

**NOTICE**

Subject: Suo-moto hearing for compliance of ATE Judgment dated 26.02.2016 in Appeal No 210 of 2014 filed by Indian Wind Power Association (Maharashtra State Council) challenging the Commission's Order dated 20.06.2014 in Case No 93 of 2013  
- **Case No. 93 of 2013**

1. M/s. Indian Wind Power Association (Maharashtra State Council) preferred an Appeal (No. 210 of 2014), The Appellate Tribunal of Electricity (ATE), in its Judgment dated 26 February, 2016, held as follows:-

*"12. This appeal, being Appeal No.210 of 2014, is hereby allowed in favor of the appellant/petitioner and against the respondents and the Impugned Order dated 20.06.2014, in Case/Petition No.93 of 2013, filed by the appellant/petitioner, namely Indian Wind Power Association, is hereby set aside/quashed.*

*13. The Impugned Petition No.93 of 2013, filed by the appellant/petitioner, before the State Commission seeking direction to respondent No.2, namely MSEDCL, a distribution licensee, to enter into PPA with wind power developers at a rate as per tariff order dated 22.03.2013 in Case No.6 of 2013, read with Commercial Circular No.196, dated 29.04.2013, issued by the distribution licensee, from 01st April, 2013 is hereby allowed. All other prayers made in the Impugned Petition are disallowed. The State Commission, which is respondent No.1, is hereby directed to ensure positive compliance of our directions given in this judgment within three months from today. We make it abundantly clear that since the appellant, which is Indian Wind Power Association, is an Association of wind power developers, this judgment shall apply equally to all the wind power generators or wind power projects in the State irrespective of the fact of their having entered into PPA or EPA with respondent No.2, distribution licensee, with the inclusion of contentious/impugned clauses to the said agreement for FY 2013-14 under coercion, undue influence or protest. Thus this judgment shall apply to all the wind energy generators or wind power projects of the State, irrespective of their not having filed any appeal before this Appellate Tribunal, if they are squarely covered by this judgment."*

2. In view of the ATE Judgment, the Commission, vide letter dated 2 May, 2016, sought the status of compliance by Maharashtra State Electricity Distribution Company Limited (MSEDCL) regarding entering into Energy Purchase Agreement (EPA)/ Power Purchase Agreement (PPA) with Wind Power Developers at the rate as per Tariff Order dated 22 March, 2013 in Case No. 6 of 2013.

In its response reference dated 27 June, 2016, MSEDCL stated that it has executed EPAs with retrospective effect with 153 Wind Power Projects and has complied with the ATE Judgment.

3. However, the reply of MSEDCL does not specifically indicates whether MSEDCL has removed the impugned/ contentious clauses and executed the EPA/PPAs. vide letter dated 09 August, 2016, the Commission sought details of compliance of the specific directives regarding removal of impugned/ contentious clauses in the EPA/PPAs and their execution. MSEDCL has not responded to this letter till date.

4. Accordingly, to ensure compliance of the ATE Judgment, I am directed to communicate that the hearing in the above matter will be held in the presence of authorised consumer representatives on **Tuesday, 06 June, 2017 at 11.30 hrs** in the office of the Commission at 13<sup>th</sup> floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai 400 005.

Sd/-

(R. S. Sonawane)  
Dy. Director (Legal)

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Original Respondent - 2

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