

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.
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Case No. 68 of 2012

Dated: 23 January, 2013, 11:00 hrs.

CORAM: Shri V. P. Raja, Chairman

In the matter of:

Adani Power Maharashtra LimitedPetitioner

V/s

Maharashtra State Electricity Distribution Company LimitedRespondent

Amicus Curiae Shri. Harinder Toor (Advocate)
Advocates/Representatives of the Petitioner: Shri Sanjay Sen (Advocate)
Shri Kandarp Patel

Advocates/Representatives of the Respondent: Shri Chirag Balsara (Advocate)
Shri Kiran Gandhi (Advocate)

Consumer Representatives: Dr. Ashok Pendse, Thane Belapur Industries
Association
Ms. Ashwini Chitnis, Prayas Energy Group

Daily Order

Heard the Amicus Curiae, Advocates and the Representatives for the Petitioner, Advocates of the Respondent and the Consumer Representatives.

The Advocate for the Petitioner informed that they are going to file application/submission for amendment to the Petition. The Commission directed the Petitioner to submit the same within two days with copy served on all parties.

Having heard, the Commission directs as follows:

- (a) APML to submit the financial model (Excel Sheet) used for the presentation made during the hearing held on 18 January, 2013.
- (b) APML to submit the present status of commissioning of its Unit 2 and 3.
- (c) APML to submit the status of its application for allotment of alternate coal block. Further, Petitioner to clarify his stand, if an alternate block is allotted in future.
- (d) APML to submit the economic and financial viability of the project (considering all 5 units) in existing circumstances.
- (e) APML to submit the technical parameters of the boiler including station heat rate, turbine efficiency, auxiliary consumption and maximum percentage of imported coal that can be used.
- (f) APML to clarify that whether the other stakeholders, primarily lenders, were aware of the termination process? If so what was their view on the same? Correspondence/ documents regarding the same may be shared with the Commission.
- (g) APML may submit the financial model of how they have arrived at the stream of energy charge quoted in PPA.
- (h) MSEDCL to submit present status of commencement of supply from Lanco Project selected along with this project under the Case 1 Stage 1 bid process and submit the documents submitted as a condition subsequent of PPA.
- (i) MSEDCL to clarify the action taken by them on the letter dated 2 January, 2010 wherein APML had suggested the option to supply the power at the PPA rate from Unit 4 and 5.
- (j) APML vide letter dated 2 January, 2010 has informed MSEDCL that there were willing to supply power at PPA rate subject to consideration of change of unit from Unit 2 and Unit 3 to Unit 4 and Unit 5. APML to substantiate with documents/details that on 2

January, 2010 it was workable to supply power at Rs.2.64/kWh with linkage coal and presently not workable at Rs.2.64/kWh with linkage coal.

- (k) Amicus Curiae to clarify whether the tariff discovered through Section 63 of Electricity Act, 2003 can be altered by the Commission?
- (l) Amicus Curiae to explain whether acceptance of Force Majeure will only lead to termination of PPA or the Commission can re-determine the tariff to save the PPA. If so, under what rules and regulations?
- (m) Amicus Curiae to clarify that if the event of the Force Majeure occurred in construction phase of the project will it lead to termination of the PPA?

The Commission directs its office to provide the copies of the audio recording of the hearing to all Parties and Consumer Representatives.

The Petitioner and Respondent are again directed to comply with the Daily Order for the hearing held on 18th January, 2013.

Post the matter for further hearing on 13 February, 2013 at 11.00 Hours

Sd/-
(V. P. Raja)
Chairman