

WEDNESDAY | 18 JANUARY 2023

Case Update



BOMBAY HIGH COURT DIRECTS MSEDCL TO RECONNECT WIND POWER PROJECT



The Hon'ble High Court of Bombay on 17.01.2023, in a Writ Petition filed by NuPower Renewables Private Limited ("Nu Power"), a Wind Power Producer, provided an interim relief to NuPower by directing Maharashtra State Electricity Distribution Company Limited ("MSEDCL") to reconnect Nu Power's project to the grid, within a period of three days. The said relief was granted subject to furnishing an undertaking to install individual meters at its Project and with the liberty approach the Maharashtra Electricity Regulatory Commission ("MERC") to contest the alleged requirement for such installation. The compliance of installation of individual meters was directed to be subject to MERC's decision in NuPower's proposed application.

The Hon'ble Court, by the said Petition was seized of the issue of arbitrary disconnection of NuPower's Project by MSEDCL. Various other Wind Generators of the State of Maharashtra had also filed Petitions being aggrieved by similar arbitrary actions of MSEDCL and had also filed their respective Writ Petitions before the Hon'ble Court.

Being aggrieved by the arbitrary disconnection their Project, NuPower had sought reconnection of its Project, inasmuch as the Show Cause Notice and subsequent disconnection of its project from the grid by MSEDCL without further notice was arbitrary and illegal. Further, NuPower's Petition was premised on the ground that no material particulars of the alleged contravention of the provisions of the Wind Energy Purchase Agreements ("WEPAs") were provided by MSEDCL either in the Show Cause Notice or before disconnecting NuPower's Project. Nu Power's wind turbines have been operational since their commissioning in 2015 and no objections have been raised by MSEDCL on alleged contravention of the WEPAs regarding installation of individual special energy meters till date, as the Project has been in compliance of the WEPAs and has installed meters as its terms and the extant laws.

NuPower was advised and represented by Mr. Sharan Jagtiani. Sr. Adv. was instructed by Mr. Shri Venkatesh, Managing Partner; Mr. Bharath Gangadharan, Senior Associate; Mr. Jayant Bajaj, Associate and Mr. Punyam Bhutani, Associate of SKV Law Offices.