

NOTICE

Subject: Petition of Sai Wardha Power Generation Limited seeking declaration of compliance of captive status with respect to the generating units of 2x135 MW of the Petitioner, Sai Wardha Power Generation Limited for the financial year 2016-17.

- **Case No. 175 of 2017**

Sai Wardha Power Generation Limited has submitted a Petition on 05.12.2017, under Section 2(8) of the EA, 2003 seeking declaration of compliance of captive status with respect to the generating units of 2x135 MW of the Petitioner, Sai Wardha Power Generation Limited for the financial year 2016-17.

The main prayers of the Petitioner are as under-

- a) *Hold and declare the Captive generating units (2x135 MW being Unit No.3 and 4) of the Petitioner have complied with the obligations attached to captive generating units for the financial year 2016-17.*
- b) *Hold and declare that the Petitioner and its captive consumers are entitled to all the benefits of captive power plant and captive consumption including exemption from payment of Cross Subsidy Surcharge;*
- c) *Restrain the Respondents from acting on unilateral decision regarding demanding cross subsidy surcharge from the captive consumers as without any authority under law;*
- d) *Respondents be directed for immediate withdrawal of purported claim of CSS on the captive consumers;*
- e) *Direct that Respondents be stopped from any coercive action based on their unilateral demand, till finalization of captive status of the Petitioner for FY 2016-17 by this Hon'ble Commission;*
- f) *Pass such other further order(s) as the Hon'ble Commission may deem just in the facts of the present case.*

The Petitioner through the Interlocutory Application filed on 08.12.2017 is seeking urgent interim order against the Respondents and prays to:

- a) *Stay the invoices raised by the Respondents for cross-subsidy surcharge and additional surcharge for the supply made by the Applicant to its consumers for the financial year 2016-17;*

- b) *Restrain the Respondents from taking any coercive action in relation to the bills for cross-subsidy surcharge and additional surcharge for the supply made by the Applicant to its consumers for the financial year 2016-17;*
- c) *Pass ad-interim ex-parte orders in terms of prayer (a) and (b) above and confirm the same after notice to the Respondents; and*
- d) *Pass such other further order(s) as the Hon'ble Commission may deem just in the facts of the present case.*

2. I am directed to communicate that the hearing in the above matter on Interlocutory Application will be held in the presence of the authorized consumer representatives on **Thursday, 14 December, 2017 at 12.30 hrs** in the office of the Commission at 13th floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.

3. I am directed to communicate that; the Commission has impleaded Maharashtra State Load Despatch Centre (MSLDC) as Party in this matter.

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

5. The Respondents and impleaded party MSLDC 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, with a copy to the Petitioner and authorized Consumer Representatives.

6. 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)

Sai Wardha Power Generation Limited
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Petitioner

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Respondent No - 1

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Respondent No - 2

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Respondent No - 3

The Chief Engineer
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impleaded party

Cc: Institutional Consumer Representatives:-

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