

NOTICE

Subject:- Petition of Urjankur Shree Tatyasaheb Kore Warana Power Company Limited to seek directions against Maharashtra State Electricity Distribution Co Ltd for non-compliance of the RE Tariff provisions and the EPA provision.

- **Case No. 159 of 2019**

The Petitioner Urjankur Shree Tatyasaheb Kore Warana Power Company Limited has filed the Petition on 05.07.2019 under Section 86 (1) (e) & (f) R/w Section 62 of the Electricity Act, 2003 and MERC (RPO), its compliance and implementation of REC framework) Regulations, 2010 and MERC (Terms and conditions for determination of RE tariff) Regulations, 2010 to seek directions against Maharashtra State Electricity Distribution Co Ltd for non-compliance of the RE Tariff provisions and the EPA provision.

The main prayers of the Petitioners are as under-

- a) *direct the Respondent no. 1, MSEDCL to file a detailed Affidavit setting out the details of the Audit Para and file the documents relating to the Audit Para before this Hon'ble Commission;*
- b) *permit the Petitioner to deal with the disclosures and information including to amend, modify, alter the above Petition after particulars as prayed for in prayer (a) above, are made available to the Petitioner;*
- c) *declare that the Petitioner is entitled to payment of its invoices in accordance with the EPA and without any deductions on the basis of any Audit Para;*
- d) *consider the propriety and legality of the action of MSEDCL in unilaterally deducting the amounts barred by limitation and without any prior intimation to the Petitioner and being in breach of compliance with the principles of natural justice by MSEDCL.*
- e) *direct the Respondent No. 1, MSEDCL to consider the date 03.04.2013 as the date of COD of the plant of the Petitioner as agreed to by and between the parties in the EPA dated 21.06.2013;*
- f) *quash and set aside the letter no. CE/RE/Bagasse/USTKWPC/No. 9995 dated 11.04.2019 issued by MSEDCL deducting retrospectively amounts from the Bills issued earlier towards electricity supplied by the Petitioner, since 2013, as being contrary to Statutory Provisions and the EPA dated 21.06.2013;*
- g) *pending the hearing and final disposal of the present Petition, stay the effect, implementation and operation of the above unilateral deduction contained in letter no. CE/RE/Bagasse/USTKWPC/No. 9995 dated 11.04.2019;*

- h) pending and hearing and final disposal of the present Petition, direct the Respondent MSEDCL to pay the per unit charges for electricity supplied by the Petitioner after duly considering the COD as 03.04.2013, as mentioned in the EPA executed between both the parties;*
- i) ad-interim relief in terms of preceding prayer clause (g) and (h);*
- j) direct the Respondent to pay the costs and expenses of the present proceedings to the Petitioner.*
- k) pass such other order(s) as the Hon'ble Commission may deem just in the facts of the present case.*

2. I am directed to communicate that the hearing in the above matter will be held on **Tuesday, 20 August, 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 (both in soft and hard Copy) to the Respondent before the scheduled date of hearing.

4. The Respondent is 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/-
(Anilkumar Ukey)
Director, Legal (I/c)

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Petitioner

The Chief Engineer,
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Respondent No. - 1

The Chief Engineer
Maharashtra State Electricity Transmission Co. Ltd
'Prakashganga', MSETCL,
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Respondent No. - 2

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Respondent No. - 3