

**NOTICE**

Subject: Review Petition of Indiabulls Power Limited under Section 94 (1) (f) of the Electricity Act, 2003 & Regulation 85 of MERC (Conduct of Business) Regulations, 2004 of Final Orders dated 15.07.2014 passed by the Hon'ble Commission in Case No. 154 of 2013 and Order dated 20.08.2014 passed by the Hon'ble Commission in Case No. 147 of 2014.

- **Case No. 158 of 2014**

India Bulls Power Limited has submitted a Petition under affidavit on 03.09.2014, under Section 94 (1) (f) of Electricity Act, 2003 & Regulation 85 of MERC (Conduct of Business) Regulations, 2004, for Review of Final Order dated 15.07.2014 passed by the Hon'ble Commission in Case No. 154 of 2013 and Order dated 20.08.2014 passed by the Hon'ble Commission in Case No. 147 of 2014.

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

*“On the premises aforesaid, the Review Petitioner most humbly prays that this Hon'ble Commission may be pleased to review the decision / findings of the order dated 15.07.2014 in Case No. 154 of 2013 to the extent as follows:*

*a) To enable full recovery of cost of alternate coal, the Honorable Commission should modify the formula prescribed to:*

*I. allow consideration of 'as received' GCV in the formula for calculating compensatory tariff, as provided in para 33 of the impugned order, instead of using actual 'baseline' GCV at step1*

*Or*

*II. allow to recover compensatory tariff charge for the entire units generated with imported coal measured at step2*

*Or*

*III. apportion the incremental cost of alternate coal (Rs 405 crs computed at formula 2 (iv) above) over actual units delivered (7683 MUs) computed at sr no 11 of Table no 1 above i.e. Rs 0.53/kWh to be applied over actual units delivered.*

*b) allow quantity shortfall due to low GCV coal supplied by CIL.*

*c) declare that the Change in NCDP, 2007 by the NCDP dated 21.06.2013 is an event of Change in Law in terms envisaged under Article 10.1.1 of the PPA's dated 22.04.2010 and 05.06.2010 and that the Review Petitioner is entitled to appropriate remedial relief interms of the PPAs dated 22.04.2010 and 05.06.2010 executed between the Respondent MSEDCL and the Review Petitioner.*

*d) 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, 25 November, 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 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)

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Petitioner

The Managing Director  
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Respondent

**Cc:- Consumer Representatives:-**

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