

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
Tel. 022 22163964/65/69 Fax 22163976
Email: mercindia@merc.gov.in
Website: www.merc.gov.in

Date: 22 October 2021

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

Case No. 120 of 2021

Petition seeking declaration that the Power Purchase Agreement (PPA) dated 17.07.2018 entered between Inox Wind Limited and Maharashtra State Electricity Distribution Corporation Limited (MSEDCL) stands frustrated on account of Force Majeure event and impossibility of performance and for consequent relief.

&

Miscellaneous Application No. 25 of 2021

Application seeking suspension/ stay of the letter dated 01.09.2021 issued by the Respondent No. 1/ MSEDCL to Respondent No. 2/ Bank for invocation of the Performance Bank Guarantee (PBG) of Rs. Ten Crores bearing No. 016GM0118 2850001 dated 12.10.2018 under the terms of the PPA.

M/s Inox Wind Limited (IWL)	: Petitioner
M/s Maharashtra State Electricity Distribution Co. Ltd (MSEDCL)	: Respondent No.1
M/s Yes Bank	: Respondent No.2

Appearance:

For the Petitioner	: Shri. Deepa Chavan (Adv.)
For the Respondent No.1	: Shri. Ravi Prakash (Adv)
For Respondent No.2	: None

Daily Order

Heard the advocates of the Petitioner and Respondent No. 1.

Advocate of Petitioner submitted that MSEDCL's Reply to the Petition had been received only on 21 October 2021 and hence she requested additional time for filing Rejoinder. She further stated that Petitioner was willing to commission the project and had also submitted a proposal to

MSEDCL for amicable settlement. MSEDCL was yet to formally respond to such proposal and hence she requested the Commission to give one more chance to explore possibility of an amicable settlement between the parties.

Advocate of MSEDCL submitted that MSEDCL Officers had already discussed such proposal of Petitioner and apprised their competent authority about the same.

Considering the requests made by Petitioner, the Commission allows it to submit Rejoinder on submission made by MSEDCL within fifteen (15) days with copy served on MSEDCL. In the meantime, it is open for both the parties to explore the possibility of resolving contentious issues amicably.

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