



Maharashtra State Electricity Distribution Co. Ltd.

CIN = U40109MH200SSGC153645

5th floor, Prakashgad, Plot No.G-9, Bandra (East), Mumbai – 400 051 ☎ (O) 26474211

Email: ceppmsedcl@gmail.com Website: www.mahadiscom.in

Ref. No: CE/PP/MERC/141 of 2020/ 13360

Date: 11/08/2020

To,
The Secretary,
Maharashtra Electricity Regulatory Commission
World Trade Centre,
Cuffe Parade, Colaba,
Mumbai – 400 005.

Subject: MSEDCL's reply for Case No. 141 of 2020 filed by Kharghar Vikhroli Transmission Private Limited before Hon. MERC under Sections 14, 15, 86(1)(d) of the Electricity Act, 2003 with respect to grant of Transmission License to it.

Sir,

This has reference to above cited subject, please find attached herewith the reply of MSEDCL in Case No. 141 of 2020 filed by Kharghar Vikhroli Transmission Private Limited before Hon. MERC under Sections 14, 15, 86(1)(d) of the Electricity Act, 2003 with respect to grant of Transmission License to it.

The duly notarized copy of the reply will be submitted after restoration of normalcy of the situation due to COVID-19 pandemic.

This may please be taken on record & be placed before Hon. Commission for kind consideration please.

Thanking You.

Yours faithfully,

-sd/-
Chief Engineer (Power Purchase)
MSEDCL

**BEFORE MAHARASHTRA ELECTRICITY REGULATORY COMMISSION,
MUMBAI**

Case No.: 141 of 2020

IN THE MATTER OF

Application under Sections 14, 15, 86(1)(d) of the Electricity Act, 2003 with respect to grant of Transmission License to Kharghar Vikhroli Transmission Private Limited.

IN THE MATTER OF

Kharghar Vikhroli Transmission Private Limited

Prakashganga, Plot No. C-19,

E-Block, Bandra Kurla Complex

Bandra (E), Mumbai- 400051

-- Petitioner

Versus

Maharashtra State Electricity Distribution Company Limited & Ors.

Prakashgad, Plot No. G-9,

Bandra (East), Mumbai - 400 051

--Respondents

**REPLY ON BEHALF OF MSEDCL (RESPONDENT NO. 1) TO THE
PETITION FILED BY THE PETITIONER**

- 1) I, Paresh Ramchandra Bhagwat, aged 48 Years, having my office at MSEDCL, Prakashgad, Plot No. G-9, Anant Kanekar Marg, Bandra (E), Mumbai-400051 do solemnly affirm and say as follows:
- 2) I say that I am Chief Engineer (Power Purchase), have read the copy of the present Petition filed by the Petitioner and also the records and proceedings to the present proceedings as available in my office and therefore, able to depose on the same as duly authorized by the original petitioner above named.
- 3) I say that until and unless the averments made herein above are admitted and accepted by this original petitioner it should be treated as denied and the Petitioner be directed to prove the same strictly and meticulously.
- 4) I crave leave of this Hon. Commission to file a further detailed affidavit, if so

advised and/ or so directed by the Hon. Commission.

- 5) The present petition is filed by the Petitioner under Sections 14, 15, 86(1)(d) of the Electricity Act, 2003 with respect to grant of Transmission License to Kharghar Vikhroli Transmission Private Limited.
- 6) The main prayer of Petitioner is to issue the Transmission License to the Petitioner for establishing, operating and maintaining the Transmission System as provided for in the Transmission Service Agreement.

MSEDCL's Submissions:

- 7) MSEDCL submits that pursuant to the process of Tariff Based Competitive Bidding(TBCB) conducted by the BPC i.e. Maharashtra State Electricity Transmission Company Limited (MSETCL), M/s.Adani Transmission Limited(ATL) has been declared as the successful bidder with levelized tariff quote of Rs. 2199.89 Millions to establish transmission system for "400 kV Vikhroli receiving station and associated incoming transmission lines for strengthening of Mumbai Transmission System" on build, own, operate and maintain basis.
- 8) It is to submit that the Petitioner informed that it has submitted its bid considering the acquisition cost of Rs. 135 Crore towards the developmental charges by M/s. Tata Power Company Limited-Transmission (TPC-T) for the Project. The Petitioner has mentioned that, however, any charge over and above Rs. 135 Crore qualifies as Change in Acquisition price which squarely fall under Change in Law as Per Article 12 of the TSA. In the event of an increase in the acquisition price, the Petitioner reserves its rights to file a separate petition in respect of reliefs in relation to the same.
- 9) MSEDCL submits that MSEDCL reserves its right to submit its reply/ submission in case Petitioner files a petition to claim Change in Law due to the event aforementioned.
- 10) The Petitioner has mentioned that the completion period for the project is 30 months from the effective date of acquisition of the SPV i.e. the Petitioner. Further mentioned that the acquisition of the SPV was delayed on account of certain issues with the original owner of the land (required for the sub-station) beyond the control of the Petitioner and accordingly, non-adherence to the

timelines of completion of the project ought to be treated as beyond the control of the Petitioner.

11) It is to submit that as the present petition is filed for grant of Transmission License, separate petition for seeking time extension needs to be filed before Hon. Commission. MSEDCL submits that MSEDCL reserves its right to submit its reply/ submission in such petition.

12) In this regards, MSEDCL requests Hon'ble Commission that Transmission License to the Petitioner may be issued after due prudence check.

Prayer:

In view of above, MSEDCL most respectfully prays to the Hon. Commission as follows:

- 1) Hon'ble Commission may issue the Transmission License to the Petitioner for establishing, operating and maintaining the Transmission System as prudence check;
- 2) To direct the Petitioner to file separate Petition, if any, for any claims except the mandate of this Petition;
- 3) To pass any other order/relief as the Hon. Commission may deem fit and appropriate under the circumstances of the case and in the interest of justice
- 4) To condone any error/omission/delay and to give opportunity to rectify the same.

-sd/-

**Chief Engineer (Power Purchase),
MSEDCL**