

NOTICE

Subject: Petition of M/s. Gupta Energy Private Limited for under Section 86(1)(f) read with 86 (1) (c) of the Electricity Act, 2003 for adjudication of disputes between the Petitioner and the Respondent No. 1 and under Section 86(1)(k) read with section 42 (2) read with section 32 of the said Act.

- **Case No. 109 of 2014**

M/s. Gupta Energy Private Limited has submitted a Petition under affidavit on 19.05.2014 under Sections 32, 42 (2) & 86 (1) (f, c, k) of Electricity Act 2003 for adjudication of disputes between the Petitioner and the Respondent No. 1.

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

“a) Hold that the BPTA dated 27.03.2012 executed between the Petitioner and the Respondent No.1 is void as it is caused by mistake of fact which is essential to the Agreement;

b) In the alternative to prayer (a) declare that the Respondent No.1 has acted in violation of the Agreement between the parties in not adhering to the ambit of the clearance granted by SLDC being the Respondent No.2 herein.

c) Direct the Respondent No.1 to refund to the Petitioner the amounts charged by the Respondent No.1 as transmission charges after deducting from the same the legitimate transmission charges applicable for a transaction of the present kind and upon reconciliation of the accounts between both the parties in accordance with the dispensation for computation thereof to be made by this Hon'ble Commission along with interest as this Hon'ble Commission deems fit and proper;

d) The Respondents be directed to make good / compensate the Petitioner in terms of the financial benefits which would have accrued to the Petitioner had the open access permission been granted to the Petitioner diligently and on time;

e) To direct the Respondents to process the applications for open access without insisting upon any “No Dues Certificate”

f) Pending the hearing and final disposal of the present Petition, restrain the Respondent No.1 from issuing any invoices in respect of the purported transmission charges including delayed payment charges upon the Petitioner till the disposal of the present Petition;

g) Pending the hearing and final disposal of the present Petition, direct the Respondents to consider of the application for grant of Open Access from the generation facilities of the Petitioner filed by the Petitioners / any other entity in future without insisting on “No Dues Certificate”;

h) Ad-interim relief in terms of prayer clauses (g) to (i) above;

i) Direct both the Respondents to pay the costs and expenses of the present proceedings to the Petitioner;

j) Pass such other order(s) as the Hon'ble Commission may deem just in the facts of the present cost;"

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 **Thursday, 07 August, 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 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)

M/s. Gupta Energy Private Limited
Gupta Tower, 5th floor,
Temple Road, Civil Lines,
Nagpur - 440 001.

Petitioner

E-mail:- rss@guptaglobal.com / navdeep@nvasso.com / admin@nvasso.com

The Managing Director
Maharashtra State Electricity Transmission Co. Ltd.,
Prakashganga, 8th floor,
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Bandra (East), Mumbai - 400051
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Respondent No.1

The Chief Engineer
Maharashtra State Load Dispatch Centre (MSLDC),
Thane – Belapur Road, Airoli
Navi Mumbai-400 708
E-mail:- cesldc@mahatransco.in

Respondent - 2

Cc: Consumer Representatives:-

Prayas (Energy Group)
Amrita Clinic, Athvale Corner,
Lakdipool-karve Road Junction,
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