

**NOTICE**

Subject: New Petition, Petition filed by ReNew Vayu Urja Private Limited (formerly known as KCT Renewable Energy Private Limited) seeking direction for not encashing the performance bank guarantee of the petitioner and declaration of extension of Scheduled Commercial Operation Date on account of Force Majeure

Application Application for urgent listing and for seeking Interim\ ad-interim reliefs.

**Case No 102 of 2020**

The Petitioner ReNew Vayu Urja Private Limited has filed this Petition on 16.6.2020 under the provisions of the Electricity Act, 2003 particularly sections 86(1)(e), 86(1)(f), 86(1)(k), of the Electricity Act, 2003, read with provisions of RFS and Power Purchase Agreement dated July 17, 2018 seeking direction for not encashing the performance bank guarantee of the petitioner and declaration of extension of Scheduled Commercial Operation Date on account of Force Majeure.

The main prayers of the Petitioner are as under-

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- a) *Declare the circumstances faced by the Petitioner in delay in grid connectivity and acceptance of the grid connectivity in the name of Developer by MSEDCL only on July 22, 2019 as force majeure events;*
- b) *Declare the delay in attaining FC on July 23, 2019 as delay on account of force majeure event in line with this Hon'ble Commission's orders in Case No. 286 of 219 and case No. 131 of 2019;*
- c) *Declare delay in Project registration by MEDA and delay in providing start-up power as force majeure event;*
- d) *Declare delay in SCOD as an event consequent to force majeure and delay in attainment of FC in line with this Hon'ble Commission's orders in Case No. 286 of 219 and case No. 131 of 2019;*
- e) *Direct the Respondent No. 1 to declare SCOD for Project Phase I as December 5, 2019 and Project Phase II as December 26, 2019 without levy of any liquidated damages of any nature whatsoever;*
- f) *Quash notice dated May 29, 2020 issued by MSEDCL to make a commitment to pay penalties levied on MSEDCL due to non-fulfiment of RPO;*
- g) *Direct Respondent No. 1 to return the PBG furnished by the Petitioner without adjusting any damages;*
- h) *Direct Respondent No. 1 to pay costs for the present Petition; and*
- i) *Pass such further order(s) as the Hon'ble Commission may deem just in the facts of the present case.”*

The Petitioner has also file an Application for urgent listing and for seeking Interim\ ad-interim reliefs the prayers are as under:

- a) *Grant an ex-parte ad-interim order restraining Respondent No. 1 from encashing the PBG till disposal of the Petition;*
- b) *Grant an ex-parte ad-interim order restraining Respondents from taking any coercive steps against the Petitioner pursuant to notice dated May 29, 2020 issued by Respondent No. 1;*
- c) *List the present Interim Application for urgent hearing in view of the grave urgency in the matter; and*
- d) *Pass any such further order[s] as this Hon'ble Commission may deem fit and appropriate.*

1. I am directed to communicate that the Petitioner is directed to immediately serve a copy of its above-mentioned Petition in soft copy to the Respondents and hard copy immediately after the lockdown is over and file acknowledgement to the office of the Commission thereafter.
2. The Respondents are directed to submit the say with documents if any, in soft copy on the above –mentioned Petition immediately with a copy to the Petitioner and on affidavit in 1+6 copies to the Commission **within 3 days on or before 22 June 2020**, after lockdown is over with a copy to the Petitioner.
3. 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.
4. I am directed to communicate that e-Hearing in this matter is scheduled on **Friday, 26 June 2020 at 10.30 am**. Kindly refer the Practice Directions dated 11 May 2020 available on MERC website ([www.merc.gov.in](http://www.merc.gov.in)) for the protocol to be followed for and during the e-Hearing.
5. 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.

6. Documents to be referred during the e-Hearing shall be emailed to '[ehearing@merc.gov.in](mailto: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.
7. All communication related to e-Hearing shall be made on '[ehearing@merc.gov.in](mailto:ehearing@merc.gov.in)' mentioning MERC Case number.

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

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Petitioner

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Respondent No - 1

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Respondent No - 2

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Respondent No - 3