

 <p>MAHAVITARAN Maharashtra State Electricity Distribution Co. Ltd. (A Govt. of Maharashtra Undertaking) CIN : U40109MH2005SGC153645</p>	<p>Maharashtra State Electricity Distribution Co. Ltd. महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित Office of the Superintending Engineer (Tariff Regulatory Cell) 5th Floor, 'Prakashgad' Plot No.G-9, Prof. Anant Kanekar Marg, Bandra (E), Mumbai-400 051. Tel: 69852200/69853535 Extn.:2515 Email: setrcmsedcl@gmail.com Website: www.mahadiscom.in</p>	
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Ref: SE/TRC/MYT-2024/Review/

No 3 9 3 3 7

Date:

04 DEC 2025

To,
The Secretary,
Maharashtra Electricity Regulatory Commission,
World Trade Centre, Centre No 1,
13th Floor, Cuffe Parade, Mumbai.

Subject: Petition seeking review of MYT order dated 28th March 2025 in Case no. 217 of 2024 in the matter of Final True Up of FY 2022-23 & FY 2023-24, Provisional True Up for FY 2024-25 and Projections of ARR & Tariff for FY 2025-26 to FY 2029-30 (Case no 75 of 2025) - **Additional Submission thereof.**

Ref: 1. MSEDCL's letter No: SE/TRC/MYT-2024/Review/13166 dated 28th April, 2025.
2. MSEDCL's letter No: SE/TRC/MYT-2024/Review/15156 dated 16th May 2025.

Respected Sir,

MSEDCL has filed a Review Petition under Section 94(1)(f) of the Electricity Act, 2003 seeking review of the MYT Order dated 28 March 2025 issued in Case No. 217 of 2024, pertaining to the Final True-up for FY 2022-23 & FY 2023-24, Provisional True-up for FY 2024-25, and ARR & Tariff Projections for FY 2025-26 to FY 2029-30.

In pursuance of the Hon'ble Supreme Court judgment dated 17 November 2025 [SLP No. 32900-32911/2025] read with the Hon'ble Bombay High Court judgment dated 3 November 2025 [WP(L) No. 19437/2025 & Others], the aforesaid Review Petition has been remanded to the Hon'ble Commission for fresh consideration after consulting all stakeholders and examining their objections, if any.

In view of the above, MSEDCL is hereby submitting its additional submission. This may please be taken on record and be placed before Hon'ble Commission for its kind consideration.

Thanking you.

Encl: As above

Yours faithfully,

P. Aher

(Pralhad H. Aher)

Superintending Engineer,
(Tariff Regulatory Cell), MSEDCL.

**BEFORE THE MAHARASHTRA ELECTRICITY REGULATORY
COMMISSION, MUMBAI**

FILING NO. _____ OF 2025

CASE NO. _____ OF 2025

**PETITION UNDER SECTION 94(1)(F) OF THE ELECTRICITY ACT, 2003
READ WITH REGULATION 28 OF THE MERC (TRANSACTION OF BUSINESS
AND FEES AND CHARGES) REGULATIONS, 2022 FOR REVIEW OF THE
ORDER DATED 28.03.2025 PASSED BY THIS HON'BLE COMMISSION IN
CASE NO. 217 OF 2024**

In the matter of:

Case of Maharashtra State Electricity Distribution Co. Ltd. for Truing-up of Aggregate Revenue Requirement (ARR) for FY 2022-23 and FY 2023-24, Provisional Truing-up of ARR for FY 2024-25 and approval of ARR and Tariff for FY 2025-26 to FY 2029-30 for its Distribution Business in accordance with the Maharashtra Electricity Regulatory Commission (Multi Year Tariff) Regulations, 2024

AFFIDAVIT VERIFYING THE PETITION

I, Pralhad Hiranman Aher, son of Mr. Hiranman D. Aher, being the Superintending Engineer of the Applicant, the authorized signatory of the Petitioner, having my office at MSEDCL, Prakashgad, Plot No. G-9, Anant Kanekar Marg, Bandra (E), Mumbai – 400051, do hereby solemnly affirm and state as under:

1. I am the Authorized Signatory of the Applicant/Petitioner in the above matter and I am duly authorised by the said Applicant/Petitioner and competent to depose this Affidavit.
2. The statements made in paragraphs Nos. _____ of the Petition are true to my knowledge and belief, and statements made in



paragraph Nos. _____ are based on information
and I believe them to be true.

