

**NOTICE**

Subject: Petition of Indian Wind Power Association - Maharashtra State Council for seeking Clarification of the Order dated 20.06.2014 in Case No. 93 of 2013 pronounced by the Hon'ble MERC read with the Order dated 07.04.2014 in Case No. 92 of 2012 pronounced by the Hon'ble MERC and the revised Energy Purchase Agreement of the MSEDCL.

- **Case No. 130 of 2014**

Indian Wind Power Association has submitted a Petition under affidavit on 30.06.2014, under Sections 129, 142 and 149 of Electricity Act, 2003 for seeking Clarification of the Order dated 20.06.2014 in Case No. 93 of 2013 pronounced by the Hon'ble MERC read with the Order dated 07.04.2014 in Case No. 92 of 2012 pronounced by the Hon'ble MERC and the revised Energy Purchase Agreement of the MSEDCL.

The main prayers of the Petitioner on page No. 17 & 18 of the Petition are as under -

*"a) Clarify whether the Order dated June 20, 2014 in Case No. 93 of 2013 in the matter of sanctioning the clauses of right of first refusal {section 4.03 of the EPA} post expiry of EPA of 13 years exclusively reserved to MSEDCL, payment for generation proceeds on best effort basis by MSEDCL and not to remit delayed payment interest for the generation effected up to September 30, 2013 {proviso to section 11.04 of the EPA} applies only to the Energy Purchase Agreements executed by the wind energy generators till the date of the said Order and not to all the Energy Purchase Agreements pending to be executed for projects commissioned in FY 2013-14 and also for future financial years from 2014-15 onwards;*

*b) Direct the Respondent No.1 to delete modified clauses viz. section 4.03 and proviso to section 11.04 of the EPA detailed above from the Energy Purchase Agreement to be executed with wind generators after the date of the Order and effect payments taking 60 days from JMR as date of invoice since the wind generators could not raise invoices for want of Energy Purchase Agreement though they were ready to execute agreement without the said sections as per MERC RE Tariff Regulations;*

*c) Direct MSEDCL not to discriminate between wind energy generators who accept the aforesaid sections / clauses viz section 4.03 and proviso to section 11.04 of the EPA and those wind energy generators who abiding by the Regulations of the Hon'ble Commission, provisions of EA, 2003 and the earlier relevant orders of the Hon'ble Commission and Hon'ble APTEL desire the deletion of said section / clauses viz section 4.03 and proviso to section 11.04 from the EPA to be executed.*

*d) Award costs of these proceedings against the Respondent and in favour of the Petitioner;*

*e) Pass such other order(s) as the Hon'ble Commission may deem just in the facts of the present case."*

The Interim prayers of the Petitioner on page No. 19 of the Petition are as under-

*“In the circumstances, it is respectfully prayed that pendente lite the final order, the Hon’ble Commission may be pleased to:*

*a) Pass an ad-interim ex-parte order of stay of the Impugned Order qua the Petitioner and the members of the Petitioner and confirm the above order after notice to the Respondents; and*

*b) Pass such other order(s) as the Hon’ble Commission may deem just in the facts 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 **Thursday, 30 October, 2014 at 11.30 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 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)

Indian Wind Power Association  
(Maharashtra State Council)  
Empire House, 214, D. N. Road,  
A. K. Nayak Marg,  
Fort, Mumbai - 400 001

Petitioner

E-mail:- [contact@eternitylegal.com](mailto:contact@eternitylegal.com) / [dipali@eternitylegal.com](mailto:dipali@eternitylegal.com) / [seamless@sancharnet.in](mailto:seamless@sancharnet.in)  
[msلمum@mtnl.net.in](mailto:mسلمum@mtnl.net.in)

The Chief Engineer (Commercial)  
Maharashtra State Electricity Distribution Co Ltd.,  
Prakashgad, Plot No. G-9,  
5<sup>th</sup> floor, Anant Khanekar Marg,  
Bandra (East), Mumbai - 400 051  
E-mail:- [cecomm@mahadiscom.in](mailto:cecomm@mahadiscom.in)

Respondent - 1

The General Manager  
Maharashtra Energy Development Agency,  
MHADA Commercial Complex,  
Opp. Tridal Nagar,  
Yerawada, Pune 411 006  
E-mail: [meda@mahaurja.com](mailto:meda@mahaurja.com) / [dg@mahaurja.com](mailto:dg@mahaurja.com)

Respondent - 2

**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](mailto: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](mailto:tbia@vsnl.com)

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

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

Vidarbha Industries Association,  
1<sup>st</sup> Floor, Udyog Bhavan,  
Civil Line, Nagpur - 440 001.  
E-mail: [rkengg@gmail.com](mailto:rkengg@gmail.com)