

NOTICE

Subject: Petition of MSEDCL against M/s Sai Wardha Power Ltd seeking payment/ adjustment of (i) Rs. 50.44 Crores towards the refund of the amount paid by the Petitioner in pursuance of tripartite energy purchase agreement (the “EPA”) and (ii) Rs. 8.42 Crores towards balance cross subsidy surcharge (the “CSS”). for the FY 2012 - 13.

- **Case No. 206 of 2014**

MSEDCL has submitted a Petition under affidavit on 19.11.2014, under Sections 86 (1) (f), 142 & 146 of Electricity Act, 2003 against Sai Wardha Power Limited (Formerly Wardha Power Company Limited) for seeking payment / adjustment of (i) Rs. 50.44 Crores towards the refund of the amount paid by the Petitioner in pursuance of tripartite energy purchase agreement (the “EPA”) and (ii) Rs. 8.42 Crores towards balance cross subsidy surcharge (the “CSS”) for the FY 2012 - 13.

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

“In view of the above, it is most respectfully submitted that this Hon’ble Commission may be pleased to

i) direct the Respondent to comply with the order dated 28.08.2013 passed by this Hon’ble Commission in its letter and spirit;

ii) take cognizance of (a) non payment of balance CSS for the FY 2012-13 and (b) refund of monies paid by the Petitioner in pursuance to EPAs on the premise that the Respondent would meet CGP qualifications for FY 2012-2013 and pass appropriate orders under Section 142 and 146 of the Electricity Act, 2003;

iii) direct the Respondent to pay the following to the Petitioner:

| <u>Particular</u> | <u>Amount</u> |
|--|-----------------------------|
| <i>Amount paid by the Petitioner in pursuance of EPAs for purchase of over injected electricity.</i> | <i>Rs.50.44 Cr.</i> |
| <i>Balance CSS payable by the Respondent for The FY 2012-13</i> | <i>Rs. 08.42 Cr.</i> |
| <i>Total</i> | <i>Rs. 58.86 Cr.</i> |
| <i>Subtract (Amount paid by the Respondent in pursuance of the order dated 02.05.2014 passed by this Hon’ble Commission)</i> | <i>Rs. 2.45 Cr.</i> |
| <i>Balance</i> | <i>Rs. 56.45 Cr.</i> |

In the alternative

iv) permit the Petitioner to adjust / set off the claims of the Petitioner and the Respondent in the following manner:

| S. No. | Particular | Amount in Crs |
|--------|---|---------------|
| 1 | Amount paid by the Petitioner in pursuance of EPAs | 50.44 |
| 2 | Balance CSS payable by the Respondent for The FY 2012-13 | 08.42 |
| | Sub Total: (claim of the Petitioner) Amount payable by the Respondent | 58.86 |
| 3 | CSS Amount paid by Respondent's consumers for FY 2013-14 | 56.41 |
| 4 | Amount deposited by the Respondent in pursuance of the order dated 02.05.2014 passed by this Hon'ble Commission | 02.45 |
| | Sub Total: (claim of the Respondent) | 58.86 |
| | Net amount after adjustment/setoff | NIL |

v) Pass any other or further order (s) as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the present case.

vi) To condone any error/omission and to give opportunity to rectify the same;

vii) To permit the Petitioner to make further submissions, addition and alteration to this Petition as may be necessary from time to time."

3. I am directed to communicate that the hearing in the above matter will be held in the presence of consumer representatives on **Tuesday, 09 December, 2014 at 13.00 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, along with its accompaniments, (both in soft and hard versions) to the Respondent and the authorized consumer representatives.

5. The Respondent is directed to submit its say, if any, on affidavit, on the above mentioned Petition with a copy served to the Petitioner and the consumer representatives.

Sd/-
(R.S. Sonawane)
Dy. Director (Legal)

Cont'd →3

The Chief Engineers (Commercial)
Maharashtra State Electricity Distribution Co. Ltd.,
Prakashgad, 5th floor,
Bandra (East), Mumbai - 400051
E-mail :- cecomm@mahadiscom.in

Petitioner

Sai Wardha Power Limited
8-2-293/82/A/431/A,
Road No. 22, Jubilee Hills
Hyderabad 500 033

Respondent

Cc: Consumer Representatives:-

Prayas (Energy Group)
Amrita Clinic, Athvale Corner,
Lakdipool-karve Road Junction,
Deccan Gymkhana, Karve Road,
Pune 411 004.
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