

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 366 OF 2020

WITH

INTERIM APPLICATION NO. 2243 OF 2020

Clean Wind Power (Satara) Pvt. Ltd.

.. Petitioner

v/s.

Maharashtra Electricity Regulatory

Commission And Ors.

.. Respondents

WITH

WRIT PETITION NO. 735 OF 2021

Shraddha Energy And Infra Projects

Pvt. Ltd. And Ors.

.. Petitioners

v/s.

Maharashtra Electricity Regulatory

Commission And Ors.

.. Respondents

WITH

WRIT PETITION NO. 2225 OF 2021

WITH

WRIT PETITION NO. 2258 OF 2021

WITH

WRIT PETITION NO. 1883 OF 2021

Panama Solar Godawari Pvt. Ltd. And Anr.

.. Petitioners

v/s.

Maharashtra Electricity Regulatory

Commission And Ors.

.. Respondents

WITH

WRIT PETITION NO. 2679 OF 2021

Bothe Windfarm Development Private
Limited & Anr.

.. Petitioners

v/s.

Maharashtra Electricity Regulatory
Commission And Ors.

.. Respondents

WITH

WRIT PETITION NO. 2268 OF 2021

Bajaj Finserv Ltd. And Anr.

.. Petitioners

v/s.

Maharashtra Electricity Regulatory
Commission And Ors.

.. Respondents

AND

WRIT PETITION NO. 721 OF 2021

Enel Wind Project (Amberi) Pvt.
Ltd. And Anr.

.. Petitioners

v/s.

Maharashtra Electricity Regulatory
Commission And Ors.

.. Respondents

WRIT PETITION NO. 737 OF 2021

Serum Institute of India Pvt. Ltd.
And Anr.

.. Petitioners

v/s.

Maharashtra Electricity Regulatory
Commission And Ors.

.. Respondents

WRIT PETITION NO. 762 OF 2021

WITH

INTERIM APPLICATION NO. 146 OF 2021

Orange Maha Wind Energy Private

Limited And Anr. .. Petitioners
v/s.
Maharashtra Electricity Regulatory
Commission And Ors. .. Respondents

WRIT PETITION NO. 1744 OF 2021

Hetero Med Solutions Limited And Anr. .. Petitioners
v/s.
Maharashtra Electricity Regulatory
Commission And Ors. .. Respondents

WRIT PETITION NO. 1803 OF 2021

Nupower Renewables Pvt. Ltd. And Anr. .. Petitioners
v/s.
Maharashtra Electricity Regulatory
Commission And Ors. .. Respondents

**WRIT PETITION NO. 1862 OF 2021
WITH
INTERIM APPLICATION NO. 125 OF 2021**

Solar Edge Power And Energy Pvt Ltd And Anr. .. Petitioners
v/s.
Maharashtra Electricity Regulatory
Commission And Ors. .. Respondents

WRIT PETITION NO. 1878 OF 2021

Sun Irrigation Systems Pvt. Ltd. & Anr. .. Petitioners
v/s.
Maharashtra Electricity Regulatory

Commission And Ors.

.. Respondents

WRIT PETITION NO. 1880 OF 2021

Ghodawat Energy Pvt.Ltd. & Anr.

.. Petitioners

v/s.

Maharashtra Electricity Regulatory

Commission And Ors.

.. Respondents

WRIT PETITION NO. 2212 OF 2021

Gangadhar Nargindas Agrawal (HUF) & Ors.

.. Petitioners

v/s.

Maharashtra Electricity Regulatory

Commission And Ors.

.. Respondents

...

Mr Zubin Behramkamdin a/w Ms Vaidehi Naik and Ms Diksha Sharma i/b Neeti Niyaman for Petitioner in WP/366/2020, WP/762/2021 and WP/1862/2021

Ms Vaidehi Naik a/w Ms Diksha Sharma i/b Neeti Niyaman for Petitioner in WP/735/2021, WP/2225/2021, WP/2258/2021, WP/1883/2021, WP/2679/2021, WP/2268/2021, WP/721/2021, WP/1744/2021, WP/1803/2021, WP/1878/2021, WP/1880/2021, WP/2212/2021 and WP/737/2021.

