

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 32 of 2009

In the matter of
Petition for approval of deviations taken in Request for Qualification (RFQ) issued to bidders, from Standard Bidding Document issued by Ministry of Power (MoP), for development of Yavatmal project under International Competitive Bidding Process (Case II).

Shri V.P. Raja, Chairman
Shri S.B. Kulkarni, Member

ORDER

Dated: September 01, 2010

The Maharashtra State Electricity Distribution Company Limited (“MSEDCL”) submitted a Petition under affidavit on 10.06.2009 (and rectified the deficiencies on 03.07.2009), under Clause 3 (i) & (ii) read with Clause 5.16 of the Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees issued by the Ministry of Power (“MoP”) on January 19, 2005 and as amended thereafter, for approval of deviations taken in Request for Qualification (RFQ) issued to bidders, from Standard Bidding Document (SBD) issued by the Ministry of Power (MoP), for development of Yavatmal Project, under International Competitive Bidding Process (Case II).

2. The main prayers in the Petition are as follows:

1. *Examine and approve the proposed Request for Qualification document for Long Term Power Procurement along with the deviation proposed therein from Standard Bidding Document issued by Ministry of Power;*



2. *Examine the concerns expressed by the petitioner for a favourable dispensation as detailed in the petition.*
 3. *Condone any inadvertent omissions/errors/shortcomings and permit MSEDCL to add/change/modify/alter this filing and make further submissions as may be required at a future date;*
 4. *Pass such further and other orders, as the Honourable Commission may deem fit and proper keeping in view the facts and circumstances of the case.*
3. MSEDCL, in its Petition, has submitted as under:
- a) MSEDCL has decided to undertake the development of Yavatmal project under Competitive Bidding Guidelines (Case II) issued by MoP, wherein the Maharashtra State Power Generation Company Limited (“MSPGCL”) will act as an Authorised Representative of MSEDCL, the Procurer. A Special Purpose Vehicle (“SPV”) by the name of “Aurangabad Power Company Ltd.” has been incorporated, which will own and operate the generation plant. The Power Purchase Agreement (“PPA”) shall be entered between the SPV and the MSEDCL. The objective of the Bidding process is to identify developer for development of the power plant and supply there from of power in the range of 555MW to 610 MW at the generator switchyard bus-bar for a period of 25 years with an Installed Capacity. The Bidders shall enter into a Share Purchase Agreement (SPA) with the shareholders of SPV.
 - b) As per SBDs for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees under Case II, issued and amended from time to time by MoP, tariff is not required to be approved by the Commission, however if any deviations are undertaken from Standard Bidding Documents, the approval for such deviations needs to be taken from State Regulatory Commission. For the Yavatmal project, the RFQ has been prepared which contains certain deviations from the Standard RFQ document issued by MoP, to suit the requirements of the Procurer/Project. The bidders shall submit their Bids for qualification after the approval from the Commission is accorded. Since the Request for Proposal (RFP) and PPA are still under preparation and will be finalised after the Pre-Bid Conference with the Qualified Bidders at RFQ stage, the deviations in respect of RFP and PPA shall be submitted for approval from Commission at a later stage.



c) Following are the deviations taken:

i)

Sr No	Activities to be Completed before Commencing the Bid Process (In line with Standard Bidding Guidelines)	Current Status	Remark/ Deviation
1	Land: Section 4 notification under the Land Acquisition Act, 1894 should have been issued for land of power station.	Since the proposed land is partly MIDC land and partly Government land, Sec 4 notification under land Acquisition Act 1894 is not required.	As major portion of land belongs to MIDC, the condition is deemed to be complied with. Balance land belongs to Government & process of transfer to be initiated.
2	Environmental clearance: Rapid EIA report for power station should be available.	TOR has been submitted to MoEF and based on its approval, EIA report would be prepared.	Deviation
3	Fuel arrangements: Fuel linkage or allocation of coal mine (s) should be available, if applicable.	Captive Coal block is allocated.	Requirement Complied
4	Water linkage should be available	In-Principal Approval in place	Requirement Complied

Also the initiation of the Bidding process is undertaken in tandem with the various project related activities to ensure early completion of the bidding process and award of the contract to successful bidder. The only deviation proposed in respect of activities to be completed before commencement of bid process for Case-II project, as per the Guidelines, is related to the completion of rapid EIA.



ii) Following table depicts the standard time lines vis-a-vis actual adopted in bidding process for completion of each activity.

