

**NOTICE**

Subject:- Petition of Afcons Infrastructure Limited under Section 142 or under Sections 146, 149 and 151 of the E. A. 2003 against the Respondent, for the failure and neglect of the Respondent to comply with the Order dated 5th October 2017 passed by the Appellate Authority, resulting in contravention of Section 127 (4) of the E. A. 2003 and/or Regulation 8.2.2 of the MERC (General Conditions of Distribution Licence) Regulations 2006  
- **Case No. 98 of 2019**

Afcons Infrastructure Limited has filed Petition on 16.04.2019 Petition under Section 142 or under Sections 146, 149 and 151 of the E. A. 2003 against the Respondent, for the failure and neglect of the Respondent to comply with the Order dated 5th October 2017 passed by the Appellate Authority, resulting in contravention of Section 127 (4) of the E. A. 2003 and/or Regulation 8.2.2 of the MERC (General Conditions of Distribution Licence) Regulations 2006.

The main prayers of the Petitioner are as under-

- a. *That the Hon'ble MERC be pleased to take appropriate action either under Section 142 or under Sections 146, 149 and 151 of the E. A. 2003 against the Respondent, for the failure and neglect of the Respondent to comply with the Order dated 5th October 2017 passed by the Appellate Authority, resulting in contravention of Section 127 (4) of the E. A. 2003 and/or Regulation 8.2.2 of the MERC (General Conditions of Distribution Licence) Regulations 2006;*
- b. *That the Hon'ble MERC be pleased to take appropriate action either under Section 142 or under Sections 146, 149 and 151 of the E. A. 2003 against the Respondent, for the failure and neglect of the Respondent to refund the Security Deposit together with the interest accrued thereon, resulting in contravention of Section 47 (4) of the E.A. 2003 and/or Regulations 11.9, 11.11 and 11.12 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations 2005;*
- c. *That the Hon'ble MERC be pleased to pass appropriate Order(s) / Direction(s) against the Respondent under the E.A. 2003 and/or the MERC Regulations, to refund to the Petitioner (a) the amount of Rs. 49,00,000 along with simple interest thereon @ 8% per annum from 02.02.2012 till the date of payment / realization, and (b) the Security Deposit amount of Rs. 12,01,750 together with interest thereon at a rate equivalent to the bank rate of the Reserve Bank of India from 28.11.2006 till the date of payment / realization;*
- d. *That the Costs of the Petition be provided for; and*
- e. *For such further and other relief(s) as the nature and the circumstances of the case may require.*

2. I am directed to communicate that the above matter is schedule on **Monday, 20 May, 2019 at 10.00 hrs only for Appearance / Filing of Reply** 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 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, 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.
6. The notice of hearing in the above matter will be communicated separately.

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

Afcons Infrastructure Limited  
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Petitioner

The Chief Engineer (Commercial),  
Maharashtra State Electricity Distribution Co. Ltd  
Prakashgad, Plot No G-9,  
Anant Kanekar Marg,  
Bandra (East), Mumbai - 400 051  
E-mail:- [cecommho@gmail.com](mailto:cecommho@gmail.com)

Respondent No- 1

The Superintending Engineer,  
Maharashtra State Electricity Distribution Co. Ltd  
Nagpur Urban Circle, Nagpur,  
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Respondent No- 2