Mr. Ratnakar Singh for Respondent No 1 in all petitions.

Ms. Udit Saxena i/b DSK Legal for MSEDCL- Maharashtra State Electricity Distribution Company Ltd.

Mr. Aditya A Joshi i/b Mr. Abhijit A Joshi for MSLDC- Maharashtra State Load Despatch Centre in all petitions except in WP/1883/2021.

Mr. Manish Upadhye, AGP for State WP/366/2020.

Ms. P H Kantharia, Govt Pleader for State in WP/735/2021.

Mr. Amit Shastri, AGP for State in WP/2225/2021, WP/1803/2021, WP/1880/2021 and WP/2212/2021.

Mr S B Gore, AGP for State in WP/2258/2021.

Mr. Sukanta Karmakar, AGP for State in WP/1883/2021.

Mr. L T Satelkar, AGP for State in WP/2679/2021.

Mr. Hemant Haryan, AGP for State in WP/2268/2021.

Mr. M A Sayed, AGP for State in WP/721/2021.

Mr. Himanshu Takke, AGP for State in WP/762/2021.

Mr. Milind More, Addl.G.P., for State in WP/1744/2021, WP/1862/2021 and WP/1878/2021.

Ms Uma Palsuledesai, AGP for State in WP/737/2021

...

CORAM : K. R. SHRIRAM &

KAMAL KHATA, JJ.

DATED : 24TH NOVEMBER, 2022.

P.C. :

1. Mr. Behramkamdin seeks leave to withdraw Writ Petition no.366 of 2022 and Ms. Naik seeks leave to withdraw Writ Petition No.2679 of 2021, Writ Petition no.737 of 2021, and Writ Petition no.2268 of 2021.

2. As regards the other petitions except Writ Petition no.762 of 2021 and 1862 of 2021, Ms. Naik states that she has not received a response to the instructions sought whether to withdraw those petitions. These petitions be listed for withdrawal /dismissal on 30th November, 2022.

3. It is clarified that the petitions have been withdrawn since the additional Deviation Settlement charges levied by respondent No.2-MSLDC, is under reconsideration / consideration by MERC and MSLDC has been directed by MERC to put the claim for these charges in abeyance. MERC is reviewing those charges. In those circumstances, we do not see any reason to interfere in these petitions.

4. We also informed the Advocates that if any order is passed by MERC that is adverse to petitioners, the said order will not be implemented for a period of say two weeks to enable petitioners to approach this Court. In view of the suggestions made, petitioners who are withdrawing the petitions, have done so.

5. It is further clarified that MERC would pass orders on the issue of Deviation Settlement Charges after following the procedure laid down and any order passed by MERC, if that is prejudicial to the interest of petitioners, will not be acted upon by MSLDC for a period of 4 weeks from the date of the order being communicated to petitioners.

6. Writ Petition nos.366 of 2020 along with Interim Application No.2243 of 2020, Writ Petition no.2679 of 2021, Writ Petition no.2268 of 2021 and Writ Petition no.737 of 2021 are dismissed as withdrawn. Interim Applications pending in those petitions also stand disposed.

7. The remaining petitions being Writ Petition nos.735, 2225, 2258, 1883, 721, 1744, 1803, 1878, 1880 and 2212 of 2021 to be listed for withdrawal/dismissal on 30th November, 2022 and Writ Petition no.762 of 2021 along with Interim Application no.146 of 2021 and Writ Petition no.1862 of 2021 along with Interim Application no.125 of 2021 to be listed for directions.

(KAMAL KHATA, J.)

(K.R. SHRIRAM, J.)