

NOTICE

Subject: Petition of Adani Power Maharashtra Limited for under Section 86 of the Electricity Act, 2003 read with Article 10 (“Change in Law”) of the Power Purchase Agreements dated 31.10.2010, 09.08.2010 and 16.02.2013 executed between Maharashtra State Electricity Distribution Company Limited and Adani Power Maharashtra Limited for the appropriate adjustment in Tariff.

- Case No. 02 of 2014

Adani Power Maharashtra Limited have submitted a Petition under affidavit on 18.12.2013, under Section 86 of the Electricity Act, 2003 read with Article 10 (“Change in Law”) of the Power Purchase Agreements dated 31.10.2010, 09.08.2010 and 16.02.2013 executed between Maharashtra State Electricity Distribution Company Limited and Adani Power Maharashtra Limited for the appropriate adjustment in Tariff.

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

“ a) Adjust and increase the tariff with regard increase in rate of service tax and increase in per unit cost for construction period as per the para 16.

b) Adjust and increase the tariff with regard increase in levy of Work contract tax and increase in per unit cost as per the Para 17.

c) Allow compensation for Clean Energy Cess as per the para19 above;

d) Allow compensation for Service Tax, Education Cess and Higher Education Cess on Total Freight on Transportation of Goods by Rail as per para 20 above;

e) Allow compensation for Central Excise Duty with Education Cess on use of Domestic Coal as per para 21 & 22 above;

f) Allow compensation for Royalty Rate on Coal as per para 23 above;

g) Allow compensation for Busy Season Surcharge Rate levied by Indian Railway as per para 24 above;

h) Allow compensation for switching over from UHV pricing mechanism to New Coal pricing mechanism based on GCV on domestic coal by CIL per para 25 above;

i) Allow compensation for Development Surcharge on coal freight per para 26 above;

j) Allow compensation for Forest Tax as per para 27 above;

k) Allow compensation for Fuel Adjustment Component introduced in the Railway Budget 2013-14 as per para 28 above;

- l) Allow compensation for Inclusion of Stowing Excise Duty and Royalty for Calculation of Central Excise Duty as per para 29 above;*
- m) Allow compensation for Surface Transportation Charges as per para 30 above;*
- n) Allow compensation for Minimum Alternate Tax from the Financial Year 2013-14 till the Expiry Date of the PPA's as per para 31 – 35 above;*
- o) Direct the respondent to in-principally pay Incremental Service Tax that will be paid by Petitioner on services to be taken during operation period over and above 10.3% till the Expiry of the PPA's as mentioned in Para 36*
- p) Direct the respondent to make the payment of the compensation for the aforementioned Change in Law events from the date of commencement of power supply under the respective PPA's*
- q) Allow the Petitioner to approach the Commission in future for Changes in Law events not mentioned in the Petition,*
- r) Condone any inadvertent omissions And;*
- s) pass such further or orders as this Hon'ble Commission may deem just and proper in the circumstances of the 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, 05 March, 2014 at 12.30 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 the authorised consumer representatives before the scheduled date of hearing.

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)

Adani Power Maharashtra Limited

Petitioner

“Adani House”

Near Mithakhali Six Road,

Navrangpura,

Ahmedabad - 380 009

E-mail :- malavr.deliwala@adani.com

The Chief Engineer (Power Purchase)

Respondent

Maharashtra State Electricity Distribution Co. Ltd.,

Plot G-9, Anant Kanekar Marg,

Prakashgad,

Bandra (East), Mumbai - 400051

E-mail :- cepp@mahadiscom.in

Cc: Consumer Representatives:

Prayas (Energy Group)

Amrita Clinic, Athvale Corner,

Lakdipool-karve Road Junction,

Deccan Gymkhana, Karve Road,

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