

NOTICE

Subject: Petition of M/s. D. J. Malpani under Section 86 (1) (f) of the EA, 2003 pertaining to adjudication of disputes between M/s. D. J. Malpani and MSEDCL .

- **Case No. 135 of 2016**

M/s. D. J. Malpani has filed a Petition on 13.10.2016 under Section 86 (1) (f) of the Electricity Act, 2003. The present Petition is filed seeking directions against MSEDCL, the Respondent for recovery of outstanding dues as well as Delayed Payment Charges(DPC) under the Wind Energy Purchase Agreements(WEPAs) with MSEDCL for the sale of power generated by its projects established in the State of Maharashtra.

The main prayer of the Petitioner is as under -

- a) *Direct MSEDCL to make payment of the Outstanding Amount towards Sales Invoices due till date within seven(7) days[a sum of Rs.31,82,28,497/-(Rupees Thirty One Crores Eighty Two Lakhs Twenty Eight Thousand Four hundred and Ninety Seven only) are due as on September 30, 2016 as detailed in Annex G];*
- b) *Direct MSEDCL to make payment of the Outstanding Amount towards DPC as per the WEPAs [a sum of Rs.3,64,58,317/-(Rupees Three Crores Sixty Four Lakhs Fifty Eight Thousand Three Hundred and Seventeen Only) are outstanding DPC for Dhule Project, Nandurbar Project, Panchpatta Nashik Project, Sangli Project and Satara Project as on September 30, 2016 is also detailed in Annex G];*
- c) *Direct MSEDCL to pay all amounts outstanding to the Petitioner towards partial sale till date as detailed in clause 17above;*
- d) *Direct MSEDCL to pay to the Petitioner towards over injected units at the end of each financial year as detailed in clause 18 above at adhoc rate of last financial year or atleast Rs.3 per unit till approved by the Hon'ble Commission and pay the difference, if any within thirty (30) days of same being approved by Hon'ble Commission;*
- e) *Direct the Respondents to pay carrying cost at the rate of 15% per annum of the delay in payment of the late/delayed payment surcharge by the Respondent;*
- f) *Award costs of these proceedings against MSEDCL and in favour of the Petitioner; and*
- g) *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, 27 October, 2016 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 copy) 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. D. J. Malpani
Malpani Estate, Kasara Dumala,
Sangamner – 422 605,
Dist. Ahmednagar
E-mail: dipali@eternitylegal.com

Petitioner

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

Respondent

Cc: **Consumer Representatives:-**

Prayas (Energy Group)
Unit III A & B, Devgiri,
Joshi Railway Museum lane,
Kothrud Industrial Area,
Kothrud, Pune - 411 038
E-mail: peg@prayaspune.org

The General Secretary,
Thane Belapur Industries Association,
Rabale Village, Post Ghansoli,
Plot P-14, MIDC,
Navi Mumbai - 400 701
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Mumbai Grahak Panchayat,
Grahak Bhavan,
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