

**NOTICE**

Subject: Application of Clean Wind Power (Bhavnagar) Private Limited seeking urgent listing of the matter and ad-interim relief against the Respondent.

- **IA No. 26 of 2021 in Case No. 119 of 2021**

The Applicant Clean Wind Power (Bhavnagar) Private Limited has filed Application in Case No. 119 of 2021 (Petitioner of Clean Wind Power (Bhavnagar) Private Limited under Section 86(l)(f) and other relevant provisions of the Electricity Act, 2003 inter alia seeking directions against Maharashtra State Electricity Distribution Limited by declaring that the Power Purchase Agreement dated 17.07.2018 stands frustrated on account of various prolonged and continuing Force Majeure events causing impossibility of performance, and consequential reliefs.)

The Main prayers of the Applicant are as under:-

- (i) *Allow the present Application and direct early listing/mentioning of the present Application on 28.09.2021;*
- (ii) *Direct the Respondent, i.e., the Maharashtra State Electricity Distribution Company Ltd., to return the Petitioner's original Performance Bank Guarantee dated 13.07.2019 bearing no. OGT0005180022568 along with all the amendments till date, immediately and forthwith; and*
- (iii) *Pass such other order(s) as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case.*

1. I am directed to communicate that e-Hearing in this matter is scheduled on, **Friday, 29 October, 2021 at 10.30 a.m.** Kindly refer the Practice Directions dated 18<sup>th</sup> February, 2021 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.
2. I am directed to communicate that the Petitioner is directed to serve a copy of its above-mentioned Petition in soft copy to the Respondents/Parties and a original hard copy on affidavit along with soft copy (PDF & Word) of the same with acknowledgement immediately to the office of the Commission thereafter.
3. The Respondent is directed to submit the say with documents if any, in soft copy on the above-mentioned Petition immediately within 15 days with a copy to the Petitioner and an original hard copy of the same on affidavit along with soft copy (PDF & Word) to the Commission immediately.
4. Kindly note that the Commission has launched its 'E-Filing Application' from 15 August 2021. All new Petitions filed post 1 May 2021 needs to be filed through 'E-filing Application'. Similarly, all Reply/Rejoinder or any other document in such Cases also needs

to be filed through 'E-Filing Application'. Parties may refer Practice Directions dated 1 May 2021 in this regard on the website of the Commission <https://www.merc.gov.in> .

5. The Parties who have filed petition prior 1 May 2021 shall file Application/Documents /Replies etc. in the office of the Commission in single original copies. In addition, all the documents shall also be filed through e-mail on "ehearing@merc.gov.in" (soft copy in Word and PDF) along with the scanned copy of the acknowledgment of filing the hard copy, citations produced during the proceedings.
6. 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.
7. 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.
8. I am directed to communicate that the Notice for schedule date of e-Hearing in this matter will be issued separately. Kindly refer the Practice Directions dated 18 February 2021 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.
9. All communication related to e-Hearing shall be made on 'ehearing@merc.gov.in' mentioning MERC Case number.

Sd/-  
(Anilkumar Ukey)  
Director Legal, (I/c.)

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Applicant  
/Petitioner

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Respondent