

FRIDAY | 12 JULY 2024

## Case Update



### APTEL DIRECTS MSEDCL TO SIGN ENERGY PURCHASE AGREEMENT AT PREFERENTIAL TARIFF AS PER THE WIND POLICY, 2015 ISSUED BY GOVERNMENT OF MAHARASHTRA



On 09.07.2024, APTEL passed a Judgment in Appeal No. 199 of 2022 and granted relief to NuPower Renewables Private Limited (“NRPL”) whereby it allowed the appeal and directed Maharashtra State Electricity Distribution Company Limited to sign Energy Purchase Agreement (“EPA”) in respect of its one Wind Turbine (“Subject Wind Turbine”) (out of its Project consisting of total of 15 wind turbines) at preferential tariff in terms of Wind Policy, 2015 issued by Government of Maharashtra (“GOM”).

Notably, NRPL had earlier filed a petition before Maharashtra State Electricity Regulatory Commission (“MERC”) and prayed that it had a legitimate expectation that MSEDCL would sign EPA in respect of its Subject Wind Turbine as it had earlier signed EPAs in respect of its rest of the 14 wind turbines in the Project. However, MERC refused to grant relief to NRPL, *inter-alia*, on the ground that NRPL did not have a valid grid connectivity.

Aggrieved thereof, NRPL filed an appeal before the APTEL and prayed that it had a legitimate expectation that MSEDCL would sign an EPA in respect of its Subject Wind Turbine. In this regard, NRPL relied on a Government Order issued by GOM wherein GOM had directed MSEDCL to regularize various wind power projects, including that of NRPL. In addition, NRPL prayed that in similar facts, APTEL in its Judgment dated 18.08.2022 titled as “*Bothe Windfarm Development Pvt Ltd. v. MERC & Ors*” had granted relief to similarly situated wind generators.

Holding in favour of NRPL, APTEL noted that NRPL had enjoyed a valid grid connectivity considering that its rest of the Project was validly connected to the grid. Further, APTEL noted that NRPL was eligible to qualify under the Wind Policy, 2015 as it had all the requisite approvals. Lastly, APTEL held that NRPL had a legitimate expectation that MSEDCL would sign an EPA at preferential tariff. Accordingly, APTEL allowed the appeal and, *inter-alia*, directed MSEDCL to sign EPA at preferential tariff.

*NuPower Renewables Private Limited was represented by Mr. Shri Venkatesh, Managing Partner assisted by Mr. Bharath Gangadharan (Counsel), Mr. Siddharth Nigotia (Senior Associate) and Mr. Kartikay Trivedi (Associate).*