

NOTICE

Subject: Petition filed by WinIndia Ventures Pvt Ltd seeking adjudication of disputes between Petitioner and MSEDCL illegal disconnection of wind turbine , seeking restitution/compensation from MSEDCL for loss of generation on account of illegal disconnection of petitioner’s wind turbine.

Miscellaneous Application filed on for urgent listing and for seeking Interim reliefs

- Case No 101 of 2020

The Petitioner WinIndia Ventures Pvt Ltd has filed this Petition on 9.6.2020 Petition under Section 86 (1) (e) and section 86 (1) (f) of the Electricity Act, 2003 seeking adjudication of disputes between renewable generator (petitioner) and distribution licensee (MSEDCL) w.r.t illegal disconnection of wind turbine petition seeking restitution/compensation from distribution licensee (MSEDCL) for loss of generation on account of illegal disconnection of petitioner’s wind turbine. Petition under section 60 of the electricity act, 2003 against MSEDCL for exercising its dominant position by illegally disconnecting the wind turbine of the petitioner

The main prayers of the Petitioner are as under-

“a) Hold and declare that the disconnection of wind turbine of the Petitioner by MSEDCL is illegal and bad in law, in the specific facts and circumstances of the case;

(b) Direct MSEDCL to compensate/restitute the Petitioner @ 5.70 per unit from the date of disconnection till reconnection, in case the Petitioner succeeds in Case No. 24/2020 towards unwarranted loss of generation;

(c) In the alternative, direct MSEDCL to compensate/restitute the Petitioner @ 2.52 per unit from the date of disconnection till reconnection, in case the Petitioner is not successful in Case No. 24/2020 towards unwarranted loss of generation;

(d) Initiate appropriate enquiry in the conduct and manner in which the “Renewable Department” of MSEDCL has carried out disconnections by violating the principles of natural justice;

(e) Pass such further orders as this Hon’ble Commission deems fit and proper in the interest of justice and good conscience.

The Petitioner has also file an Application for urgent seeking Interim the prayers are as under:

a. *Pass ad-interim ex-parte orders in the form of direction to MSEDCL to immediately restore the wind turbine of Petitioner as the Petitioner has “under protest and without prejudice to Case no. 24/2020, exercised option of sale to MSEDCL under competitive bidding for FY 2020-2021” vide its email dated 31.03.2020;*

b. *Pass such further orders as this Hon’ble Commission deems fit and proper in the interest of justice and good conscience.*

1. I am directed to communicate that the Petitioner is directed to immediately serve a copy of its above-mentioned Petition in soft copy to the Respondents and hard copy immediately after the lockdown is over and file acknowledgement to the office of the Commission thereafter.
2. The Respondents are directed to submit the say with documents if any, in soft copy on the above –mentioned Petition immediately with a copy to the Petitioner and on affidavit in 1+6 copies to the Commission **within 3 days on or before 22 June 2020**, after lockdown is over with a copy to the Petitioner.
3. 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.
4. I am directed to communicate that e-Hearing in this matter is scheduled on **Friday, 26 June 2020 at 10.30 am**. Kindly refer the Practice Directions dated 11 May 2020 available on MERC website (www.merc.gov.in) for the protocol to be followed for and during the e-Hearing.
5. Petitioner(s) and Respondent(s) shall communicate the name(s), email ID(s), contact number(s), and the address(es) of their Representative(s) (maximum 3 persons) who will be attending e-Hearing. MERC – IT Team will communicate the credentials for login into e-Hearing Application and will also provide assistance for using this Application.
6. Documents to be referred during the e-Hearing shall be emailed to ‘ehearing@merc.gov.in’ at least one day before the scheduled e-Hearing. The said documents will be uploaded in e-Hearing Application for reference of the Commission and all concerned parties. During the e-Hearing, parties shall refer these uploaded documents only.
7. All communication related to e-Hearing shall be made on ‘ehearing@merc.gov.in’ mentioning MERC Case number.

Sd/-

(R. S. Sonawane)

Dy. Director (Legal)

Petitioner

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The Chief Engineer (RE),
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Respondent No - 1

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Respondent No - 2