

NOTICE

Subject:- Petition filed by M/s. Clean Wind Power (Bhavnagar) Private Limited under Section 86(1)(f) and other relevant provisions of the Electricity Act, 2003 seeking extension/ deferment of Financial Closure and Scheduled Commissioning Date on account of Force Majeure.

- **Case No. 286 of 2019**

The Petitioner M/s. Clean Wind Power (Bhavnagar) Private Limited filed this Petition on 23.10.2019 under Section 86(1)(f) and other relevant provisions of the Electricity Act, 2003 seeking extension/ deferment of Financial Closure and Scheduled Commissioning Date on account of Force Majeure events which prevented Clean Wind Power (Bhavnagar) Private Limited from achieving Financial Closure of the 75.6 MW power plant at Anjanadi Site, Village – Malegaon Thokal, Gaur Pimpari, Kannad & Phulambri Tehsil, District – Aurangabad in the state of Maharashtra.

The main prayers of the Petitioner are as under-

(a) *Declare that the events narrated above which prevented the Petitioner from achieving Financial Closure for the Project as scheduled are in the nature of Force Majeure events affecting the Project and that the Petitioner cannot be held liable for the same;*

(b) *Direct the Respondent/ MSEDCL to extend the time period to achieve Financial Closure corresponding to such Force Majeure period affecting the Project;*

(c) *Declare that the events narrated above, which are preventing the Petitioner from achieving SCOD of the Project as scheduled, are in the nature of Force Majeure events affecting the Project and that the Petitioner cannot be held liable for the same;*

(d) *Direct the Respondent/ MSEDCL to extend the time period to achieve SCOD for the Project corresponding to such Force Majeure period affecting the Project;*

(e) *Grant ex-parte ad-interim relief against the Respondent/ MSEDCL by restraining it from taking any coercive steps against the Petitioner, including from invoking the Performance Bank Guarantee during the pendency of the present proceedings;*

(f) *Pass such other order(s) as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case.*

2. I am directed to communicate that the hearing in the above matter will be held on **Thursday, 05 December, 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

M/s. Clean Wind Power (Bhavnagar) Private Limited
Plot No. 201, 3rd Floor,
Okhla Industrial Estate Phase III,
New Delhi – 110 020.
E-mail:- mumbai.office@neetiniyaman.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