Event	As per SBG (Elapsed Time from Zero date)	Tentative timelines considered for the project (Elapsed Time from zero date)
Commencement of Sale of RFQ document	T0	T0
Last date of Sale of RFQ documents	T0 + 15 days	T0 + 15 days
Submission of Responses to RFQ	T0 + 45 days	T0 + 45 days
Short listing based on responses to RFQ and issuance of RFP	T0 + 75 days	T0 + 75 days
Submission of Technical and Price Bids	T0 + 225 days	T0 + 165 days
Short Listing of Successful Bidder and issue of LOI	T0 + 240 days	T0 + 190 days
Signing of Agreement	T0 + 270 days	T0 + 210 days

The timelines for completion of bidding process is reduced from 270 days to 210 days to ensure that supply of power from the project starts as early as possible. The only phase where time limit has been reduced is for submission of technical & financial bid. As the bidders could commence necessary due diligence for the technical & financial bid as soon as the RFQ process commences, the bidders could have sufficient time for submission of technical & financial bids.



iii) Deviations in respect of Qualification Criteria:

Criteria	As per SBD	Proposed for Yavatmal	Remark for Deviation
Financial Criteria			
Internal Resource Generation(IRG)	Rs.198 Crs (0.30 Crs Per MW)	Nil	Requirement of higher Networth is specified to establish bidders with adequate strength to finance the project are selected for development o power plant. Further, since higher Networth is stipulated to qualification, the requirements of IRG & AT have been waived.
Net Worth (NW)	Rs.330 Crs (0.50 Crs Per MW)	Rs.750 Crs (1.13 Crs per MW)	
Annual Turnover (AT)	Rs.792 Crs (1.20 Crs Per MW)	Nil	
Criteria			
Criteria	As per SBD	Proposed for Yavatmal	Remark for Deviation
Technical Criteria			
1	10 Yrs CAPEX on any Infrastructure Projects of Rs 495 Crs (0.75 Crs per MW)	Experience of Development of power Project/Plant: The Bidder must have experience of 'Developing Power Project' (at least one) whose capacity is 600MW or more in the state of Maharashtra. For this purpose the power	Instead of requirement of stipulated CAPEX in past 10 years on any infrastructure projects as per SBD, an experience in 'Developing of Power Project/Plant' is specified. This is to ensure that only bidders with experience in the power sector are selected, the requirement of development of power plant is laid down. By virtue of the conditions, a) If project is commissioned, the capex limits are higher than as required under SBD. b) If financial closure is



		projects which have achieved Commercial Operations (COD) or whose Financial closure has been achieved at least 7 days before Bid submission date shall be considered.	achieved the committed capex is higher than as required under SBD. The project contemplated under this bidding process also involves development of power plant and development of a mine. Further since the project under the bid is located within Maharashtra, the Bidders with prior experience in Maharashtra could draw synergies for speedier implementation of the project under bidding. This will be advantageous as the captive coal block also needs to be developed.
2	Single Project CAPEX on any Infrastructure Project of Rs. 82.5 Crs (0.125Crs per MW)		
Definition of Developing project	Developing project means successful commissioning of a project in which the Bidder/Parent/Afiliate, as the case may be, held equity stake of not less than 26% from the time of financial closure till the time of	‘Developing Power Project/Plant’ shall mean i)successful achievement of COD of a power project; or Power project under construction, for which Financial Closure has	Consequent change carried out due to change in the technical qualification requirement. The documentation requirements are also accordingly defined.



	commissioning of such project.	<p>been achieved which is located in the state of Maharashtra, in which the Bidder/Parent/Affiliate, as the case may be, held equity stake of</p> <p>a. not less than 26% from the time of financial closure till the time of COD, if COD is achieved of such power plant; or</p> <p>b. not less than 51% from the time of Financial Closure till seven(7) days prior to submission of bid, as the case may be.</p>	
Documentation Requirements	Not defined	1)Financial Closure: The Bidder should submit certificate from	To establish the technical qualification requirement, the documentation requirements are also accordingly defined.



