

NOTICE

Subject:- Petitioner Vidarbha Industries Power Limited (VIPL) under Section 86 (1)(f) of the Electricity Act, 2003 (“Act”) challenging the legality, validity and propriety of the Termination Letter dated 20.04.2019 (“Termination Letter”) issued by Respondent

- i.e. Adani Electricity Mumbai Limited (“AEML”).

Case No. 247 of 2019

Subject:- Applicant Vidarbha Industries Power Limited (VIPL) under Regulation 92 of the MERC (Conduct of Business) Regulations, 2004 read with Order 6 Rule 17 of the Civil Procedure Code, 1908.

- **MA No. 36 of 2019 in Case No. 247 of 2019**

The Applicant Vidarbha Industries Power Limited (VIPL) has filed the Interim Application on 27.09.2019 under Section 94 read with Regulation 81, 92 of the MERC (Conduct Of Business) Regulations, 2004 for seeking interim relief in Case No 247 of 2019.

The main prayers of the Interim Application are as under-

- a) *pending the hearing and final disposal of the Petition, order / direct the continuation of the transaction under the PPA dated 14.08.2013 entered between the AEML and VIPL;*
- b) *pending the hearing and final disposal of this Petition, stay the effect, operation and implementation of the Termination Letter dated 20.04.2019 issued by AEML to the VIPL;*
- c) *pending the hearing and final disposal of the Petition, stay the effect, operation and implementation of the procurer’s preliminary default notice dated 18.01.2019, issued by AEML to the VIPL;*
- d) *pending the hearing and final disposal of the Petition, restrict and restrain AEML to enter into any other Power Purchase Arrangement and / or Agreement for any long term or medium term period;*
- e) *pending the hearing and final disposal of the Petition, direct the parties to continue discharge their respective PPA obligations including generation and supply of power by VIPL and payment by AEML towards the same without any set-off;*
- f) *pending the hearing and final disposal of the Petition, allow the recovery of actual cost of coal by VIPL in respect of Unit 2 in the event VIPL commences the operation of Unit 2;*
- g) *pending the hearing and final disposal of the Petition, allow the recovery of actual cost of coal by VIPL in respect of Unit 1 pursuant to execution of FSA in respect of Unit 1 in the event VIPL commences the operation of Unit 1;*

h) ad-interim relief in terms of prayer clause (a) to (g) above;

i) pass such further and other relief as the facts and circumstances of the case may require.

j) Cost of the application be provided for.

2. I am directed to communicate that the hearing in the above matter will be held on **Friday, 04 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/Applicant 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 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/Application immediately, with a copy to the Petitioner/Applicant.

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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Petitioner/ Applicant

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CTS 407/A (New), 408 Old Village,
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Borivali West, Mumbai - 400 103
Email :- ajit.barodia@adani.in

Respondent No – 1

Axis Bank Limited
'Axis House'
C-2, Wadia International Centre,
Pandurang Budhkar Marg,
Worli, Mumbai – 400025

Respondent No – 2

State Bank of India,
Overseas Branch, 2nd floor,
The Arcade, World Trade Centre,
Cuffe Parade, Mumbai – 400005

Respondent No – 3

Bank of Baroda
Corporate Banking Branch,
B/14, Chirag Enclave
Nehru Place, New Delhi – 110048

Respondent No – 4

Bank of Maharashtra
Advance Department Fort Branch
1st Floor, Janmarg, 45/47
Mumbai – 400023

Respondent No – 5

Oriental Bank of Commerce
14th Floor, Maker Tower 'F',
Chamundeshwari Nagar,
Cuffe Parade, Mumbai – 400005

Respondent No – 6

Syndicate Bank,
Plot No. 227,
Nariman Bhavan, Ground Floor,
Mumbai - 400021

Respondent No – 7