

NOTICE

Subject:- Petition of Mytrah Vayu (vedavati) Private Limited under the provisions of the Electricity Act, 2003 particularly Sections 86(1)(e), 86(1)(f), 86(1)(k), of the Electricity Act, 2003, read with provisions of RFS and Power Purchase Agreement dated July 16, 2018 seeking grant of extension of time for financial closure and scheduled commercial operation date due to force majeure events.

- **Case No. 131 of 2019**

Mytrah Vayu (vedavati) Private Limited has filed Petition on 06.06.2019 Petition under the provisions of the Electricity Act, 2003 particularly Sections 86(1)(e), 86(1)(f), 86(1)(k), of the Electricity Act, 2003, read with provisions of RFS and Power Purchase Agreement dated July 16, 2018 seeking grant of extension of time for financial closure and scheduled commercial operation date due to force majeure events.

The main prayers of the Petitioner are as under-

- a) *Declare the circumstances faced by the Petitioner in procurement of land and delay in grid connectivity as force majeure condition;*
- b) *Quash notice dated May 21, 2019 issued by MSEDCL to encash the PBG and seeking submission of fresh performance bank guarantee;*
- c) *Direct the Respondent No. 2 to permit the Petitioner to use the grid connectivity approval granted for the Project to Respondent No. 3 and direct the Respondent No. 1 to grant an extension of twelve (12) months for reaching the SCOD;*

OR

- c) *Direct the Respondent No. 1 to calculate the period of financial closure and SCOD from the date of the grant of the evacuation approval in the name of the Petitioner;*
- d) *Direct Respondent No. 1 to pay costs for the present Petition; and*
- e) *Pass such further order(s) as the Hon'ble Commission may deem just in the facts of the present case.*

The Interim Application prayers of the Applicant/Petitioner are as under-

- a) *Restrain Respondent No. 1 from invoking the PBG till disposal of the Petition;*
- b) *Restrain Respondents from taking any coercive steps against the Petitioner pursuant to notice dated May 21, 2019 issued by Respondent No. 1; and*

c) *Pass such further orders as this Hon'ble Commission deems fit and appropriate under the circumstances of the case and in the interest of justice.*

The Petitioner subsequently has filed application to grant amendment in main Petition the prayer is as under -

a. *Allow the Petitioner to add paragraph No. 23A after paragraph No.23 in the Petition as follows:*

“23A) The Petitioner strongly apprehends that in the meantime the Respondent No. 1 may invoke and encash the performance bank guarantee submitted by the Petitioner, arbitrarily and on baseless and legally untenable grounds including a fraud being perpetrated on the Petitioner as the goal posts are sought to be changed on 30.10.2018 relying on a meeting held on 23.08.2018 after approval of the purchase of power by the Respondent No. 4 Commission vide its Order dated 14.06.2018 and execution of the PPA dated 16.07.2018 by the parties. The Petitioner has filed its Petition on 06.06.2019 impugning the various actions of the Respondent no. 1 and setting out in detail the delay caused in the transaction for getting approvals from the State entities including the nodal agencies Maharashtra Energy Development Agency.”

b. *Pass such further orders as this Hon'ble Commission deems fit and appropriate under the circumstances of the case and in the interest of justice.*

2. I am directed to communicate that the Commission has heard the Petitioner on interim relief today on 10.6.2019 and has passed following Order;

“Perused. Heard. Issue Notice r/o 24.6.2019. Respondent to maintain Status-quo till further Orders.”

The hearing in the above matter will be held on **Monday, 24 June, 2019 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 / Application (both in soft and hard Copy) to the Respondents before the scheduled date of hearing.

4. The Respondent 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.

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

Mytrah Vayu (Vedavati) Private Limited
8001, Survey No.109, Q-City,
Nanakramguda, Gachibowli,
Hyderabad – 500 032.
E-mail:- dipali@eternitylegal.com

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

Respondent No. - 1

The Chief Engineer
Maharashtra State Electricity Transmission Co. Ltd
'Prakashganga', MSETCL,
Plot No. C-19, E – Block,
BandraKurla Complex,
Bandra (East), Mumbai - 400 051
E-mail:- AGMCA@mahatransco.in

Respondent No. - 2

Suyog Urja Private Limited
A-1205, 'A' Wing,
Kailas Business Park,
Hiranandani Link Road,
Vikhroli (West), Mumbai- 400 079

Respondent No. - 3