3. I say that there are no proceedings pending in any court of law/tribunal or arbitrator or any other authority, wherein the Petitioners are a party and where issues arising and/or reliefs sought are identical or similar to the issues arising in the matter pending before the Commission.

- 4 DEC 2025

4. Solemnly affirm at Mumbai on this _____ day of _____
that the contents of the above affidavit are true to my knowledge, no part of
it is false and nothing material has been concealed therefrom.

Zahir
DEPONENT

(_____)

Identified before me

Place

Dated

BEFORE ME

A. R. SURVE
ADVOCATE & NOTARY
GOVT OF INDIA
REG. No 16353

Seen Original

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Card / Driving License

Card - Passport / POA

Bearing No. 6220 88667302

Dated - 4 DEC 2025

For /erification f



NOTARY & REGISTERED
Reg. No. 117247
Page No. 88
Date 4 DEC 2025



**BEFORE THE MAHARASHTRA ELECTRICITY REGULATORY
COMMISSION, MUMBAI**

Case No. 75 of 2025

IN THE MATTER OF:

Implementation of Hon'ble Supreme Court's order dated 17.11.2025 passed in SLP (C) 32900-32911/2025 and Hon'ble Bombay High Court's judgment dated 03.11.2025 passed in W.P.(Civil)(L) 19437 of 2025 and batch.

AND IN THE MATTER OF:

Maharashtra State Electricity Distribution Co. Ltd.

Through its Superintending Engineer (Tariff Regulatory Cell)

Prakashgad, Plot No. G-9

Anant Kanekar Marg, Bandra (East)

Mumbai, Maharashtra – 400 015

...Petitioner

**ADDITIONAL SUBMISSIONS ON BEHALF OF MAHARASHTRA
STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED**

MOST RESPECTFULLY SHOWETH:

1. BACKGROUND OF THE PROCEEDINGS

- 1.1 The captioned proceedings were originally instituted by Maharashtra State Electricity Distribution Co. Ltd (“**MSEDCL**”) under section 94 (1)(f) of the Electricity Act, 2003 ("**Act**"), read with Regulation 28 of the MERC (Transaction of Business and Fees and Charges) Regulations,

2022 (“**Transaction of Business Regulations**”) seeking a review and modification of the Order dated 28.03.2025 passed by this Hon’ble Commission in Case No. 217 of 2024 for Truing-up of Aggregate Revenue Requirement (ARR) for FY 2022-23 and FY 2023-24, Provisional Truing-up of ARR for FY 2024-25 and approval of ARR and Tariff for FY 2025-26 to FY 2029-30 (“**Fifth Control Period**”) for its Distribution Business (“**MYT Order**”).

- 1.2 By the said Petition, MSEDCL also sought the invocation of this Hon’ble Commission’s suo-motu powers available under Regulations 39 and 40 of Transaction of Business Regulations and prayed that this Hon’ble Commission may be please to suo-motu correct the accidental slips, omissions and mistakes in the MYT Order and amend the tariff thereunder as the MYT Order has errors and inconsistencies which go to the root of the tariff that has been set, and unless immediately corrected, the said errors will have a debilitating impact on the financial viability of MSEDCL, and its ability to reliably supply power to its consumers. It was MSEDCL’s stand that, being the state distribution utility, it serves crores of consumers across the state, and its viable and uninterrupted operations are critical to the energy security of the state itself.
- 1.3 After holding detailed hearings in the captioned Petition, on 06.05.2025 and on 09.05.2025, this Hon’ble Commission passed a well-reasoned order in the captioned Petition on 25.06.2025 (“**Revised Tariff Order**”).
- 1.4 The Revised Tariff Order was challenged before the Hon’ble Bombay High Court by various parties, including solar and wind power developers and industry associations (“**Writ Petitioners**”) by way of the aforementioned Writ Petitions, wherein the Writ Petitioners alleged that the Revised Tariff Order

