

**NOTICE**

Subject: Petition of Indiabulls Power Ltd. for compensation in tariff on account of increase in fuel and other incidental costs and dispute between a Generating Company and the Distribution Licensee, relating to the provisions of the Power Purchase Agreements (PPA) dated 22<sup>nd</sup> April 2010 and 5<sup>th</sup> June 2010.

- **Case No. 154 of 2013**

India Bulls Power Limited have submitted a Petition under affidavit on 17.10.2013, under Sec.86 (1) (b, f, k) of Electricity Act, 2003 & for seeking Compensation in tariff, on account of increase in fuel and other incidental costs and dispute between a Generating Company and the Distribution Licensee, relating to the provisions of the Power Purchase Agreements (PPA) dated 22<sup>nd</sup> April 2010 and 5<sup>th</sup> June 2010.

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

*“a. direct the Respondent to adopt the Change in Law in terms of the PPA,S dated 22<sup>nd</sup> April 2010, and adjust tariff to the extent necessary to enable procurement of coal from sources other than the linkage coal, in the terms of the Petitioner’s letter dated 21<sup>st</sup> September 2013, being **Annexure P-11** hereto;*

*b. adopt the fuel cost adjustment formula provided in Schedule at **Annexure P-10** of this Petition and allow compensation in terms of the said formula, so as to give effect to increase in variable cost and all other consequential cost and expenses thereto, in relation to supply of power under the PPAs dated dated 22<sup>nd</sup> April 2010 and 5<sup>th</sup> June 2010.*

*c. in the alternative to the prayer(b) above, provide a mechanism to be implemented for allowing adequate periodic compensation to the Petitioner that shall offset the incremental cost of procuring fuel from alternative sources to meet the shortfall in quantity and quality of coal actually supplied under linkage by SECL from time to time as against the quality and quantity of coal that was agreed to be supplied under the LoAs;*

*d. direct implementation of a mechanism to allow as pass through the actual additional capital expenditure that may be incurred by the Petitioner for setting up of additional infrastructure equipment for blending domestic coal with imported coal due to shortfall in supply of domestic coal under linkage;*

*e. to pass such other and further order or orders as this Hon'ble Commission deems appropriate under the facts and circumstances of 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 **Wednesday 20 November, 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 (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 authorized consumer representatives well in advance.

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

Indiabulls Power Ltd.  
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Connaught Place  
New Delhi - 110 001  
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Petitioner

The Chief Engineer (Power Purchase)  
Maharashtra State Electricity Distribution Company Ltd.  
5<sup>th</sup> 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](mailto:peg@prayaspune.org)

Cc: The General Secretary,  
Thane Belapur Industries Association,  
Rabale Village, Post Ghansoli,  
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Navi Mumbai 400 701  
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Cc: Mumbai Grahak Panchayat,  
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