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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 888/2015 & CM 1552/2015 & CM 1442/2016**

WELSPUN RENEWABLE ENERGY PVT. LTD

..... Petitioner

Through : Mr U. Hazarika, Sr Advocate with Mr Avijeet
Lala and Mr Saraswat Mohapatra

versus

UNION OF INDIA & ANR

..... Respondents

Through : Mr Sanjeev Narula with Mr Ajay Kalra and
Ms Meha Rashmi for R-1.
Mr Bharat Sangal with Ms Srijana Lama
Rai for R-2.

AND

+ **W.P.(C) 2527/2015 & CM 4506/2015**

M/S MAHESHWARI MINING & ENERGY PVT. LTD

..... Petitioner

Through : Mr Rajendra Singhvi

versus

**THE MANAGING DIRECTOR, SOLAR ENERGY
CORPORATION OF INDIA & ANR**

..... Respondents

Through : Mr Bharat Sangal with Ms Srijana Lama
Rai for R-1.
Mr Vikas Mahajan with Mr S. S. Rai and
Mr Rohan Gupta for R-2.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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15.01.2016

We have heard the counsel for the parties at length and have gone through the documents placed on record. Without making any observations on the merits of the

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matter, we feel that the Ministry of New and Renewable Energy (MNRE) should have a re-look on the matter of approval of the capacity to be allocated by the MNRE in terms of Clause 3.4 of the Request for Selection (RFS) document for 750 MW Grid-connected Solar PV Power Projects under JNNSM, Phase-II, Batch –I dated 28.10.2013.

There is a default capacity of 50 MW (20 MW for Part-A and 30 MW in Part-B). The petitioners herein are waiting list bidders. The SECI, which is the Nodal Agency, had written letters to the MNRE for approval of the capacity to be allocated by the MNRE. We do not want to comment on the nature of the correspondence between the SECI and the MNRE because we feel that the MNRE should take a fresh look on the matter of approval of capacity to be allocated by the MNRE in terms of Clause 3.4 of the RFS document. The MNRE shall not be influenced by its earlier letter dated 01.01.2015.

The return of the bank guarantees by the SECI shall also not come in the way of the MNRE in taking a decision. The said decision be taken within four weeks from today and the same be communicated to the petitioners. While taking the decision, the MNRE shall obviously take into consideration all relevant parameters in accordance with the RFS document and the guidelines. The MNRE may also take into account any change in circumstances. The MNRE shall also take into account the information given under the RTI Act dated 27.11.2015 which is at page 409 of the paper book as also the SECI's information under the RTI Act, 2005 dated 17.11.2015, which is at page 410.

The petitioners would be at liberty to take recourse to such remedies as may be available to them in law in case the decision goes against them.

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The writ petitions stand disposed of.

Dasti under the signature of the Court Master.

Amplified.
BADAR DURREZ AHMED, J

Sanjeev Sachdeva
SANJEEV SACHDEVA, J

JANUARY 15, 2016
SR