

NOTICE

Subject: Petition of Indiabulls Power Ltd. under Section 86 of the Electricity Act, 2003 for adjustment in tariff under the Power Purchase Agreements (PPA's) dated 22.04.2010 and 05.06.2010 executed between MSEDCL and India Bulls Power Limited pursuant to impact on tariff due to shortage in domestic coal availability and consequent changes in New Coal Distribution Policy dated 18.10.2007 which reduced the assured quantum of domestic coal ensured under the New Coal Distribution Policy dated 26.07.2013 read with relevant Articles of the PPAs, recommendations of the Cabinet Committee on Economic Affairs dated 21.06.2013 and communication of Ministry of Power dated 31.07.2013 to the State Governments and Regulatory Commissions.

Case No. 147 of 2014

India Bulls Power Limited has submitted a Petition under affidavit on 08.08.2014, under Section 86 of Electricity Act, 2003 for adjustment in tariff under the Power Purchase Agreements (PPA's) dated 22.04.2010 and 05.06.2010 executed between MSEDCL and India Bulls Power Limited pursuant to impact on tariff due to shortage in domestic coal availability and consequent changes in New Coal Distribution Policy dated 18.10.2007 which reduced the assured quantum of domestic coal ensured under the New Coal Distribution Policy dated 26.07.2013 read with relevant Articles of the PPAs, recommendations of the Cabinet Committee on Economic Affairs dated 21.06.2013 and communication of Ministry of Power dated 31.07.2013 to the State Governments and Regulatory Commissions.

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

"a) condone the delay in filing the present petition;

b) allow 100% transportation and transaction costs which would be incurred by the Petitioner post the CCEA notification dated 21 June, 2013 and the amendment of NCDP dated 26 July, 2013;

c) Allow full pass through of incremental cost in procuring alternate coal for meeting the shortfall quantity by modifying the formula in para 33.1.2 of Order dated 15.07.2014 as below:

i) change in Step – 1 by using the actual 'as received' GCV for calculation of Units generated from domestic coal instead of using Baseline GCV

OR

ii) revise the Step – 4 so that compensation calculated in Step – 3 is multiplied with Units generated by units from imported coal, calculated in Step -2

OR

iii) apportion the incremental cost of alternate coal over actual units delivered

Hon'ble Commission may consider option (iii) above for the reasons enumerated in this Petition.

d) the Hon'ble Commission may recognize the losses suffered by the Petitioner on account of lower generation resulting from supply of lower grade of coal vis-à-vis the grade assured by the LoAs compensate the Petitioner for the same;

e) pass such other order or order(s) as this Hon'ble Commission deems fit in the facts 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 **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 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.
M- 62 & 63, 1st floor,
Connaught Place
New Delhi - 110 001
E-mail : shah.vatsal@indiabulls.com

Respondent

The Chief Engineer (Power Purchase)
Maharashtra State Electricity Distribution Company Ltd.
5th Floor, Plot No. G-9, Anant Kanekar Marg,
Prakashgad, Bandra (East), Mumbai 400 051

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
- Cc: The General Secretary,
Thane Belapur Industries Association,
Rabale Village, Post Ghansoli,
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