

NOTICE

Subject: Petition of JSW Energy Limited under Section 86 (1) (f) of the EA, 2003 against
MSEDCL

- **Case No. 90 of 2016**

The Petitioner, JSW Energy Limited has received telephonic communication from the Respondent, MSEDCL stating its intention to immediately and unilaterally recover/deduct Rs. 21.37 Crore from the pending monthly tariff invoices payable to the Petitioner. Hence the Petitioner has filed the present Petition to restrain the Respondent from making any deductions, until the Hon'ble Commission determines whether the incentives paid by the Respondent to the Petitioner were not in accordance with the PPA dated 23.02.2010. The main prayers of the Petitioner are as under-

Interim Relief

1. *Issue an ex parte ad interim order restraining the Respondent from deducting / threatening to deduct any amount on account of refund / recovery of incentive payments already made, from the monthly tariff invoices raised and / or to be raised pursuant to the provisions of the PPA, pending disposal of the present Petition; and*

Relief Sought:

2. *Adjudicate upon the entitlement of the Petitioner to retain the incentives for the power supplied between the period October 2010 to December 2012 and hold and declare that the incentives have been paid to the Petitioner in accordance with the PPA and hence are valid; and*
 3. *Permanently restrain the Respondent from deducting/threatening to deduct any amount on account of refund / recovery of incentive payments already made from the monthly tariff invoices raised and/or to be raised pursuant to the provisions of the PPA; and*
 4. *Pass such further orders or directions as this Hon'ble Commission may deem just and proper in the circumstances of the case.*
2. I am directed to communicate the Petitioner to immediately serve a copy of its above mentioned Petition (both in soft and hard copy) to the Respondent and the authorised consumer representatives.
3. 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.

I am directed to communicate that the hearing in respect of ad-interim relief in the matter will be held on **Friday, 22nd July, 2016 at 12.30 hrs** in the office of the Commission at 13th floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.

(Kishore Chavan)
Dy. Director (Tech)

JSW Energy Limited,
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Bandra (East), Mumbai- 400 051
Emails:- cam.mumbai@cyrilshroff.com

Petitioner

The Chief Engineer (Commercial)
Maharashtra State Electricity Distribution Com. Ltd.
5th Floor, Plot No. G-9, Station Road,
Prakashgad, Bandra (East), Mumbai 400 051
E-mail : cecomm@mahadiscom.in

Respondent

Cc: Consumer Representatives:-

The General Secretary,
Thane Belapur Industries Association,
Rabale Village, Post Ghansoli,
Plot P-14, MIDC,
Navi Mumbai - 400 701
E-mail: tbia@vsnl.com
Mumbai Grahak Panchayat,
Grahak Bhavan,
Sant Dynaneshwar Marg,
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