

NOTICE

Subject:- Petition of Spark Green Energy (Ahmednagar) Pvt. Ltd under Section 86(1)(f) of the Electricity Act, 2003 for setting aside the letter bearing ref. no. AGML/236/2019 dated 5th March 2019 issued by the Respondent to the Petitioner and declare the Energy Purchase Agreement dated 1st October 2009 entered into between the Petitioner the Respondent as valid and binding upon both parties.

- **Case No. 252 of 2019**

The Petitioner Spark Green Energy (Ahmednagar) Pvt. Ltd has filed the Petition on 13.09.2019 under Section 86(1)(f) of the Electricity Act, 2003 for setting aside the letter bearing ref. no. AGML/236/2019 dated 5th March 2019 issued by the Respondent to the Petitioner and declare the Energy Purchase Agreement dated 1st October 2009 entered into between the Petitioner the Respondent as valid and binding upon both parties.

1. The main prayers of the Petitioners are as under-

- a. *That the letter bearing ref. no. AGML/254/2019 for Ahmednagar Power Plant company dated 5th March 2019, whereby the EPA dated 1st October 2019 was terminated be set aside and declared to be null and void and the said EPA be declared to valid and binding upon the Petitioner and the Respondent;*
- b. *That the Hon'ble Commission declare and held that the Force majeure has crept for the period between 2010 to 2015 and thus, the project of the Petitioner was established in time as per the EPA entered between the parties;*
- c. *That the Hon'ble Commission in the alternative may pass appropriate order in terms of Clause 12.1 of the EPA;*
- d. *The Respondent Undertaking be direct to reimburse the Petitioner of the losses including expenses and interest on loans incurred on the project from April, 2016 till date;*
- e. *The Respondent Undertaking be directed to release Rs.4.88 Crores outstanding towards the electricity invoices raised by the Petitioner;*
- f. *The Respondent Undertaking be directed to procure RE from the Petitioner's plant at Ahmednagar at the commission approved tariff with immediate effect.*

2. I am directed to communicate that the hearing in the above matter will be held on **Wednesday, 16 October, 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)

Spark Green Energy (Ahmednagar) Pvt. Ltd
Plot No. B-4 M.I.D.C., Newasa
Industrial Area, Taluka Newasa,
Ahemadnagar, Maharashtra
E-mail:- adv.rahul.sinhal@gmail.com

Petitioner

The General Manager,
The Brihanmumbai Electric Supply & Transport Undertaking,
BEST Bhavan, BEST Marg,
Fort, Mumbai - 400 001
E-mail:- gm@bestundertaking.com / dgmes@bestundertaking.com

Respondent