

NOTICE

Subject: Petition of Shah Promoters & Developers under Section 86(1)(f), 86(1)(k), 142 and 146 of the Electricity Act, 2003 pertaining to adjudication of disputes between Shah Promoters & Developers and Maharashtra State Electricity Distribution Company Limited.

- **Case No. 245 of 2018**

Shah Promoters & Developers has submitted a Petition on 23.08.2018 under Section 86(1)(f), 86(1)(k), 142 and 146 of the Electricity Act, 2003 pertaining to adjudication of disputes between Shah Promoters & Developers and Maharashtra State Electricity Distribution Company Limited

The main prayers of the Petitioner are as under-

- a) *This Hon'ble Commission be pleased to direct Respondent to forthwith pay the Petitioner the amount due and owing towards the outstanding invoices and DPC for the projects at Sangli, Dhule, Ahmednagar and Satara;*
- b) *This Hon'ble Commission be pleased to direct Respondent to continue to make payments as provided in WEPAs in timely manner and comply with the terms of WEPAs in letter and spirit;*
- c) *This Hon'ble Commission be pleased to direct Respondent to make payments along with DPC in case of any delay in making payment;*
- d) *The Hon'ble Commission be pleased to direct the Respondent to provide the necessary details including but not limited to the details of amount, month, project for which payment is made, on Petitioner's registered address and email every time payments are credited to the Petitioner's account as per the terms of WEPAs.*
- e) *This Hon'ble Commission be pleased to direct Respondent to forthwith pay the Petitioner accelerated penalty if the payments are not released despite Orders;*
- f) *This Hon'ble Commission be pleased to direct Respondent to forthwith pay the Petitioner accelerated interest in addition to DPC provided in WEPAs on account of such repeated failures;*
- g) *This Hon'ble Commission be pleased to initiate proceedings against the Respondent and its officers under provisions of EA 2003 including but not limited to sections 142 and 146 of the EA 2003, for continuous willful disobedience of terms of WEPAs, Orders of this Hon'ble Commission and for securing compliance of the Orders passed by the Hon'ble Commission;*
- h) *This Hon'ble Commission be pleased to refer the matter to the Hon'ble High Court for initiation of contempt proceedings against the Respondents' directors and officers;*

- i) *This Hon'ble Commission be pleased to order Interim and Ad-interim reliefs in terms of prayer (a) above;*
- j) *The Hon'ble Commission be pleased to allow the Petitioner to revive this petition in case of further default by the Respondent under the WEPAs;*
- k) *This Hon'ble Commission be pleased to award cost of these proceedings against Respondent and in favour of the Petitioner;*
- l) *This Hon'ble Commission be pleased to pass such other orders as this Hon'ble Commission may deem fit.*

2. I am directed to communicate that the hearing in the above matter will be held on **Tuesday, 30 October, 2018 at 10.00 hrs** in the office of the Commission at 13th 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)

Shah Promoters & Developers
AST-1, Success Chambers,
1232, Apte Road, Deccan Gymkhana,
Pune - 411 004
E-mail:- dipali@eternitylegal.com

Petitioner

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

Respondent