

NOTICE

Subject: M/s. ACME Heergarh Powertech Private Limited Petition for declaration that PPA dated 21.08.2019 stands frustrated on account of force majeure and impossibility of performance and consequential relief.

Case No. 78 of 2020

The Petitioner M/s. ACME Heergarh Powertech Private Limited a Special Purpose Vehicle incorporated by ACME Solar Holding Ltd has filed Petition on 24.4.2020 under Section 86 of the Electricity Act, 2003 along with statutory framework governing procurement of power through competitive bidding and Article 8 of the Power Purchase Agreement dated 21.08.2019 executed between ACME Heergarh Powertech Pvt. Ltd. and Maharashtra State Electricity Distribution Company Limited for declaration that PPA dated 21.08.2019 stands frustrated on account of force majeure and impossibility of performance and consequential relief.

The prayers are as under:

- (a) *Hold and declare that MSEDCL PPA stands frustrated on account of occurrence of Force Majeure;*
- (b) *Hold and declare that parties are discharged from their respective responsibilities, obligations and liabilities;*
- (c) *Direct MSEDCL to return the Performance Bank Guarantee submitted by AHPPL in terms of the PPA;*
- (d) *Pass ad interim ex parte stay against MSEDCL taking any coercive steps including invocation of bank guarantee; and*
- (e) *Pass any such other and further reliefs as this Hon'ble Commission deems just and proper in the nature and circumstances of the present case.*

1. I am directed to communicate that e-Hearing in this matter is scheduled on **Tuesday, 02 June 2020 at 10.30 am**. Kindly refer the Practice Directions dated 11 May 2020 available on MERC website (www.merc.gov.in) for the protocol to be followed for and during the e-Hearing.

2. Petitioner(s) and Respondent(s) shall communicate the name(s), email ID(s), contact number(s), and the address(es) of their Representative(s) (maximum 3 persons) who will be attending e-Hearing. MERC – IT Team will communicate the credentials for login into e-Hearing Application and will also provide assistance for using this Application.
3. Documents to be referred during the e-Hearing shall be emailed to 'ehearing@merc.gov.in' at least one day before the scheduled e-Hearing. The said documents will be uploaded in e-Hearing Application for reference of the Commission and all concerned parties. During the e-Hearing, parties shall refer these uploaded documents only.

All communication related to e-Hearing shall be made on 'ehearing@merc.gov.in' mentioning MERC Case number.

Sd/-
(R. S. Sonawane)
Dy. Director (Legal)

ACME Heergarh Powertech Private Limited

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Petitioner

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Respondent