was passed in breach of the principles of natural justice as well as the mandatory provisions of the Transaction of Business Regulations.

- 1.5 The Hon'ble Bombay High Court, during the pendency of the aforementioned Writ Petitions, by way of its Orders dated 01.07.2025, 08.08.2025 and 26.08.2025 has inter alia directed that an ad-interim stay would operate only on paragraph 35.15 of the Revised Tariff Order, effectively permitting the implementation of all other aspects of the Revised Tariff Order, save for the directions of this Hon'ble Commission under paragraph 35.15 Revised Tariff Order ("**Interim Order**").
- 1.6 Subsequently, by way of its Order dated 03.11.2025 ("**Bombay High Court Order**"), the Hon'ble Bombay High Court allowed the Writ Petitions and set aside the Revised Tariff Order, with a direction that the matter be remanded to this Hon'ble Commission *"to decide the Review Petition filed by MSEDCL afresh after consulting all stakeholders and hearing and taking into consideration their objections, if any"*.
- 1.7 Being aggrieved by the Bombay High Court Order, the Petitioner filed SLP (C) No. 32900-32911 of 2025 before the Hon'ble Supreme Court. By way of its order dated 17.11.2025, the Hon'ble Supreme Court disposed of the said SLP with a direction to this Hon'ble Commission to decide the captioned Petition within 12 weeks of passing of its order ("**SC Order**"). Notably, the Hon'ble Supreme Court also directed that during the pendency of the remand proceedings, the interim arrangement directed by the Hon'ble Bombay High Court vide its Interim Order shall continue to operate.
- 1.8 The captioned proceedings to decide the captioned Petition filed by MSEDCL and to revise/amend the tariff determined under the MYT Order are presently being conducted pursuant to the aforementioned directions of the Hon'ble Supreme Court and the Hon'ble Bombay High

Court, passed vide the SC Order and the Bombay High Court Order, respectively.

2. ADDITIONAL SUBMISSIONS ON BEHALF OF MSEDCL

2.1 It is humbly submitted that subsequent to the passing of the MYT Order by this Hon'ble Commission and institution of the aforementioned proceedings by MSEDCL, certain orders have been passed by the Hon'ble Supreme Court of India, Hon'ble APTEL and this Hon'ble Commission which require MSEDCL to make certain payments to various parties. The approximate cumulative financial liability towards such payments is approximately Rs **11,751** Crs. Given that the said liabilities have crystallised subsequent to the passing of the MYT Order and institution of the captioned proceedings, they do not form a part of the Petition filed by MSEDCL in these proceedings. However, it is humbly submitted that it would be in larger public interest if the impact of these orders is also considered and factored in the revised ARR of MSEDCL for the Fifth Control Period as recovery of these amounts in an extremely truncated timeline by way of FAC mechanism will lead to a severe tariff shock as the amount involved is substantial.

2.2 The details of such orders and corresponding financial liability are set out below:

- (i) **Interim payments to be made to Ratnagiri Gas and Power Private Limited (RGPPL) as per Hon'ble Supreme Court order dated. 06.05.2025:** MSEDCL and RGPPL are engaged in a long-standing dispute with respect to payment of wrongful capacity charges claimed by RGPPL from MSEDCL, and MSEDCL has been diligently prosecuting the dispute before various competent