	<p>the Lead Lenders stating achievement of Financial Closure and execution of all Financing Agreements required for the Power Station & fulfilment of conditions precedents and waiver, if any, of all the condition precedents for the initial draw down of funds there under. The Certificate should state the date of achieving Financial Closure.</p> <p>2) Achievement of COD of a power plant: Certificate for commencement of Commercial Operations of the power plant from SLDC/RLDC</p>	
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		<p>if synchronized with Grid or Electrical Inspectorate in case of stand-alone power plant. The Certificate should state the date of achieving COD.</p> <p>3) Equity Stake: Statement certified by Company Secretary & one of the Directors of the company whose qualification is used establishing the equity/holding. The certification should be supported by documents, but not limited to, demat account statements/Registrar of Companies (ROC) certification/ share registry</p>	
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		<p>book, etc. duly certified by the Company Secretary. The certificate should provide details of dates of holding, folio numbers, changes, paid up equity capital, holding % etc. supporting the share holding.</p>	
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iv) The following Clause 2.1.6 in the RFQ has been inserted in line with the Notified Case I SBDs recently issued by MoP to ensure the participation of serious bidders with good past record in executing the Long Term Power Purchase Agreement;

“If at any stage of the bidding process, any order/ruling is found to have been passed in last five (5) years preceding the Bid Deadlines by an Appropriate Commission or a competent court against any Bidder or its Affiliates for its material breach of any contract for supply of power having duration of contract in excess of one (1) year to any licensee in India, Bids from such bidders shall be liable to be rejected. All Bidders shall confirm in accordance with Format for covering letter (Annexure-4) that no such order/ruling has been passed by an appropriate commission or a competent court against it or its affiliates. Each Bidder shall also confirm that the bid security submitted by the Bidder or its Affiliates has not been forfeited either party or wholly in any bid process under Case-1 or Case-2 bidding procedure in the last five(5) years preceding the Bid Deadline.’

In this regard, consequent change is carried out in the format for Covering Letter (put as ‘Annexure 4’ in the petition) to be submitted by the bidders to undertake as above.



- v) The following two paras have been added in the RFQ issue letter to protect the interest of the Procurer. The paras have been taken from the SBD for Case 1 bidding:-

“1. This RFP, along with its Format, is not transferable. The RFP and the information contained therein is to be used only by the person to whom it is issued. The RFQ shall not be copied or distributed by the recipient to third parties. In the event that the recipient does not continue with its involvement in the bidding process in accordance with this RFQ, this RFP must be kept confidential.

2. Neither the Procurer/Authorized Representative, its employees nor its advisors/consultants will have any liability to any Bidder or any other person under the law of contract, tort, the principles of restitution or unjust enrichment or otherwise for any loss, expense or damage which may arise from or be incurred or suffered in connection with anything contained in this RFQ, any matter deemed to form part of this RFQ, the qualification, the information supplied by or on behalf of Procurer/Authorized Representative or its employees, any advisors/consultants or otherwise arising in any way from the selection process.”

- vi) To have meaningful computation of the net worth in case of Bidders using foreign currency denomination, the following clause has been placed in lieu of the SBD document which is in line with recently notified SBDs for Case I Bidding Process issued by Ministry of Power :-

“For the Qualification Requirements, if data is provided by the Bidders in foreign currency; equivalent rupees of Networth will be calculated using bills selling exchange rates (card rate) USD/INR of State Bank of India prevailing on the date of closing of the accounts for the respective financial year as certified by the Bidders’ banker.

For currency other than USD, Bidders shall convert such currency into (a) first to USD and then (b) equivalent rupees to as per the exchange rates certified by their banker prevailing on the relevant date and used for such conversion. Bidder may also convert such currency into equivalent rupees to as per the exchange rates certified by their banker prevailing on the relevant date.

The Bidder shall enclose such exchange rate certificates issued by their bankers along with the format 8.



If the exchange rate for any of the above dates is not available, the rate for the immediately available previous day shall be taken into account.”

The SBD for Case II has specified that the US\$-Indian Rupee Exchange rate shall be considered as the corresponding TT buying rate specified by the State Bank of India seven days before the last date of submission of Bid as stated in the RFQ document. The suggested amendment, is the consideration of the *date of closing of the accounts for the respective financial Requirement*, as the net worth is better judged on the date of closing accounts which is in line with SBDs for Case I issued by MoP. Further SBD for Case II does not stipulate for submission of certificates from the bankers certifying the exchange rates which is proposed to be asked in line with SBDs for Case I. The Formats for submission information relating to Financial and Technical requirement and Power of Attorney have been suitably modified in line with the SBDs for Case I issued by MoP for the ease of understanding and better clarity of the parties involved in the process.

