

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 638 OF 2023

Orange Maha Wind Energy Private LimitedPetitioner

V/s.

Maharashtra State Electricity Distribution
Company Limited and Anr. ...Respondents

Mr. Kevic Setalvad, Senior Counsel a/w Mr. Saleya Choudhari, Mr. Avijeet Lala, Ms. Vaidehi Naik, Ms. Astha Sharma i/b Ms. Neeti Niyaman for Petitioner.

Mr. Shardul Singh a/w Mr. Rahul Sinha i/b DSK Legal for Respondent No. 1.
Mr. A.A. Alaspurkar, AGP for State Respondent.

**ALONGWITH
WRIT PETITION NO. 640 OF 2023**

Clean Wind Power (Satara) Private Limited
And Anr.Petitioners

V/s.

Maharashtra State Electricity Distribution
Company Limited and Anr. ...Respondents

Mr. J P. Sen, Senior Counsel a/w Mr. Avijeet Lala, Mr. Saleya Choudhari, Ms. Vaidehi Naik, Ms. Astha Sharma i/b Ms. Neeti Niyaman for Petitioners.
Mr. Shardul Singh a/w Mr. Rahul Sinha i/b DSK Legal for Respondent No. 1.
Mr. A.A. Alaspurkar, AGP for State Respondent.

**ALONGWITH
WRIT PETITION NO. 639 OF 2023**

Kalsubai Power Private Limited and Anr.Petitioners

V/s.

Maharashtra State Electricity Distribution
Co. Ltd. and Anr. ...Respondents

Mr. Avijeet Lala a/w Mr. Saleya Choudhari, Ms. Vaidehi Naik, Ms. Astha Sharma i/b Ms. Neeti Niyaman for Petitioners.
Mr. Shardul Singh a/w Mr. Rahul Sinha i/b DSK Legal for Respondent No. 1.
Mr. A.A. Alaspurkar, AGP for State Respondent.

**ALONGWITH
WRIT PETITION NO. 641 OF 2023**

Sispara Renewable Power Private Limited
and Anr.

....Petitioners

V/s.

Maharashtra State Electricity Distribution
Company Limited and Anr.

...Respondents

Mr. Zal Andhyarujina, Senior Counsel a/w Mr. Avijeet Lala, Mr. Saleya Choudhari, Ms. Vaidehi Naik, Ms. Astha Sharma i/b Ms. Neeti Niyaman for Petitioners.

Mr. Shardul Singh a/w Mr. Rahul Sinha i/b DSK Legal for Respondent No. 1.
Mr. A.A. Alaspurkar, AGP for State Respondent.

**ALONGWITH
WRIT PETITION NO. 642 OF 2023**

Bhilawara Green Energy Limited

....Petitioner

V/s.

Maharashtra State Electricity Distribution
Company Limited and Anr.

...Respondents

Mr. Zubin Behramkamdin a/w Mr. Avijeet Lala, Mr. Saleya Choudhari, Ms. Vaidehi Naik, Ms. Astha Sharma i/b Ms. Neeti Niyaman for Petitioner
Mr. Shardul Singh a/w Mr. Rahul Sinha i/b DSK Legal for Respondent No. 1.
Mr. A.A. Alaspurkar, AGP for State Respondent.

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL, JJ.**

DATED : 17th JANUARY 2023

PC. :

WRIT PETITION NO. 638 OF 2023

1. Mr. Setalvad for petitioner states that the only contentious issue was of installing meter to each Wind Turbine Generator Set (WTG Set). Mr. Setalvad states that Maharashtra State Electricity Distribution Company Limited (MSEDCL) has granted 30 days time to petitioner to install the

meter. In view thereof, Mr. Setalvad seeks leave of the court to withdraw the petition.

2. Petition dismissed as withdrawn. Liberty to apply subject to any objections MSEDCL may have.

WRIT PETITION NO. 640 OF 2023

1. Mr. Sen on instructions undertakes to install meter in each Wind Turbine Generator Set (WTG Set) within 30 days period prescribed by Maharashtra State Electricity Distribution Company Limited (MSEDCL) but with a rider that the time that MSEDCL would take to approve the meter that will be procured by petitioner should be excluded from computing 30 days period. In our view, that is a fair suggestion. In view of this undertaking given by petitioner through Mr. Sen, MSEDCL to reconnect. The 30 days period will start from today. The time taken by MSEDCL to approve the meter will be excluded. We clarify that the day of application and date on which the approval letter is issued will be excluded.

2. In view of the undertaking given by petitioner, MSEDCL to reconnect. Mr. Singh states that MSEDCL shall endeavour to reconnect today itself with an outer limit of 3 days. Statement accepted.

3. Petition disposed. Liberty to apply subject to any objections MSEDCL may have.

WRIT PETITION NO. 642 OF 2023

1. In view of the undertaking given by Mr. Behramkamdin on instructions to comply with the requirements/conditions of Maharashtra State Electricity Distribution Company Limited (MSEDCL), MSEDCL not to disconnect petitioner's facility.

2. Petition disposed. Liberty to apply subject to any objections MSEDCL may have.

WRIT PETITION NO. 641 OF 2023

1. This petition is impugning a notice dated 5th January 2023 issued by Respondent No.1. At the outset, Mr. Singh raised preliminary objection saying that the jurisdiction is with Maharashtra Electricity Regulatory Commission (MERC) and this court should not exercise jurisdiction under Article 226 of the Constitution of India. Mr. Andhyarujina responded by saying that MERC sits only on Tuesday and since the petition could be ready only on 12th January 2023 which was Thursday, petitioner has moved this court for urgent orders. Mr. Andhyarujina states that if the court can grant a limited protection for some time, petitioner will withdraw this petition and move MERC for appropriate reliefs. In our view, this request of Mr. Andhyarujina is very reasonable. Mr. Singh on instructions says MERC sits on Tuesday and Friday. Mr. Andhyarujina says he is not aware of the same.

2. Petition dismissed as withdrawn with liberty to move MERC. MERC to endeavour to hear petitioner and pass such orders as required in accordance with law preferably on the first Tuesday after petitioner files petition before MERC.
3. MSEDCL shall not take any coercive steps pursuant to the impugned notice until 31st January 2023.
4. We clarify that we have not expressed any opinion on the merits of the matter.
5. All rights and contentious are kept open.

WRIT PETITION NO. 639 OF 2023

1. This petition is impugning a notice dated 5th January 2023 issued by Respondent No.1. At the outset, Mr. Singh raised preliminary objection saying that the jurisdiction is with Maharashtra Electricity Regulatory Commission (MERC) and this court should not exercise jurisdiction under Article 226 of the Constitution of India. Mr. Lala responded by saying that MERC sits only on Tuesday and since the petition could be ready only on 12th January 2023 which was Thursday, petitioner has moved this court for urgent orders. Mr. Lala states that if the court can grant a limited protection for some time, petitioner will withdraw this

petition and move MERC for appropriate reliefs. In our view, this request of Mr. Lala is very reasonable.

2. Petition dismissed as withdrawn with liberty to move MERC. MERC to endeavour to hear petitioner and pass such orders as required in accordance with law preferably on the first Tuesday after petitioner files petition before MERC.

3. MSEDCL shall not take any coercive steps pursuant to the impugned notice until 31st January 2023.

4. We clarify that we have not expressed any opinion on the merits of the matter.

5. All rights and contentions are kept open.

(RAJESH S. PATIL, J.)

(K.R. SHRIRAM, J.)