

NOTICE

Subject:- Petition of M/s. Adani Renewable Energy (RJ) Limited under Section 86(1)(b) and Section 86(1)(f) of the Electricity Act, 2003 read with Article 9 of the Power Purchase Agreement dated 27.07.2018, executed between Adani Renewable Energy (RJ) Limited and Maharashtra State Electricity Distribution Company Limited, seeking determination of amounts expended towards payment of Safeguard Duty and recovery thereof.

Case No. 228 of 2019

The Petitioner M/s. Adani Renewable Energy (RJ) Limited filed this Petition on 08.08.2019 under Section 86(1)(b) and Section 86(1)(f) of the Electricity Act, 2003 read with Article 9 of the Power Purchase Agreement dated 27.07.2018, executed between Adani Renewable Energy (RJ) Limited and Maharashtra State Electricity Distribution Company Limited, seeking determination of amounts expended towards payment of Safeguard Duty and recovery thereof.

The main prayers of the Petitioner are as under-

A. Admit this Petition;

B. Restore the Petitioner to the same economic position that the Petitioner held prior to the occurrence of the Change in Law event;

C. Direct Respondent to compensate Petitioner for additional burden incurred by the Petitioner due to imposition of the Safeguard Duty & additional GST on such Safeguard Duty, as a result of the Change in Law event.

a. by increasing PPA tariff;

or

b. by one-time compensation.

D. Direct the Respondent to compensate Petitioner with carrying cost for such additional burden incurred by the Petitioner due to Safeguard Duty & additional GST on such Safeguard Duty, at the rate of 1.50% (percent) in excess of the SBI, 1 year Marginal Cost of Funds Based Lending Rate (MCLR) per annum / any replacement thereof by SBI, from the respective date of Safeguard Duty & GST on such Safeguard Duty paid till the date of payment by the Respondent;

E. Pass any other order (s) and/ or directions as it may deem fit and proper in the circumstances of the case.

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2. I am directed to communicate that the hearing in the above matter will be held on **Monday, 16 September, 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/-
(R. S. Sonawane)
Dy. Director, Legal

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Near Mithakhali, Six Roads,
Navarangpura,
Ahmedabad - 380 009
E-mail :- ajit.barodia@adani.in / Akkshayv.Mathur@adani.com

Petitioner

The Chief Engineer (Power Purchase)
Maharashtra Electricity Distribution Company Ltd.,
Power Purchase Section, 5th Floor,
Prakashgad, Bandra (East), Mumbai - 400 051.
E-mail: ceppmsedcl@gmail.com

Respondent