

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO.1 OF 2020
IN
WRIT PETITION NO.366 OF 2020**

Clean Wind Power (Satara) Pvt. Ltd. .. Applicant
Versus
Maharashtra Electricity Regulatory
Commission & Ors. .. Respondents

**ALONG WITH
WP/LD/VC/93/2020**

**ALONG WITH
WP/LD/VC/145/2020**

**ALONG WITH
WP/LD/VC/146/2020**

**ALONG WITH
WP/LD/VC/147/2020**

**ALONG WITH
WP/LD/VC/148/2020**

Mr.Zubin Behramkamdin a/w Mr.Deepika Kaur, Ms.Vaidehi Naik i/by M/s.Neeti Niyaman for the applicant/petitioner in WP/366/2020 & IA/1/2020.

Mr.Venkatesh Dhond, Senior Advocate a/w Ms.Deepika Kaur, Ms.Vaidehi Naik i/by M/s. Neeti Niyaman for the petitioner in WP/LD/VC/93/2020.

Mr.Sakya Chaudhari a/w Ms.Deepika Kaur, Ms.Vaidehi Naik i/by M/s. Neeti Niyaman for the petitioner in WP/LD/VC/145/2020 WP/LD/VC/146/2020 and WP/LD/VC/147/2020.

Mr.Sharan Jagtiani, Senior Advocate a/w Ms.Deepika Kaur, Ms.Vaidehi Naik i/by M/s. Neeti Niyaman for the petitioner in WP/LD/VC/148/2020.

Mr.Shrihari Aney, Senior Advocate a/w Mr.Ratnakar Singh for the respondent no.1 in all writ petitions -MERC.

Mr.Abhijeet Joshi a/w Ms.Varsha Sawant for the respondent no.2 – MSLDC in all writ petitions.

Mr.Harinder Toor a/w Mr.Rahul Sinha i/by M/s.DSK Legal for the respondent no.3-MSEDCL in Writ Petition No.366 of 2020, WP/LD/VC/93/2020, WP/LD/VC/145/2020, WP/LD/VC/146/2020 and WP/LD/VC/147/2020.

Mr.Manish Upadhye, AGP for the respondents-State in WP/366/2020 and IA/1/2020 and WP/LD/VC/146/2020 and WP/LD/VC/147/2020.

Mr.Amit Shastri, AGP for the respondents-State in WP/LD/VC/93/2020, WP/LD/VC/145/2020 and WP/LD/VC/148/2020.

**CORAM : R.D. DHANUKA
V.G. BISHT, JJ.
DATE : 13th JULY 2020
(IN CHAMBER – VIDEO CONFERENCE)**

P.C.:-

1. Rule. Learned counsel for the respondents in Writ Petition No.366 of 2020 waive service.

2. Liberty is granted to the petitioner in Writ Petition No.366 of 2020 to implead Qualified Coordinating Agency (QCA). Amendment to be carried out online within two weeks from today. Copy of the amended petition shall be served upon newly added party. Amended portion of the petition shall be served upon the other respondents online.

3. In so far as the Writ Petition No.366 of 2020 is concerned,

Mr. Behramkamdin, learned counsel for the petitioner, on instructions, states that the petitioner has already deposited the amount with the respondent no.2 without prejudice to the rights and contention of the petitioner. Statement is accepted.

4. In view of the statement made by the learned counsel for the petitioner, the interim relief granted by this Court on 26th June 2020 as clarified by this order to continue till next date in so far as those invoices are concerned.

5. In so far as the other writ petitions i.e. Writ Petition Nos.WP/LD/VC/93/2020, WP/LD/VC/145/2020, WP/LD/VC/146/2020, WP/LD/VC/147/2020 and WP/LD/VC/148/2020 are concerned, the following order is passed :-

(i) Rule. Learned counsel for the respondents in aforesaid matters waive service.

(ii) The petitioners are directed to deposit the amount as per the invoices issued by the respondent no.2 i.e. QCA within two weeks from today with the respondent no.2 without prejudice to the rights and contentions of the petitioners.

(iii) Upon such deposit, the respondent no.2 shall not raise any demand of payment which are the subject matter of these petitions.

6. In so far as the request of the petitioner in WP/LD/VC/145

of 2020 for break-up of the invoices is concerned, the learned counsel for the respondent no.2 states that all such break-ups are available on website and if necessary, the respondent no.2 agrees to submit such details of break-ups of the invoices in soft copy.

7. At this stage, we are not inclined to go into the dispute about quantification of the invoices raised by the respondent no.2.

8. Hearing of all the petitions are expedited. If the matters are not heard by this Court within six months from today, parties are at liberty to apply for modification of this order passed by this Court.

9. Interim Application No.1 of 2020 in Writ Petition No.366 of 2020 and WP/LD/VC/93 of 2020 are mentioned for speaking to the minutes of the order dated 26th June 2020.

10. Heard learned counsel for the parties. Mr.Behramkamdin, learned counsel for the petitioner has no objection if the order is clarified as sought by the respondent no.3. Statement is accepted. It is ordered accordingly.

“Interim Application No.1 of 2020 in Writ Petition No.366 of 2020 :-

In cause title of the said order, the number of the Writ Petition shall be read as ***Writ Petition No.366 of 2020*** instead of 226 of 2020.

The appearance of the learned counsel shall corrected as shown in paragraph 2 of preceipe dated 12th July 2020 as under :-

“Advocate Harinder Toor a/w Advocate Rahul Sinha I/by DSK Legal for the respondent no.3, MSEDCL.”

It is also clarified that the notice of the respondent no.1 mentioned in paragraph 2 which shall be replaced by the respondent no.2-SLDC which would not demand payment.”

“WP/LD/VC/93 of 2020 :-

The appearance of the learned counsel shall be corrected as shown in preceipe dated 12th July 2020 as under :-

“Advocate Harinder Toor a/w Advocate Rahul Sinha I/by DSK Legal for the respondent no.3, MSEDCL.”

The name of ***Mr.Amit Shashtri, AGP for the Respondent-State*** shall be added in the said order dated 26th June 2020.”

11. In view of the fact that the payment made so far in Writ Petition No.366 of 2020 is made to the respondent no.1. The respondent no.1 and the respondent no.2 to make appropriate adjustment in so far as the said deposit is concerned.

12. This order will be digitally signed by the Private Secretary of this Court. Associate of this Court is permitted to forward the parties copy of this order by e-mail. All concerned to act on digitally signed copy of this order.

V. G. BISHT, J.

R.D. DHANUKA, J.