

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Date: 9 July 2021

**CORAM: Sanjay Kumar, Chairman
I. M. Bohari, Member
Mukesh Khullar, Member**

Mentioning Applications in Case No. 338 of 2019

Application for mentioning of Miscellaneous Applications objecting maintainability of Maharashtra Electricity Distribution Company Limited's Petition for reclassification of Wind Zones of Wind Energy Projects in Maharashtra.

M/s ReNew Power Pvt. Ltd	: Applicant No. 1
M/s Bothe Windfarm Development Pvt. Ltd.	: Applicant No. 2
M/s Khandke Wind Energy Pvt. Ltd	: Applicant No. 3
M/s Lalpur Wind Energy Pvt. Ltd.	: Applicant No. 4
Maharashtra Electricity Distribution Co. Ltd. (MSEDCL)	: Respondent

Appearance:

For Applicant No. 1 & 2	: Shri. Sanjay Singh (Adv.)
For Applicant No. 3 & 4	: Smt. Astha Sharma (Adv.)
For the Respondent	: Shri. Ravi Prakash (Adv.)

Daily Order

Heard the Advocates of Applicants and the Respondent

Advocate of Applicants stated that they have filed Miscellaneous Applications objecting to the maintainability of MSEDCL's Petition in Case No. 338 of 2019 in which Public Hearing is scheduled on 16 July 2021. He stated that they wish to submit various documents before the Commission establishing that MSEDCL's Petition seeking reclassification of Wind Zoning is legally not maintainable and hence requested the Commission to schedule hearing of their Miscellaneous Application before scheduled date of Public Hearing.

Advocate of Respondent objected to such a request and stated that such practice would tantamount to delaying adjudication an aspect which has been conclusively dealt with by the Hon'ble Supreme Court in its judgment dated 18 October 2012 in Civil Appeal No. 7524 of 2012. Apex Court has clearly held that State Commissions and Tribunals are expected to hear

the matter in a common hearing and should not waste their time in dealing with objections of different hues at different times (avoid multiple hearings). Extracts of the said judgment of the Hon'ble Supreme Court is reproduced below:

“We have considered the argument of the learned senior counsel but have not felt impressed. Since, one of the objectives of the new enactment is to ensure expeditious adjudication of the disputes raised by the parties, there is no warrant for entertaining preliminary/interlocutory objections raised by either party and decide the same by long-drawn hearing and by recording lengthy orders. The State Commission and the Tribunal should, while deciding the main matter consider all objections including the one relating to their jurisdiction to entertain the matter. Any attempt by the parties to delay adjudication of the dispute deserves to be deprecated and the State Commission and the Tribunal are not expected to waste their time in dealing with objections of different hues.”

In reply to above objection, Advocate of Applicants submitted that they are only requesting for hearing on their Miscellaneous Application and not the ruling. The Commission is free to give its ruling along with main matter.

The Commission informed the Applicants that Public Hearing is scheduled in the matter so as to provide opportunity of being heard to all Wind Generators and not only to limited Generators who have approached the Commission or Hon'ble Bombay High Court earlier. The Commission opined that Applicants could argue their objection including maintainability of the MSEDCL's Petition during the Public Hearing itself and while deciding the case, the Commission will rule on the issue of maintainability as well.

For the reasons aforementioned, Commission will first take up these Miscellaneous Applications for hearing in the scheduled Public Hearing in Case No. 338 of 2019 on 16 July 2021. However, the Commission will decide these Miscellaneous Applications through common Order in main matter.

Secretariat of the Commission is directed to list these Miscellaneous Applications for hearing them first in the Public Hearing scheduled on 16 July 2021 in Case No. 338 of 2019.

**Sd/-
(Mukesh Khullar)
Member**

**Sd/-
(I. M. Bohari)
Member**

**Sd/-
(Sanjay Kumar)
Chairman**