

NOTICE

Subject: Petition of Adani Power Maharashtra Limited for under Section 86 (1) (f) of Electricity Act, 2003 seeking extension of Sheduled Commercial Operation Date for actual delay or 11 months, and further seeking refund of the Liquidated Damages, wrongfully deducted from the March 2014 Monthly Invoice, by the Respondent.

- **Case No. 144 of 2014**

Adani Power Maharashtra Limited has submitted a Petition under affidavit on 25.07.2014, under Section 86(1)(f) of Electricity Act, 2003 for seeking extension of Sheduled Commercial Operation Date for actual delay or 11 months, and further seeking refund of the Liquidated Damages, wrongfully deducted from the March 2014 Monthly Invoice, by the Respondent.

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

“a) set aside and / or quash the decision of the Respondent to the extent it rejects express recognition of force majeure events (other than the Chinese Visa issue) and refusing to grant extension of Scheduled Commercial Operation Date for a period of 11 months as contained in the letter dated 27.06.2014 (being Annexure P-4 herein)

b) declare that the Petitioner is entitled to an extension of Scheduled Commercial Operation Date for the period of actual period of delay in terms of Articles 4.5.1 and 4.5.3 of the PPA and direct the Respondent accordingly;

c) hold and declare the delay in transfer of land, grant of approval / clearances, water allocation also as force majeure events and extend the period of Scheduled Commercial Operation Date for the delay caused to project due to the same;

d) in view of the circumstances set out in the present petition waive the Liquidated Damages for delay in commissioning of Unit no. 2 & 3 for the period of actual delay or 11 months

e) hold and declare that the unilateral deduction of Liquidated Damages by the Respondent of Rs. 126.39 Crores from the monthly bill of March 2014 of the Petitioner, is both illegal and wrongful;

f) direct the Respondent to pay/ refund to the Petitioner Rs. 126.39 Crores, along with interest at 18% per annum, calculated from the date of the deduction of the said amount until the date of refund by the Respondent;

g) pass such or further orders as this Hon'ble Commission may deemjust 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 **Tuesday, 12 August, 2014 at 11.30 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
“Adani House”
Near Mithakhali Six Road,
Navrangpura,
Ahmedabad - 380 009
E-mail:- malavr.deliwala@adani.com

Petitioner

The Chief Engineer (Power Purchase)
Maharashtra State Electricity Distribution Co. Ltd.,
Plot G-9, Anant Kanekar Marg,
Prakashgad,
Bandra (East), Mumbai - 400051
E-mail:- cepp@mahadiscom.in

Respondent

Cc: Consumer Representatives:-

Prayas (Energy Group)
Amrita Clinic, Athvale Corner,
Lakdipool-karve Road Junction,
Deccan Gymkhana, Karve Road,
Pune - 411 004.
E-mail: peg@prayaspune.org

The General Secretary,
Thane Belapur Industries Association,
Rabale Village, Post Ghansoli,
Plot P-14, MIDC,
Navi Mumbai - 400 701
E-mail: tbia@vsnl.com

Mumbai Grahak Panchayat,
Grahak Bhavan,
Sant Dynaneshwar Marg,
Behind Cooper Hospital,
Vile Parle (West), Mumbai - 400 056
E-mail: mgpanchayat@yahoo.com

Maharashtra Chamber of Commerce,
Industry & Agriculture,
Oricon House, 6th floor,
12 K. Dubash Marg, Fort, Mumbai - 400 001
(Nashik Branch)
E-mail : maccia.nsk@gmail.com

Vidarbha Industries Association,
1st Floor, Udyog Bhavan,
Civil Line, Nagpur - 440 001.
E-mail: rkengg@gmail.com