- viii) As per Case II SBD for RFQ, various certificates are stipulated to be certified by the Statutory Auditor of the Bidder. Hence bidders have been asked to provide the copy of Board Resolution appointing such Statutory Auditors, who have signed the necessary formats.
- ix) In order to establish relationship between Parents/Affiliates, as well as where consolidated accounts are used, documentary support has been sought as follows;
 - 1. Statement certified by Company Secretary and one of the Directors of the Bidding Company/Consortium Member, whose financial and technical qualification has been used for qualification.
 - a) Certificate establishing relationship (as existing on the date seven (7) days Bid Deadline) between Bidder and Parents/Affiliates (if criteria of Parents/Affiliates have been used). The certification should be supported by documents, but not limited to, demat account statements/Registrar of Companies' (ROC) Certification/share registry book etc. duly certified by the Company Secretary. The certificate should provide details of



dates of holding, folio number, paid-up equity capital, holding % etc. supporting the share holding;

- b) Certificate establishing relationship (as existing on the date seven (7) days prior to the Bid Deadline) between company whose accounts are consolidated and the companies whose accounts are merged. The documentary requirement could be, but not limited to, demat account statements/Registrar of Companies' (ROC) Certification/share registry book, etc. duly certified by the Company Secretary. The certificate should provide details of dates of holding, folio number, paid up equity capital, holding % etc. supporting share holding.
- c) The requirements are highlighted in the necessary formats.
- x) Format for Letter of Consent from all members of bidding consortium has been included in line with SBDs for Case I issued by MoP.
- xi) The numbering of the paragraphs in the RFQ document may have changed from the SBD due to:
 - a. Re-arrangement of the para's;
 - b. Addition/deletion of clauses which is permitted as per the standard RFQ document;
 - c. Affixation of common seal in presence of witness, wherever applicable has been included;
 - d. Additions/deletions of clauses which may be a deviation from the provisions of the standard RFQ document.

4. The Commission vide its notice dated 22nd July 2009 held Technical Validation Session ("TVS") on July 28, 2009.

5. During the Technical Validation Session, MSEDCL had made a presentation in this regard, and requested the Commission to approve the deviations. With regard to the incorporation of SPV of Aurangabad Power Company which will own and operate the generation plant, the Commission had asked the Petitioner to submit the necessary documents confirming the formation of the SPV including the Certificate of Incorporation and Memorandum and Article of Association. The Commission had also



asked for necessary documents confirming the appointment of MSPGCL for the bidding process as authorised representative of MSEDCL.

6. In the TVS, the Commission had also asked for the documentary evidence of the following project activities completed till date, which are to be completed before commencing of bid process;
 - 1) Water linkage;
 - 2) Allocation of captive coal block;
 - 3) Land acquisition.

7. With regards to the procurement of land for the project, the Commission had asked for;
 - a. Details of the total land proposed to be procured;
 - b. Break-up of the land into Government of Maharashtra (GoM) and Maharashtra Industrial Development Corporation (MIDC);
 - c. Comparison of the land proposed to be acquired for the project vis-a-vis the Central Electricity Authority specified norms for land, considering the size of the project;
 - d. For MIDC land, supporting document to prove that the land is in possession of the Petitioner;
 - e. For Government land, letter of comfort or Government Resolution (GR) issued by the GoM;
 - f. Clarification whether such land is free from any liens and encumbrance, which may provide a significant level of confidence to the Bidders.

8. As regards to the deviation sought regarding the preparation of the rapid Environmental Impact Assessment (EIA), The Commission had asked the Petitioner to submit the details of the date of submission of Terms of Reference (ToR) with Ministry of Environment and Forest (MoEF) and likely schedule for the preparation of the rapid EIA. The Commission suggested Petitioner that it is advisable that all the project related activities which are required before the commencement of the Bidding process be completed before initiating the bidding process so that the Bidders would have confidence in the Project for bidding. Further, the Commission suggested the Petitioner that, to the extent possible, the Petitioner should adopt the SBD for Case II with appropriate customisation and proposes deviations only if, absolutely necessary. The Commission had also directed the Petitioner to reconsider the deviations proposed based on the issues raised during the TVS and submit its revised Petition within 3 weeks.



