

**NOTICE**

Subject: Petition of Reliance Infrastructure Ltd. under Section 86 (1)(f) of the Electricity Act, 2003 for adjudication of dispute arising out of issues pertaining to obligation of Seller to supply Contracted Capacity under provisions of Article 5 (Sub Article 5.1.1) of the Power Purchase Agreement dated 04.06.2010 between Reliance Infrastructure Ltd. and Wardha Power Company Ltd.

**- Case No. 08 of 2013**

Reliance Infrastructure Ltd. has submitted a Petition under affidavit on 28.01.2013 under Section 86(1)(f) of the EA, 2003 for adjudication of dispute arising out of issues pertaining to obligation of Seller to supply Contracted Capacity under provisions of Article 5 (Sub Article 5.1.1) of the Power Purchase Agreement dated 04.06.2010 between Reliance Infrastructure Ltd. and Wardha Power Company Ltd.

2. The main prayers of the Petitioner are as under:-

- (a) *Order and direct that the Aggregate Contracted Capacity of 260 MW is required to be reduced proportionately by taking into consideration contracts between the Respondent and third parties which are of duration of more than one year in the event of declared capacity being less than sum total of all contracted capacities;*
- (b) *Order and direct that the petitioner is entitled to the amount of Rs 21,94,44,375 for the period April 12 to November 12 with interest at the rate of 18% per annum from the date of payment under the letter of credit, till payment and /or realization for the following months in respect of the reduction in the availability from the Respondent be directed to pay the same to the Petitioner;*
- (c) *Declare that the invocation of the letter of credit in December 2012 and January 2013 is contrary to the terms of the PPA, bad in law, illegal, null and void;*
- (d) *Pass an order restraining the Respondent, its agents and servants, from invoking the letter of Credit in the circumstances set out hereinabove, i.e. in the event of the Respondent reducing the availability contrary to the terms of PPA;*
- (e) *Pleaded to pass an order and injunction restraining the Respondent from invoking the letter of credit in the event of the petitioner deducting capacity charges by reason of reduced availability from the declared capacity contrary to the terms of the PPA;*
- (f) *Pass ex-parte ad-interim order in terms of prayers (d)and (e) above;*

3. I am directed to communicate that the Hearing in the above matter will be held in the presence of consumer representatives on **Monday, 1 April, 2013 at 11.00 hrs** in the office of the Commission at 13<sup>th</sup> floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai 400 005.
4. The Petitioner is directed to immediately serve a copy of its above mentioned Petition, along with its accompaniments, (both in soft and hard versions) to the Respondent and the four authorized consumer representatives.
5. The Respondent is directed to submit its say, if any, on affidavit, on the above mentioned Petition with a copy served to the Petitioner and the consumer representatives.

Sd/-  
(R.S. Sonawane)  
Dy Director (Legal)

Reliance Infrastructure Ltd.  
H Block, 1<sup>st</sup> Floor  
Dhirubhai Ambani Knowledge City  
Navi Mumbai 400 710

Petitioner

M/s Wardha Power Company Ltd.,  
8-2-293/82/A/431/A,  
Road No. 22, Jubilee Hills  
Hyderabad 500 033

Respondent

**Consumer Representatives**

Prayas (Energy Group)  
Amrita Clinic, Athvale Corner,  
Lakdipool-karve Road Junction,  
Deccan Gymkhana, Karve Road,  
Pune 411 004.  
E-mail: [peg@prayaspune.org](mailto:peg@prayaspune.org)

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