsequent to receipt of above submissions, Next date of hearing will be intimated by the Secretariat of the Commission.

Sd/-
(Mukesh Khullar)
Member

Sd/-
(I. M. Bohari)
Member

Sd/-
(Sanjay Kumar)
Chairperson