9. The Petitioner through its letter dated 4th September 2009 to the Commission submitted the revised Petition in response to the points raised during TVS held on 28th July 2009. The revised Petition includes the following changes to the Original Petition as under:

- 1) A SPV by the name “Aurangabad Power Company Ltd” has been incorporated, which will own and operate the generation plant. The Certificate of Incorporation of the company is attached as Annexure-1 of the Revised Petition.
- 2) The objective of the Bidding process is to identify developer for supply of 470 MW to 620 MW of power at the generator switchyard bus-bar for a period of 25 years with installed capacity in the range of 500 to 660 MW. The successful Bidders shall enter into a Share Purchase Agreement (SPA) with the shareholders of SPV.
- 3) Following is the deviation taken from standard RFQ bidding document issued by MoP;

Sr No	Activities to be Completed before Commencing the Bid Process (In line with Standard Bidding Guidelines)	Current Status	Remark/ Deviation
1	Environmental clearance: Rapid EIA report for power station should be available.	Application for ToR has been submitted to MoEF for approval and based on its approval, EIA report would be prepared.	Deviation The detailed work schedule for securing the Environment Clearance from MoEF is attached as Annexure 3 in the revised Petition. Based on the timelines, it is expected to secure the ToR from MoEF by the end of September 2009 and based on the same, EIA report shall be expected to be prepared by 2 nd Week of November 2009. The



			<p>entire process for clearance is expected to be completed by April 2010.</p> <p>As per the stipulation in CBG, rapid EIA report is to be in place at RFQ stage. Considering that the RFQ document shall be issued to bidders upon the approval from Commission and thereafter the bidders will be given 45 days time period for submission of RFQ process which would fall somewhere in the end of September 2009 or starting of October 2009, the Commission is requested to allow MSEDCL issuance of the RFQ, as based on the given timelines. It is expected that EIA would be available by the time RFQ is received from bidders.</p>
2	<p>Land: Section 4 notification under the Land Acquisition Act, 1894 should have been issued for land of power station.</p>	<p>Since the proposed land is partly MIDC land and partly Government land, Sec 4 notification under</p>	<p>Requirement Complied</p> <p>For the main plant MIDC board has passed the resolution to handover 131 Hectares of Land.</p>



		land Acquisition Act 1894 is not required.	Further Land of 215 Hectares is allocated by GoM for which 7/12 documentation is in place. For information, the Comparison with the land requirement norms specified by CEA and related documentation have been enclosed as Annexure-2 to the revised Petition.
3	Fuel arrangements: Fuel linkage or allocation of coal mine (s) should be available, if applicable.	Captive Coal block is allocated	Requirement Complied Allocation Letter from the Ministry of Coal has been annexed as Annexure-4 to the revised Petition.
4	Water linkage should be available	In-Principal Approval in place	Requirement Complied
5	Land Acquisition and Environment Clearance for Coal Mine; No stipulation in CBG with respect to the preparatory activities for development of coal mine.		The detailed work schedule for exploration of mines is enclosed by the Petitioner as Annexure-5. It is expected that the mine would be explored by the time the COD of the Power Plant happens. It is also proposed that the bidders shall be required to undertake the activities with respect to Land Acquisition and



			environmental clearance.
6	Status of availability of hydrological, geological, metrological, seismological at RFP stage		As required by CBG the data like hydrological, geological, metrological, seismological etc for preparation of DPR is to be given to bidders at RFP stage. The Commission has been requested to appreciate the required data is already in place and will be given to bidders as required. Further though it is not mandatory for Procurer to prepare DPR, the consultant is already appointed by MSPGCL for its preparation in order to expedite the process for development of power project. Information regarding the same is annexed as Annexure-6 to the revised Petition.

- 4) The Petitioners have submitted that the only deviation proposed in respect of activities to be completed before commencement of bid process for Case II project, as per the Guidelines, is related to the completion of rapid EIA.
- 5) It is submitted that the Commission may kindly appreciate that, initiation of the Bidding process is undertaken in tandem with the various project related activities to ensure early completion of the bidding process and award of the contract to the successful bidder.