judicial fora. Subsequent to the passing of the MYT Order and institution of the captioned proceedings, various orders have been passed by the Hon'ble CERC, Hon'ble APTEL and Hon'ble Supreme Court of India, which stand to give rise to serious financial liability on the part of MSEDCL to pay capacity charges to RGPPL. One such proceeding is pending before the Hon'ble Supreme Court of India, being Civil Appeal No. 4286 of 2025 ("**RGPPL Civil Appeal**"), where MSEDCL has challenged Hon'ble APTEL's direction to MSEDCL to pay a sum of Rs. 2477.20 crore to RGPPL. Accordingly, in RGPPL Civil Appeal, the Hon'ble Supreme Court, by way of an interim relief granted vide daily order dated 06.05.2025, has directed MSEDCL to pay half of Rs. 2,477.20 Crs. to RGPPL in six equal monthly instalments i.e. Rs. 206.43 Crs. per month starting from July 15, 2025. Accordingly, MSEDCL is required to pay Rs. 1,238.60 Crs. to RGPPL under protest and without prejudice to its rights and contentions. Out of Rs. 1,238.60 Crs. MSEDCL has considered Rs. 412.86 Crs. in FAC of Aug-25 and Sep-25 and remaining Rs. 825.74 Crs. is yet to be recovered in tariff.

- (ii) **RGGPL APTEL's order in Appeal No. 232 of 2025** : In a addition to the aforementioned order of the Hon'ble Supreme Court, the Hon'ble CERC has also passed an order dated 12.06.2025 in Petition No. 276/MP/2024 wherein the Hon'ble CERC has dismissed the petition filed by MSEDCL and has inter alia held that the Power Purchase Agreement dated 10.04.2007, which was executed between RGPPL and MSEDCL and subsequently terminated by MSEDCL with effect from 01.04.2014, is in fact currently valid and subsisting. An appeal against the said

order, being Appeal No. 232 of 2025, has recently been dismissed by the Hon'ble APTEL vide its judgment dated 28.11.2025.

While it has been a consistent stand of MSEDCL that the said PPA is terminated with effect from 01.04.2014 and that the termination has attained the finality, and while MSEDCL intends to challenge the dismissal of its appeal by Hon'ble APTEL before the Hon'ble Supreme Court, however, pending a favourable ruling from the Hon'ble Supreme Court or grant of stay against any liability to make capacity charge payments to RGPPL, MSEDCL may be liable to make payments to RGPPL for the past as well as future periods.

It is stated that as per above APTEL order, the balance payable amount towards **capacity charges till Nov-25 as per RGPPL's claim is Rs. 2846.57 Crs.** In addition to above, there is expected to be a monthly liability of about Rs. 80 Crs per month towards capacity charges. As such, for **balance control period of 52 months of the Fifth Control Period**, the total liability is likely to be about **Rs. 4160 Crs**, resulting in a potential cumulative liability of **Rs. 7006.57 crore** in case favourable orders are not secured from the Hon'ble Supreme Court.

- (iii) **Payment to MSPGCL of Rs. 1,815.63 Crs. pursuant to this Hon'ble Commission's order dated 03.11.2025 in Case No. 336 of 2018:** This Hon'ble Commission vide consequential order dated 03.11.2025, passed in Case No. 336 of 2018 has allowed MSPGCL to recover Rs. 1,815.63 Crs. from MSEDCL in six equal monthly instalments from November 2025. Accordingly, MSPGCL raised an invoice on MSEDCL for payment of Rs. 1,815.63 Crs.

