

**NOTICE**

Subject: Petition of Indiabulls Power Ltd. for revision of tariff on account of increase in fuel cost 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. 173 of 2013**

India Bulls Power Limited have submitted a Petition under affidavit on 19.11.2013, under Sec. 86(1) (b & f) of Electricity Act, 2003, for Revision of tariff on account of increase in fuel cost 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 Clause 10.4 and Clause 10.5 of the PPA,S dated 22.04.2010 and 05.06.2010, and to release payments to the Petitioner of any amount which actually incurred during the term of the said PPAs dated 22.04.2010 and 05.06.2010 on account of the following changes in law:*

*i. Clean Energy Cess on Coal @ Rs.50/- per tonne;*

*ii. Royalty on Coal @ Rs 8/- per tonne on erstwhile ‘F’ grade coal being supplied by South Eastern Coalfields Ltd (SECL) and Rs. 25.40 per tonne on erstwhile ‘E’ grade coal being supplied by Western Coalfields Ltd(WCL);*

*iii. Excise duty on Coal @ 6.18% of assessable value of coal procured;*

*iv. Change of Maharashtra VAT from 4% to 5%;*

*v. Change in cost due to change in pricing mechanism from UHV based system grading to GCV based system @ Rs. 70/- per tonne on erstwhile ‘F’ grade coal being supplied by South Eastern Coalfields Ltd (SECL) and Rs. (-92) per tonne on erstwhile ‘E’ grade coal being supplied by Western Coalfields Ltd (WCL);*

*vi. Development Surcharge @ 3% on normal tariff rate for coal transportation by Indian Railway;*

vii. *Service Tax @ 3.708% on assessable value of rail freight;*

viii. *Busy Season Surcharge @ 7% on Base Freight Rate as and when applied by the Indian Railway;*

ix. Terminal Charge of Rs 10/- per tonne as and when applied by the Indian Railway.

- b. Direct the Respondent to accept the computation methodology described in the above paragraphs, in terms of Clean Energy Cess on Coal, Royalty on Coal, Excise duty on Coal, Maharashtra VAT on Coal, Movement in coal price due to change in pricing mechanism, Development Surcharge on transportation cost of coal, Service Tax on Coal transportation cost, Busy Season Surcharge paid to Indian Railway for coal transportation and Terminal Charge paid to Indian Railway for coal transportation, on account of the "Change in Law" under Article 10 of the PPAs;
- c. 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, 05 March, 2014 at 12.00 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)

Petitioner

Indiabulls Power Ltd.  
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New Delhi - 110 001  
E-mail : [shah.vatsal@indiabulls.com](mailto:shah.vatsal@indiabulls.com)

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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