- 6) It is submitted that the RFQ document proposed to be issued to bidders has been annexed as Annexure to the Revised Petition. It is further submitted that, since the RFP and PPA are still under preparation and will be finalised after the Pre-Bid Conference with the Qualified Bidders at RFQ stage, the deviation(s), if any, in respect of RFP and PPA shall be submitted for approval of the Commission at a later stage.
- 7) The Petitioner has therefore submitted that the Commission may approve the deviation outlined in Para 11 in the RFQ document, and permit MSEDCL to file a Petition seeking approval from the Commission in respect of deviation to be taken in RFP and PPA documents, if any, at a later stage.
10. The Petitioner vide letter dated December 2, 2009 to the Commission had submitted the additional information / documents that the Commission had asked for in the previous TVS, which are as follows:
- a. With regard to the query for appointment of MSPGCL for the bidding process, the Petitioner has submitted that MSEDCL Board vide Resolution 656 dated 31.10.2008 resolved to appoint MSPGCL as Authorised Representative for pre-development activities of Lohara Project.
 - b. With regard to the query for documentary evidence of the activities completed for Water Linkage, the Petitioner has submitted that in-principle approval is received for 20 mcm water from Bembla Irrigation project, and that letter for final approval of GoM is sent by Assistant Chief Engineer to Water Resource Department, Mantralaya, Mumbai.
 - c. With regard to the query of whether the land is free from any liens and encumbrance, the Petitioner has submitted that the Chief General Manager (CP), MSPGCL had stated that 131 Ha of land is in custody of MIDC and is free from liens and encumbrance.
 - d. With regard to the query of the adequacy of water availability required over the life of the project, the Petitioner has submitted that the Assistant Chief Engineer (2), Water Resource Department, Amaravati has certified that water can be made available for the entire life of the project with regard to the agreement period, as per the storage available in the reservoir in prevailing terms and conditions for the proposed project.



11. The Commission vide Notice dated December 14, 2009 fixed a hearing in this matter on December 29, 2009. Further, the Commission vide Notice dated December 31, 2009 fixed a hearing in this matter on January 22, 2010.
12. The Petitioner vide letter dated January 20, 2010, has submitted the additional information asked to be submitted by the Commission, which are as follows:
- a. With regard to the query for the status of ToR approval by MoEF, the Petitioner has submitted that MSPGCL is unable to submit the proceedings of MoEF, since MoEF had not considered the application for hearing although MSPGCL had already met the directions of MoEF with regard to proximity of the plant to the city and study of alternative sites, which MoEF gave on the meeting of the Committee dated October 13, 2009. It is expected that the project for ToR approval may be taken up in the next meeting to be held in February 2010.
 - b. With regard to the query for Coal Block Responsibility of the Petitioner, the Petitioner has submitted that it is proposed that Coal Block would be developed by the selected bidder for the Yavatmal Power Project under this Competitive Bidding. According to the advice of the Commission, Clause 1.7 of the RFQ document have been changed by the Petitioner and the same will be proposed to be mentioned in the RFQ document of the bidding process. MSPGCL has initiated activities in order to expedite the coal block development process, to achieve milestones in time, and that prospective license has been obtained, and enquiry for selection of consultant for environment clearance has been floated.
 - c. With regard to the query about project planning and co-ordination of activities, the Petitioner has submitted that MSPGCL would conduct competitive bidding for development of the project as per the timelines mentioned in the Guidelines of Ministry of Power to select the developer, and that further project planning and activities identification would then be done by the selected developer.
 - d. With regard to the query about the deviation in RFP and PPA from Standard Bidding Documents, the Petitioner has submitted that the Procurer is not intending to take any deviations at this stage in RFP and PPA. However, if any changes are proposed by the selected bidders at RFQ stage, the Procurer shall sought the approval on deviations from the Commission in accordance with the Guidelines issued by Ministry of Power.



13. During the hearing dated January 22, 2010, Shri C.S. Trimukhe, C.E. appeared on behalf of MSEDCL. The Commission suggested the Petitioner to float an Expression of Interest (EOI) so that interested bidders will approach the Petitioner. The Commission also directed the Petitioner to keep the Commission informed regarding the progress of environment clearance for power project and coal mines in writing, and that the next hearing would be scheduled once the Petitioner communicates that all the necessary activities have been undertaken.
14. The Commission vide letter dated April 13, 2010 had informed the Petitioner that no information has been received by the Commission in regard to the suggestion of the Commission to float Expression of Interest (EOI) to enable the interested bidders to approach the Petitioner, and consequent direction of the Commission that the Petitioner should keep the Commission informed regarding the progress of environment clearance for power project and coal mines in writing. The Commission directed to expedite the matter on immediate basis.
15. The Commission further vide letter dated June 29, 2010 directed the Petitioner to expedite the matter and submit the status report.

In view of the above, the Commission observes that without the aforesaid status report, the present case cannot be proceeded with, and is hereby dismissed, with a liberty to the Petitioner to file a fresh Petition after undertaking necessary activities, as directed by the Commission.

With the above observations and ruling, Case No. 32 of 2009 stands disposed off.

Sd/-
(S. B. Kulkarni)
Member

Sd/-
(V. P. Raja)
Chairman



(K.N Khawarey)
Secretary, MERC