

NOTICE

Subject: Petition of Gateway Terminals India Private Limited under Section 62 (6) of the Electricity Act, 2003 for an unlawful Tariff charged from the Petitioner by the Respondent by way of a Levy of 20% service charge as per Article 8.19 of a License agreement executed between the Petitioner and Respondent.

- **Case No. 247 of 2018**

Gateway Terminals India Private Limited has submitted a Petition on 24.08.2018 under Section 62 (6) of the Electricity Act, 2003 for an unlawful Tariff charged from the Petitioner by the Respondent by way of a Levy of 20% service charge as per Article 8.19 of a License agreement executed between the Petitioner and Respondent.

The main prayers of the Petitioner are as under-

- (a) *That this Hon'ble Commission may be pleased to hold and declare that the Respondent did not have a license to supply electricity to the Petitioner at the time of execution of the License Agreement dated 10 August 2003;*
- (b) *That this Hon'ble Commission may be pleased to declare that the Service Charge levied by the Respondent, pursuant to Article 8.19 of the Agreement, is unlawful under the provisions of the Electricity Act 2003 and further direct the Respondent to immediately cease the levy of Service Charge of 20% on all future invoices;*
- (c) *That pending final hearing and decision in the present Petition, the Respondent may be directed to deposit a sum of INR 63,38,64,085/- (Rupees Sixty Three Crores Thirty Eight Lacs Sixty Four Thousand and Eighty Five Only) along with the service tax paid on the said sum of money amounting to INR 6,03,45,196/- (Rupees Six Cores Three Lacs Forty Five Thousand One Hundred & Ninety Six Only), with this Commission, as the said amount has been collected unlawfully and wrongfully by the Respondent through a levy of Service Charge over and above the chargeable Tariff;*
- (d) *That this Hon'ble Commission may be pleased to direct the Respondent to return a sum of INR 63,38,64,085/- (Rupees Sixty Three Crores Thirty Eight Lacs Sixty Four Thousand and Eighty Five Only) along with the service tax paid on the said sum of money amounting to INR 6,03,45,196/- (Rupees Six Cores Three Lacs Forty Five Thousand One Hundred & Ninety Six Only) and with such further interest at the rate of 18% p.a., collected unlawfully by the Respondent through the wrongful levy of Service Charge over and above the chargeable Tariff;*
- (e) *for ad-interim reliefs in terms of prayer (a) to (c);*
- (f) *grant costs of this Petition;*

(g) grant such further and other reliefs as this Hon'ble Commission may deem fit in the facts and circumstances of the case and in the interests of justice;

2. I am directed to communicate that the hearing in the above matter will be held on **Thursday, 15 November, 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)

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Petitioner

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Respondent