

**NOTICE**

Subject: Petition of M/s. Bothe Windfarm Development Private Limited seeking remittance and release of the due and payable monthly invoices raised upon MSEDCL by M/s. Bothe Windfarm Development Private Limited towards power supplied till date under various Energy Power Purchase Agreements.

- **Case No. 185 of 2018**

M/s. Bothe Windfarm Development Private Limited has submitted a Petition on 19.06.2018 under Section 86(1)(f) and Section 86(1)(k) of the Electricity Act, 2003 read with Regulation 81, 92, 93 and 94 of the MERC (Conduct of Business) Regulations, 2004, seeking remittance and release of the due and payable monthly invoices raised upon MSEDCL by M/s. Bothe Windfarm Development Private Limited towards power supplied till date under various Energy Power Purchase Agreements.

The main prayers of the Petitioner are as under-

- (a) *Direct the Respondent to immediately remit and pay to the Petitioner the Outstanding Amount of Rs. 317,65,85,507/- (Rupees Three Hundred Seventeen Crores Sixty-Five Lakhs Eighty-Five Thousand Five Hundred and Seven only) for supply of wind energy as per the terms of the EPAs being the subject matter of the present Petition;*
- (b) *Direct the Respondent to pay carrying cost at the rate of 15% per annum of the delay in payment of the late payment surcharge by the Respondent;*
- (c) *Direct the Respondent to pay the LPS Amount of Rs. 28,30,74,600/- (Rupees Twenty Eight Crores Thirty Lakhs Seventy Four Thousand and Six Hundred only) within 30 days of the date of the order, post which interest at the rate of 1.25% per month will accrue on any LPS Amount remaining to be paid.*
- (d) *Direct the Respondent to first bring the Petitioner at par with all other wind energy generators selling electricity to the Respondent in the matter of payment for energy supplied before making any payment to any other wind energy generator, i.e, first pay to the Petitioner amounts of Monthly Bills relating to the latest month of generation for which payment has been made to any other wind energy generator by the Respondent.*
- (e) *Direct the Respondent to make payments to all its suppliers of electricity on a strictly non-discriminatory basis and strictly in accordance with first-in-first out basis of date of invoice;*
- (f) *Direct the Respondent to undertake to remit and release the amounts due and payable on time, as per the terms of the EPAs being the subject matter of the present Petition;*
- (g) *Direct the Respondent to pay the costs of the present Petition;*

- (h) *Condone any inadvertent omissions / errors / shortcomings and permit the Petitioner to add/change/modify/alter this filing and make further submissions as may be required at a future date;*
- (i) *Pass such other order(s) as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the 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 **Monday, 24 September, 2018 at 10.00 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 Respondent before the scheduled date of hearing.

4. The Respondent is directed to submit the say immediately on affidavit in 1+6 copies to the Commission with documents, if any, on the above mentioned Petition, with a copy to the Petitioner.

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

The Chief Engineer (Power Purchase),  
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Respondent