

**NOTICE**

Subject: Petition of The Tata Power Company Limited-Generation under Section 86(1)(f) read with Section 86(1)(b) of the EA, 2003 challenging BEST's decision dated 29.11.2017 informing that Tata power has not pre-qualified for e-reverse auction for procurement of 250MW of power for a period of 5 years from FY 2018-19.

- **Case No. 166 of 2017**

The Tata Power Company Limited-Generation has submitted a Petition on 30.11.2017, under Section 86(1)(f) read with Section 86(1)(b) of the EA, 2003 challenging BEST's decision dated 29.11.2017 informing that Tata power has not pre-qualified for e-reverse auction for procurement of 250MW of power for a period of 5 years from FY 2018-19.

The main prayers of the Petitioner are as under-

- (a) *Hold and declare that the Impugned Communication dated 29.11.2017 is unreasonable, unjustified, arbitrary and is in gross violation of the principles of natural justice.*
- (b) *Quash the Impugned Communication dated 29.11.2017, for the reasons stated in the present Petition;*
- (c) *Direct BEST to consider Tata Power's Application/ bid as qualified, in accordance with the Bid Documents read with the Corrigendum's issued by BEST from time to time.*
- (d) *Pass an Ex-Parte Ad-Interim Order staying the e-Reverse Auction during the pendency of the present proceedings*
- (e) *Pass such orders as the circumstances of the case may require, issuing directions for conducting fresh e-Reverse Auction only amongst the bidders who have originally submitted their bids by the Bid Due Date, namely 15.11.2017.*
- (f) *Pass an Ex-Parte Ad-Interim Order directing BEST not to proceed with the Tender during the pendency of the present proceedings.*
- (g) *Pass any such other order or orders as this Hon'ble Commission may deem fit in the facts and circumstances of the present case.*

2. I am directed to communicate that the hearing in the above matter will be held in the presence of the authorized consumer representatives on **Wednesday, 06 December, 2017 at 11.00 hrs** in the office of the Commission at 13<sup>th</sup> floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.

3. The Petitioner is directed to immediately serve a copy of its above mentioned Petition (both in soft and hard Copy) to the Respondents and the authorised consumer representatives before the scheduled date of hearing.

4. The Respondents are directed to submit the say on affidavit in 1+6 copies to the Commission with documents, if any, on the above mentioned Petition immediately from receipt of copy of Petition, with a copy to the Petitioner and the authorized Consumer Representatives.

5. The Parties are directed to file their Petition and submissions in MS -Word file and PDF version as far as possible and to file 1+6 copies of all relevant documents/citations produced during the proceedings.

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

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Petitioner

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Respondent No. - 1

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Respondent No. - 2

**Cc: Institutional Consumer Representatives:-**

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**Cc: Individual Consumer Representatives:-**

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