

NOTICE

Subject: Indiabulls Power Ltd. Petition against MSEDCL under section 86(1) (f) of EA 2003.

- **Case No. 87 of 2013**

Indiabulls Power Ltd. have submitted a Petition under affidavit on 04.07.2013, Petition against MSEDCL under section 86(1) (f) of EA 2003.

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

“a) Set aside the letter dated 18 March, 2013 written by the Respondent to the Petitioner;

b) Further set aside the letter dated 28 May, 2013 written by the Respondent to the Petitioner to the extent of the interpretation advanced by the Respondent with regard to the terms of the PPA in respect of the revised scheduled delivery dates and the applicable tariff;

c) Clarify that as per the terms of the PPA, the parties may mutually agree at one or more dates, each such date being the Revised Scheduled Delivery Date from When the supply of Contracted Capacity corresponding to such Revised Scheduled Delivery Date shall be commenced by the Seller for a term of 25 years, subject to the condition that the Revised Scheduled Delivery Dates shall not fall later than the Scheduled Delivery Date and the aggregate of corresponding Contracted Capacity shall be equal to the Aggregate Contracted Capacity;

d) Clarify that as per the terms of the PPA, the Seller shall supply each Contracted Capacity for a period of 25 years from its corresponding Revised Schedule Delivery Date and the tariff for each such Contracted Capacity shall be as per the tariff mentioned in Schedule 4 read with Schedule 6 and Schedule 8 of the PPA;

e) Clarify that as per the terms of the PPA, the PPA shall independently and individually apply to each Revised Schedule Delivery Date and its corresponding quantum of Contracted Capacity. Accordingly, the Delivery Date and Expiry Date for each of such quantum of Contracted Capacity shall be different and shall depend on the date o commencement of supply of such quantum of the Contracted Capacity; and/or

f) Pass any other order(s) as may be deemed fit in the interest of justice and in the circumstances mentioned in the present case.

Interim prayer

The Petitioner further prays that pending disposal of the present Petition with a view to protect the interests of the Petitioner; this Hon'ble Commission may be pleased:

a) Direct the Respondent to pay to the Petitioner for the power delivered to the Respondent (prior to the supply of the Aggregate Contracted Capacity) as per the rates mentioned in the Respondent's letter of 28 May, 2013 pending the disposal and outcome of the present petition; and

b) Pass any other order(s) as may be deemed fit in the interest of justice and in the circumstances mentioned in the present case.

3. I am directed to communicate that the **Hearing** in the above matter will be held in the presence of the authorized consumer representatives on **Tuesday 23 July, 2013 at 15.00 hrs** in the office of the Commission at 13th 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 (both in soft and hard versions) to the Respondent and authorized consumer representatives, whose addresses are given below.

5. The Respondent is directed to submit its say on affidavit, if any, on the above mentioned Petition with a copy to the Petitioner and the authorised consumer representatives well in advance.

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

Indiabulls Power Ltd.
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New Delhi - 110 001
E-mail : shah.vatsal@indiabulls.com

Petitioner

The Chief Engineer (Power Purchase)
Maharashtra State Electricity Distribution Company Ltd.
5th Floor, Plot No. G-9, Anant Kanekar Marg,
Prakashgad, Bandra (East), Mumbai 400 051

Respondent

Consumer Representatives:

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

Cc: The General Secretary,
Thane Belapur Industries Association,
Rabale Village, Post Ghansoli,
Plot P-14, MIDC,
Navi Mumbai 400 701
E-mail: tbia@vsnl.com

Cc: Mumbai Grahak Panchayat,
Grahak Bhavan,
Sant Dynaneshwar Marg,
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