- (iv) **Refund to Adani Power Limited pursuant to this Hon'ble Commission's order dated 02.12.2025:** Adani Power Limited (APL) has been claiming transportation cost based on domestic IPT coal quantity, contrary to its own earlier submissions and the auditor certification for imported coal quantity which were placed on record in Case No. 132/2020 on the basis of which this Hon'ble Commission has allowed APL to recover hypothetical coal transportation cost on a normative basis. While the appellate proceedings arising out of the said order are currently being prosecuted by MSEDCL before the Hon'ble Supreme Court, to avoid additional burden on consumers, MSEDCL filed a clarification petition before this Hon'ble Commission, pursuant to which this Hon'ble Commission vide its Order dated 06.10.2025 fully upheld MSEDCL's interpretation and directed reconciliation of past IPT claims along with post-facto verification of bills. Based on these directions, MSEDCL provisionally assessed ₹3,812.18 crore as excess payment (Principal: ₹1,556 crore; LPS: ₹2,256 crore), of which ₹1,029.94 crore has already been adjusted against APL's monthly invoices. This adjustment has already been considered while computing the FAC of Sept-25. APL subsequently filed a Review Petition, being Case No. 227 of 2025, and on 02.12.2025 this Hon'ble Commission allowed APL's said review petition and has directed MSEDCL to refund deducted amount of Rs. 1,029.94 Crs to APL within a period of 2 weeks.
- (v) **Legacy charges:** As per CERC (Deviation Settlement Mechanism and Related Matters) Regulations 2024 ("**CERC DSM Regulations 2024**"), the National Load Despatch Centre (NLDC) after approval of Hon'ble CERC has worked out apportionment of

charges in case of deficit in the Deviation and Ancillary Service Pool Account (“**Legacy Charges**”) applicable for period from 16.09.2023 to 31.03.2026.

Regarding apportionment of these Legacy Charges among State Entities, this Hon’ble Commission by its order dated 31.10.2025 in petition filed by MSLDC, being Case No. 3/MP/2025, has approved the methodology for apportionment of the Legacy Dues amongst the State Entities wherein 50% will be apportioned on basis of General Network Access (**GNA**) granted’ in WRLDC Statement and 50% on basis of DSM payable by respective State Entities. Further, this Hon’ble Commission has allowed MSPGCL to recover legacy charges from MSEDCL as a part of provisional true-up.

Legacy charges bills are not regular in nature and so the amount payable is uncertain. However, considering amount of Legacy Charges already paid and the duration of said Legacy Charges, expected monthly additional cost due to Legacy Charges would be Rs. 8.30 Crs. The balance bills towards Legacy Charges amounting to Rs. 84.39 Crs for this FY till 16.11.2025 is balance to be received through FAC, and is expected to be Rs 435.75 Crs (for balance period of this MYT control Period i.e 17th Nov 2025 to 31st March 2030) will be required to be recovered from respective months FAC Bills, unless factored in the ARR. The total amount of Legacy Charges thus stands at Rs. 520.14 Crs.

- (vi) **Payment to APL on account of CIL in respect of increase in forest tax and Chhattisgarh Adhosanrachna Vikas Evam Paryavaran Upkar:** This Hon’ble Commission vide its order dated 04.11.2025, passed in Case No. 132 of 2024 and 133 of 2024

allowed an increase in Forest Tax from Rs. 15/tonne to Rs. 57/tonne (Rs. 42/tonne differential) and Chhattisgarh Adhosanrachna Vikas Evam Paryavaran Upkar Adhiniyam CEC/CDC from Rs. 7.5 to Rs. 11.25 per tonne, respectively, as Change in Law events. Accordingly, APL has raised the invoices of Rs. 17.86 Crs. (Principal - Rs. 15 Crs. and Carrying Cost - Rs. 2.86 Crs.) and Rs. 35.12 Crs. (Principal - Rs. 28.99 Crs. and Carrying Cost - Rs. 6.13 Crs.) towards forest tax and Vikas Paryavaran Upkar, respectively. The total impact of this order is Rs. 52.98 Crs.

