

NOTICE

Subject: Petition of Indian Wind Power Association against non-compliance by MSEDCL of the Order dated August 20, 2014 in Case No. 72 of 2014 of the Hon'ble Commission read with the relevant provisions of the Electricity Act, 2003.

- **Case No. 09 of 2015**

Indian Wind Power Association has submitted a Petition under affidavit on 05.01.2015, under Sections 129, 142 and 149 of the Electricity Act, 2003, for non-compliance by MSEDCL of MERC Order dated 20.08. 2014 in Case No. 72 of 2014.

The main prayers of the Petitioner as per revised prayers Application are as under-

"In view of the aforesaid contemptuous conduct of Respondent No.1 and predicaments which are being faced by the members of the Petitioner detailed in para 10 herein above, it is humbly prayed as under:

a) This Hon'ble Commission be pleased to direct Respondent No. 1 to forthwith comply with the Orders dated August 20,2014 and to forthwith grant open access approvals to the specific members of the Petitioners as detailed in para 10 herein above from the date from which open access approval has been sought even if the application for open access has been made by the generator and even in cases involving multiple generators supplying power to single consumer;

b) This Hon'ble Commission be pleased to order the Respondent No.1 to issue to the specific members of the Petitioner as detailed in para 10 herein above within 7 days the open access approvals, the credit notes and energy Injection reports to enable the members of the Petitioner as detailed in para 10 herein above to apply for RECs;

c) This Hon'ble Commission be pleased to order and direct Respondent No.1 to compensate the specific members of the Petitioner as detailed in para 10 herein above who made their respective applications for grant of open access approvals in F.Y. 2014-15 on account of the inordinate delay which led to the inability of the specific members of the Petitioner as detailed in para 10 herein above to receive the wind power generation proceeds in a timely manner due to such delays;

d) This Hon'ble Commission be pleased to order and direct Respondent No.1 to compensate for the loss of REC's by the specific members of the Petitioner as detailed in para 10 herein above on account of the specific members of the Petitioner as detailed in para 10 herein above being forced to lose the benefits of RECs on account of inordinate delays on the part of Respondent No.1 to issue open access approvals and further the issuance of credit notes and energy injection reports;

e) This Hon'ble Commission be pleased to initiate proceedings against the Respondent No.1 and its officers under provisions of the EA 2003 including sections 129 and 142 of the EA 2003, for willful disobedience and for securing compliance of the Orders passed by the Hon'ble Commission;

f) This Hon'ble Commission be pleased to refer the matter to the Hon'ble High Court for initiation of contempt proceedings against the Respondents' directors and officers;

g) This Hon'ble Commission be pleased to order Interim and Ad-interim reliefs in terms of prayers (a) to (d) above;

h) This Hon'ble Commission be pleased to award cost for these proceedings against Respondent No.1 and in favour of the Petitioner.

i) This Hon'ble Commission be pleased to pass such other orders, as this Hon'ble Commission may deem fit."

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, 10 February, 2015 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)

M/s. Indian Wind Power Association
(Maharashtra state council)
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Petitioner

The Managing Director
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Respondent No.1

General Manager,
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MHADA Commercial Complex,
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E-mail:- dg@mahaurja.com

Respondent No.2

Cc: Consumer Representatives:-

Prayas (Energy Group)
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