

**NOTICE**

Subject:- Petition M/s JSW Energy Limited for adjudication of disputes that have arisen between JSW Energy Limited and Maharashtra State Electricity Distribution Company under the PPA dated 23.2.2010.

**Case No. 9 of 2011**

1) The JSW Energy Limited had submitted a Petition (Case No. 9 of 2011.) under affidavit on 05.01.2011 in MERC, under Section 86 (1) (f) and other applicable provisions of the EA, 2003, for adjudication of disputes that had arisen between JSW Energy Limited and MSEDCL under the PPA dated 23.02.2010. On 16.11.2011 the Hon'ble Commission held that, the claim (operation of force majeure condition) of the JSW Energy Ltd. (Petitioner) is not sustainable. The petition was accordingly dismissed.

2) The JSW Energy Limited had filed an Appeal against the aforesaid Commission's Order before Hon'ble APTEL in Appeal No. 20 of 2012. Hon'ble APTEL vide its Judgment dated 2 December, 2013 has allowed the Appeal by setting aside Commission's Order issued in Case No 9 of 2011. Hon'ble APTEL has also remanded the matter back to the State Commission. (Copy of Order is placed below)

The relevant portion of the Hon'ble APTEL's Judgment is represented below:-

*“In view of our above summary of our findings, we feel that this matter be remanded to the State Commission for examining the issue raised by the Distribution Licensee regarding the knowledge of the Appellant on the on-going litigation and amendment to the Coal Supply Agreement and the facts thereon.*

*Accordingly, we remand the matter back to the State Commission with the direction that these issues must be considered afresh in the light of the materials to be furnished by both the parties and decide the same in accordance with the law.*

*The State Commission is directed to go into the issue in the light of the observations made above. Both the parties must cooperate with the State Commission for the expeditious disposal of the matter by furnishing all the details to the State Commission.*

*Thus, the impugned order is set aside. The Appeal is allowed. However, there is no order as to costs.”*

3) As per APTEL's directives Hon'ble Commission has decided to reopen Case No 9 of 2011.

I am directed to communicate that the hearing in the above matter will be held in the presence of authorised consumer representatives on **Tuesday, 01 July, 2014 at 11.30 hrs** in the office of the Commission at Centre No.1, 13<sup>th</sup> floor, World Trade Centre, Cuffe Parade, Mumbai 400 005.

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

Shri Girish Vinayak Gadgil,  
M/s JSW Energy Ltd.,  
Jindal Mansion,  
A, Dr G. Deshmukh Marg,  
Mumbai - 400 026

Petitioner

The Managing Director,  
Maharashtra State Electricity Distribution Co Ltd.,  
Prakashgad, Bandra (East)  
Mumbai 400 051.

Respondent

**Cc:- Consumer Representatives**

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