

**NOTICE**

Subject: Petition of Bothe Windfarm Development Pvt. Ltd. seeking directions against Maharashtra State Electricity Distribution Limited qua supply of power from the Petitioner's 6.3 MW Wind Turbine Generators located at Satara, Maharashtra under Section 86 of the Electricity Act, 2003.

- **Case No. 28 of 2020**

The Petitioner Bothe Windfarm Development Pvt. Limited has filed this Petition on 24.01.2020 the Petition under Section 86 of the Electricity Act, 2003 seeking directions against Maharashtra State Electricity Distribution Limited qua supply of power from the Petitioner's 6.3 MW Wind Turbine Generators located at Satara, Maharashtra.

The main prayers of the Petitioner are as under-

(a) *Direct MSEDCL to comply with its Wind Policy, 2014 and the Government of Maharashtra's RE Policy, 2015 and accordingly execute EPAs with the Petitioner qua the three WTGs aggregating 6.3 MW (being SP 27 at Gat No. 5 of village Khandyachiwadi, SP 25 at Gat No. 61 of village Garudachiwadi, SP 21 at Gat No. 31 of village Uglyachiwadi), for a period of 13 years from the date of their commissioning i.e. 26.12.2014 and 30.12.2014, at the levellised generic tariff of Rs. 5.70/ kWh determined by this Hon'ble Commission (for Wind Zone 1) vide its Generic Tariff Order dated 07.07.2014 in Case No. 100 of 2014;*

(b) *Direct MSEDCL to pay an amount of Rs. 41,35,33,733(Rupees Forty One Crores Thirty Five Lacs Thirty Three Seven Hundred and Thirty Three only) [inclusive of interest/ late payment surcharge at the rate of 15% per annumas envisaged in the EPAs executed between wind developers and MSEDCL]as compensation to the Petitioner towards power supplied from the Petitioner's three WTGs to MSEDCL from December, 2014 till 23.01.2020;*

(c) *Direct MSEDCL to pay tariff at the rate of Rs. 5.70/ kWh for the power supplied by the Petitioner to MSEDCL for the period beyond 23.01.2020 alongwith interest/ late payment surcharge at the rate of 15% per annum till realisation;*

(d) *Pending adjudication of the present Petition, pass an ex-parte ad interim order, :-*

(i) *Staying the operation of the Disconnection Notice issued by MSEDCL vide e-mail dated 23.01.2020 during the pendency of the present Petition; and*

(ii) *Directing MSEDCL and/ or other statutory authorities under the Electricity Act such as Maharashtra State Load Despatch Centre from taking any coercive action/ steps against the Petitioners three WTGs during the pendency of the present Petition;*

*(e) Hold and declare that the that letter dated 13.01.2020 issued by the Government of Maharashtra (i.e. Respondent No. 4) to the Petitioner cannot be made applicable to the three WTGs commissioned on 26.12.2014 and 30.12.2014 as per MSEDCL Wind Policy, 2014 and the RE Policy, 2015;*

*Pass such other or further order/ orders as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the present case and in the interest of justice."*

2. I am directed to communicate that the hearing in the above matter will be held on **Tuesday, 18 February, 2020 at 10.00 hrs** in the office of the Commission at 13<sup>th</sup> floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.

3. The Petitioner is directed to immediately serve a copy of its above-mentioned Petition (both in soft and hard Copy) to the Respondents and file acknowledgement to the office of the Commission.

4. The Respondents are directed to submit the say on affidavit in 1+6 copies to the Commission with documents, if any, on the above-mentioned Petition immediately, with a copy to the Petitioner.

5. The Parties are directed to file their Petition and submissions in MS -Word file and PDF version as far as possible and to file 1+6 copies of all relevant documents/citations produced during the proceedings.

6. Appended is a copy of Daily Order dated 27.01.2020, in the above matter.

Sd/-  
(R. S. Sonawane)  
Dy. Director (Legal)

Encl. Copy of Daily Order

Bothe Windfarm Development Pvt. Ltd.,  
"Sushil", 30 Army Officers Co-Op Housing Society,  
Sadar Bazar, Satara – 415 001.  
E-mail :- [malcolm.desai@jsalaw.com](mailto:malcolm.desai@jsalaw.com)

Petitioner

The Chief Engineering (Renewable Energy),  
Maharashtra State Electricity Distribution Co. Ltd  
Prakashgad, Plot No G-9,  
Anant Kanekar Marg,  
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E-mail:- [ceremsedcl@gmail.com](mailto:ceremsedcl@gmail.com)

Respondent No. 1

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Respondent No. 2

The Chief Engineer  
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Respondent No. 3

The Principal Secretary,  
Industries, Energy & Labour Department,  
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E-mail:-[psec.energy@maharashtra.gov.in](mailto:psec.energy@maharashtra.gov.in)

Respondent No. 4