

**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: 29 October 2021

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

Case No. 119 of 2021

Petition of Clean Wind Power (Bhavnagar) Pvt. Ltd. seeking directions against Maharashtra State Electricity Distribution Limited by declaring that the Power Purchase Agreement dated 17.07.2018 stands frustrated on account of various prolonged and continuing Force Majeure events causing impossibility of performance, and consequential reliefs. and Application on behalf of the Applicant/Petitioner seeking ad Interim Ex-parte directions against the Respondent.

&

Miscellaneous Application No. 26 of 2021

Application of Clean Wind Power (Bhavnagar) Private Limited seeking urgent listing of the matter and ad-interim relief against the Respondent.

M/s Clean Wind Power (Bhavnagar) Private Limited (CWPPL) : Petitioner

M/s Maharashtra State Electricity Distribution Co. Ltd (MSEDCL) : Respondent

Appearance:

For the Petitioner : Shri. Aniket Prasoan (Adv.)

For the Respondent No.1 : Shri. Rahul Sinha (Adv.)

Daily Order

Heard the advocates of the Petitioner and Respondent.

Advocate of Petitioner submitted that MSEDCL's Reply to the Petition has been received two days back i.e. 27 October 2021 and hence he requested 4 weeks' time for filing Rejoinder. He further stated that MA No.26 of 2021 was filed seeking directions to MSEDCL to return the CWPPL's original Performance Bank Guarantee (PBG), as it has furnished the Demand Draft of equivalent amount with MSEDCL. Subsequent to filing of such MA, MSEDCL has returned the PBG on 1 October 2021. Hence, MA 26 of 2021 becomes infructuous and may be disposed of.

Advocate of MSEDCL concurred with the request for adjournment.

Considering the requests made by Petitioner, the Commission allows it to submit Rejoinder on submission made by MSEDCL within 4 weeks with copy served on MSEDCL. Also, MA No. 26 of 2021 stands disposed of as it becomes infructuous for the reasons stated above.

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