

**Before the  
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION  
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005  
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**Dated: 29 March, 2022**

**CORAM: Sanjay Kumar, Chairperson  
Mukesh Khullar, Member**

**Case No. 206 of 2014**

**Implementation of the Judgment dated 15 March 2022 Passed by the Hon'ble Appellate Tribunal for Electricity in Appeal No. 46 of 2018 on the Commission's Order dated 1 February 2018 in Case No. 206 of 2014 in the matter of Petition of Maharashtra State Electricity Distribution Co. Ltd. for refund of Rs. 50.44 Cr. paid to Sai Wardha Power Ltd. for purchase of over-injected units during FY 2012-13**

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) ... Petitioner in original Case  
V/s

Sai Wardha Power Generation Ltd. (SWPGL) ..... Respondent in original Case  
(Previously Sai Wardha Power Ltd.)

**Appearance:**

MSEDCL .....Shri Rahul Sinha (Adv.)

SWPGL ..... Shri Ashwin Ramnathan (Adv.)

**Daily Order**

1. Heard the Advocates for the Petitioner and Respondent.

2. The Advocate appearing on behalf of SWPGL elaborated the background of the matter and stated that in terms of the directions issued by the Hon'ble Appellate Tribunal for Electricity (ATE), only the differential amount needs to be calculated in the present proceeding towards the difference in the rate specified in the Tripartite Energy Purchase Agreement and rate of Average Power Purchase Cost (APPC) of MSEDCL for FY 2012-13. He further stated that the claim towards such differential amount pertains to the period prior to the resolution proceeding held before the National Company Law Tribunal (NCLT).
3. The Advocate appearing on behalf of MSEDCL stated that as a part implementation of the Judgment of the Hon'ble ATE, it needs to undertake the calculations for differential amount for which data needs to be obtained from its field offices. He requested that a period of two weeks may be granted to MSEDCL for submission of aforesaid data.
4. Responding to a query raised by the Commission, Advocate of SWPGL clarified that there was no disagreements among the Parties regarding the quantum of over-injected Units.
5. Having heard the Parties, the Commission directs that:
  - i. Both the Parties to file their respective submissions covering the applicable rate of APPC for FY 2012-13, their views on the scope of remand of Hon'ble ATE, impact of proceeding before the NCLT/NCLAT on the present matter.
  - ii. MSEDCL may file its submission within a week and SWPGL may files its submissions within two days thereafter.
  - iii. Considering the timeframe of four weeks directed by the Hon'ble ATE for passing the consequential Order, both the Parties should adhere the aforesaid timelines for filing their respective submissions.

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

**Sd/-**  
**(Sanjay Kumar)**  
**Chairperson**