

NOTICE

Subject: M/s Nishkalp Energy Ltd seeking directives under Section 142 and 149 of the EA, 2003 against MSEDCL for non-payment of actual dues arising out of the Commission's Order dated 24.11.2003
- **Case No. 11 of 2008**

In continuation of Notice dated 30.04.2008, I am directed to communicate that the hearing fixed on 14th May, 2008 at 11.00 hours has been **postponed** and shall now be held on **Tuesday, 10th June, 2008 at 12.00 hours** in the office of the Commission.

Secretary, MERC

Shri Adil Bharucha,
Niskalp Energy Ltd.,
DGP House, 4th Floor,
Old Prabhadevi Road,
Mumbai 400 025
Fax No. 6636 5050

Petitioner

The Managing Director
Maharashtra State Electricity Distribution Company Ltd.
Prakashgad, Bandra (East)
Mumbai 400 051

Respondent

Cc: Prayas (Energy Group)
Amrita Clinic, Athawale Corner
Lakdipool-Karve Road Junction
Deccan Gymkhana, Karve Road
Pune 411 004

Cc: The Supdt Engineer (TRC)
Maharashtra State Electricity
Distribution Co. Ltd.
Prakashgad, Bandra (East),
Mumbai 400 051

Cc: Mumbai Grahak Panchayat
Grahak Bhavan
Sant Dynaneshwar Marg
Behind Cooper Hospital
Vile Parle (West), Mumbai 400 056

Cc: Shri Chakrapani Misra,
Khaitan &Co.,
Advocates for the Petitioner
Meher Chambers, 4th & 5th floors,
R.K. Marg, Ballard Estate,
Mumbai 400 001
E-mail: bom@khaitanco.com

Cc: Thane Belapur Industries Assn.
Plot No.P-14, MIDC
Rabale Village, PO Ghansoli
Navi Mumbai 400 701

Cc: Vidarbha Industries Association
1st Floor, Udyog Bhawan
Civil Lines,
Nagpur 440 001

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- **Case No. 11 of 2008**

M/s Nishkalp Energy Ltd. have submitted a Petition, under affidavit, dated 28th February, 2008 seeking directives from the Commission under Section 142 and 149 of the EA, 2003, and to adjudicate upon the disputes between the Petitioner and the Respondents under Section 86(1)(f) of the said Act against MSEDCL, for non-payment of actual dues arising out of the Commission's Order dated 24.11.2003. The following are the main prayers of the Petitioner:

1. *This Hon'ble Commission be pleased to declare the action on the part of the Respondents of reducing the claim of the Petitioners to the extent of Rs.27.01.932/- was arbitrary, unreasonable, unjust and contrary to the provisions of law;*
2. *The Respondent be ordered and decreed to pay to Petitioner the sum of Rs.65,28,617/- as the interest on delayed payment @ 2% over the rate of lending interest rate of State Bank of India as permissible under orders contained in the Hon'ble Commission's orders dated 24th November 2003 and 12th September 2006 till the payment and / or realization;*
3. *The Respondent be ordered and decreed to pay to the Petitioner the sum of Rs.27,01,931/- (Twenty Seven Lakhs One Thousand Nine Hundred Thirty One Only) being the difference between the claim amount and the amount determined by the Defendant as set out in Exhibit F of the Petition;*
4. *In the alternative the Respondent be ordered and decreed to render a true and faithful reconciliation of account and the Respondent be further ordered and decreed to pay to the Petitioners such amount as may be found due and payable to the Petitioner on such account being taken."*

2. I am directed to communicate that the hearing in the matter will be in the presence of four authorized consumer representatives on **Wednesday, 14th, May 2008 at 11.00 hours** 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 serve a copy of their abovementioned Petition, with its accompaniments, to the Respondent (MSEDCL), and four authorised consumer representatives, whose addresses are given below, by 8th May, 2008.

4. The Respondent is directed to file, on affidavit, their comments, if any, with a copy endorsed to the Petitioner, and four authorized consumer representatives.

Secretary, MERC

Shri Adil Bharucha,
Niskalp Energy Ltd.,
DGP House, 4th floor,
Old Prabhadevi Road, Mumbai 400 025

Petitioner

The Managing Director
Maharashtra State Electricity Distribution Company Ltd.
Prakashgad, Bandra (East)
Mumbai 400 051

Respondent

Cc: Prayas (Energy Group)
Amrita Clinic, Athawale Corner
Lakdipool-Karve Road Junction
Deccan Gymkhana, Karve Road
Pune 411 004

Consumer Representative

Cc: Mumbai Grahak Panchayat
Grahak Bhavan
Sant Dynaneshwar Marg
Behind Cooper Hospital
Vile Parle (West), Mumbai 400 056

Consumer Representative

Cc: Thane Belapur Industries Assn.
Plot No.P-14, MIDC
Rabale Village, PO Ghansoli
Navi Mumbai 400 701

Consumer Representative

Cc: Vidarbha Industries Association
1st Floor, Udyog Bhawan
Civil Lines, Nagpur 440 001

Consumer Representative

Cc: The Supdt Engineer (TRC)
Maharashtra State Electricity Distribution Co. Ltd.
Prakashgad, Bandra (East),
Mumbai 400 051

Cc: Shri Chakrapani Misra,
Khaitan &Co.,
Advocates for the Petitioner
Meher Chambers, 4th & 5th floors,
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