- (vii) **Payment to APL on account of CIL in respect of costs incurred towards transportation of fly ash:** This Hon'ble Commission vide its order dated 11.09.2024, passed in Case No. 84 of 2023 allowed CIL compensation on account of the additional cost of fly ash transportation for the period commencing from FY 2016-17. Accordingly, APL has raised the invoices for fly ash transportation as follows-

Year	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Rs. Crs.	1.64	1.49	8.47	27.66	46.91	58.24	90.76	73.13	189.66

The above table depicts that there is a surge in the cost of fly ash transportation from Rs. 1.64 Crs. in FY 2016-17 to Rs. 189.66 Crs. in the latest financial year. Accordingly, MSEDCL will have to pay the same as the approved CIL event by this Hon'ble Commission. While MSEDCL had estimated the impact of the same as approximately Rs. 100 Crs. per annum, however, current impact is to the tune of Rs. 200 Crs. per annum. Therefore, additional impact may be considered against fly ash transportation in the present proceedings for the present control period.

(viii) **Impact of remand back case of RPL:**

2.3 A tabular summary of the aforementioned items and their financial impact is set out below for ease of reference:

Sr. No.	Particulars	Rs. Crs.
1	RGPPPL claims as per CA 4286 of 2025	825.74
2	RGGPL APTEL's order in Appeal No. 232 of 2025	7006.57
3	MSPGCL claims as per 336 of 2018	1,815.63
4	APL IPT transportation adjustment	1,029.94
5	Legacy Charges	520.14
6	APL CIL Forest tax and Vikas upkar	52.98
7	APL CIL Fly Ash transportation	500.00
Total		11751.00

2.4 It is humbly submitted that in the ordinary course, the impact of the aforementioned items would be recovered through the FAC mechanism, but considering the quantum of the cumulative financial impact of these subsequent, unanticipated events, recovery thereof through FAC will result in a steep tariff shock to the consumers. On the other hand, in case these amounts are included in the ARR and the recovery thereof is permitted through regular tariff, the impact thereof will be spread over a much longer period, resulting in a sustained recovery of these amounts without any tariff shocks to the consumers.

- 2.5 It is humbly submitted that MSPGCL has filed a review petition, being Petition No. 96/RC/2025, against its MYT order dated 28.03.2025 issued in Case No. 187 of 2024. The said petition is currently pending adjudication before this Hon'ble Commission. It is humbly submitted that in case any claims of MSPGCL are allowed by this Hon'ble Commission, which results in an immediate payment liability on MSEDCL, such liability ought to be considered to be passed through in the revised ARR of MSEDCL to be determined under the present proceedings, so as to avoid claim through FAC mechanism.
- 2.6 It is humbly submitted that RattanIndia Power Limited ("**RPL**") has filed a petition, being Petition No. 171/AD/2025, in furtherance of judgment passed by the Hon'ble APTEL in Appeal No. 345 of 2021, by which the Hon'ble APTEL had allowed RPL's change in law claims towards fly ash transportation charges and increase in sizing and crushing charges in principle, and had remanded the matter to this Hon'ble Commission for computation and determination of claims. While the said order of Hon'ble APTEL has been challenged by MSEDCL before the Hon'ble Supreme Court, no stay has been granted against the remand proceedings. As such, the said petition is currently pending adjudication before this Hon'ble Commission. It is humbly submitted that in case any claims of RPL are allowed by this Hon'ble Commission, which results in an immediate payment liability on MSEDCL, such liability ought to be considered to be passed through in the revised ARR of MSEDCL to be determined under the present proceedings, so as to avoid claim through FAC mechanism.
- 2.7 It is humbly submitted that since this Hon'ble Commission is already seized with the present tariff revision exercise, where the entire tariff

determination procedure is being followed by this Hon'ble Commission, including invitation of comments from general public, it presents a good opportunity for this Hon'ble Commission to consider the impact of these events and orders in the ARR of MSEDCL itself, as opposed to a recovery thereof by FAC mechanism.

- 2.8 It is, therefore, humbly prayed that this Hon'ble Commission be pleased to consider the financial impact of the aforementioned events and orders in the ARR of MSEDCL and allow recovery thereof through tariff. Such an approach will be in larger public interest and will ensure that no tariff shock is caused to the consumers in the form of steep FAC.


MSEDCL