

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
**World Trade Centre, Centre No.1, 13<sup>th</sup> Floor, Cuffe Parade, Mumbai 400005.**  
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**Case No 23 of 2021**

**Case of Sinner Thermal Power Limited seeking directions to MSEDCL for withdrawal of Termination Notice dated 19 May, 2020 and procurement of power generated from Petitioner.**

**Coram**

**Sanjay Kumar, Chairperson**

**I.M.Bohari, Member**

**Mukesh Khullar, Member**

Sinner Thermal Power Limited: - ..... Petitioner  
Vs  
Maharashtra State Electricity Distribution Company Ltd: - .....Respondent No. 1  
The Government of Maharashtra: - .....Respondent No. 2  
Sai Wardha Power Generation Limited: - ..... Respondent No. 3

**Appearance**

For Petitioner: - ..... Shri Venkatesh (Adv.)  
For Respondent No. 1:- ..... Shri Ravi Prakash (Adv.)  
For Respondent No. 2:- .....None  
For Respondent No. 3:- ..... Shri Anand Ganeshan (Adv.)

**ORDER**

**Date: 12 August, 2021**

1. Sinner Thermal Power Limited (STPL) has filed the present Petition on 5 March 2021 under Section 23 read with Section 86(1) (b) of the Electricity Act, 2003 (EA, 2003) seeking directions to Maharashtra State Electricity Distribution Company Ltd. (MSEDCL) for withdrawal of Termination Notice dated 19 May 2020 and procurement of power generated from STPL in the interest of the State.

2. **STPL's main prayers are as under:**

- a) *Direct MSEDCL to withdraw the Termination Notice dated 19.05.2020;*
  - b) *Direct MSEDCL to execute a Power Purchase Agreement to procure power from the Petitioner's Project in line with the provisions of the LOI and above referred Proposal in respect of Performance Bank Guarantee;*
  - c) *Direct MSEDCL to contract the remaining 733 MW net capacity (i.e. 1240 MW less 507 MW) from the Project on long term basis in the interest of the state and all stakeholders as this power will be generated by using the resources of the state such as land and water;*
3. Sai Wardha Power Generation Ltd. (SWPGL) filed Miscellaneous Application MA 11 of 2021 requesting its impleadment in present matter. Post hearing in the matter on 4 May 2021, the Commission vide Order dated 27 May 2021 has allowed impleadment of SWPGL in present matter.
4. Subsequently, at the hearing held on 27 July 2021, STPL has stated that it is currently in active discussion with its lender for addressing its financial issues. Outcome of such discussion will have impact on the instant Petition and therefore STPL initially requested for adjournment and subsequently requested for allowing it to withdraw the present Petition with liberty to approach afresh.
5. In view of STPL's request, the Commission allows STPL to withdraw present Petition with liberty to file afresh as per applicable law.
6. Hence following Order.


**ORDER**

1. **Case No 23 of 2021 is dismissed as withdrawn. Accordingly, MA No. 11 of 2021 also stands dismissed.**
2. **Sinner Thermal Power plant is at liberty to approach the Commission afresh as per applicable law.**

**Sd/-**  
**(Mukesh Khullar)**  
**Member**

**Sd/-**  
**(I.M. Bohari)**  
**Member**

**Sd/-**  
**(Sanjay Kumar)**  
**Chairperson**

  
**(Abhijit Deshpande)**  
**Secretary**

