

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**APPEAL NO. 50 OF 2019 &
IA NOS. 210, 211, 212 & 213 OF 2019**

Dated: 12th February, 2019

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. S.D. Dubey, Technical Member**

In the matter of:

**Adani Power Maharashtra Limited
Vs.**

Maharashtra Electricity Regulatory Commission & Ors.

... Appellant(s)

.... Respondent(s)

Counsel for the Appellant(s) :

Mr. Sajan Poovayya, Sr. Adv.
Mr. Shri Venkatesh
Ms. Nishtha Kumar
Mr. Sandeep Rajpurohit

Counsel for the Respondent(s) :

Mr. Basava Prabhu Patil, Sr. Adv.
Mr. Anand K. Ganesan
Ms. Swapna Seshadri
Ms. Neha Garg
Mr. Ashwin Ramanathan for R-2

Mr. Divyanshu Bhatt for R-4

ORDER

Heard Mr. Sajan Poovayya, learned senior counsel for the Appellant,
Mr. Basava Prabhu Patil, learned senior counsel for the Respondent No. 2
and Mr. Divyanshu Bhatt learned counsel for Respondent No. 4.

Extract of the impugned order reads as under :-

“a. The Commission allocate 1090 MW of power as follows :

Seller	Revised quantum on pro-rata basis (MW)
APML, Tiroda	343
RPL Nashik	507
SWPGL, Maharashtra	240
Total	1090

b. Rate of power procurement will be Rs.3,280 / kWh (levelised) at Maharashtra STU periphery as per APML’s bid for 1200 MW under 2000 MW bidding. 25 year Tariff stream identical to APML’s 1200MW bid should be used for signing of PPA.

c. APML’s existing PPA of 440 MW needs to be revised for reduction in contracted capacity of 343 MW. However, in order to maintain continuity of power supply, such reduction should be effected once power under PPA to be signed with RPL, Nashik and SWPCL, Maharashtra starts getting scheduled by MSEDCL. Only until then, 440 MW PPA of APML shall continue to operate.”

Having heard the arguments of the learned counsel, we are of the opinion that the PPA which is going to be executed in favour of Respondent No. 2 for 240 MW shall proceed with. The existing PPA in favour of Appellant for 440 MW shall continue till further orders.

Learned counsel for the respondents may file objections/reply on or before 26.02.2019 with advance copy to the other side. Thereafter, rejoinder may be filed on or before 05.03.2019 with advance copy to the other side.

List the matter on **12.03.2019.**

(S. D. Dubey)
Technical Member
js/pk

(Justice Manjula Chellur)
Chairperson