

ITEM NO.2

COURT NO.8

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 7044/2022

MAHARASHTRA STATE ELECTRICITY
DISTRIBUTION COMPANY LIMITED

Appellant(s)

VERSUS

LALPUR WIND ENERGY PRIVATE LIMITED & ORS.

Respondent(s)

([ONLY I.A. NO.158705 of 2022 in CA no. 7044 of 2022, IA No. 158385 of 2022 in CA no. 7012 of 2022, IA No. 158386 of 2022 in CA no. 7006 of 2022 and IA No. 158708 of 2022 in CA no. 6889 of 2022 ARE LISTED.]

IA No. 158705/2022 - MODIFICATION OF COURT ORDER)

WITH

C.A. No. 7012/2022 (XVII)
(IA No. 158385/2022 - MODIFICATION)

C.A. No. 7006/2022 (XVII)
(IA No. 158386/2022 - MODIFICATION)

C.A. No. 6889/2022 (XVII)
(IA No. 158708/2022 - MODIFICATION)

C.A. No. 7935/2022 (XVII)
(IA No.161175/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.161176/2022-STAY APPLICATION)

C.A. No. 7683/2022 (XVII)
(IA No.159711/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.159712/2022-STAY APPLICATION)

C.A. No. 7639/2022 (XVII)
(IA No.159000/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.159002/2022-EX-PARTE STAY)

C.A. No. 7790/2022 (XVII)
(IA No.160633/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.160634/2022-STAY APPLICATION)

C.A. No. 7640/2022 (XVII)
(IA No.159008/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.159012/2022-STAY APPLICATION)

Date : 21-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Appellant(s) Mr. Balbir Singh, ASG
Mr. G. Saikumar, Adv.
Mr. Ravi Prakash, Adv.
Mr. Samir Malik, Adv.
Mr. Anirudh Bakhru, Adv.
Mr. Rahul Sinha, Adv.
Mr. Sahil Sood, Adv.
M/S. D.s.k. Legal, AOR

For Respondent(s) Mr. Sanjay Sen, Sr. Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Abhishek Munat, Adv.
Mr. Tushar Nagar, Adv.
Mr. Karun Sharma, Adv.
Mr. Wahengbam Immanuel Meitei, Adv.
Mr. Samkrith Rao, Adv.

Mr. Buddy Ranganathan, Adv.
Mr. Ashish Singh, Adv.
Mr. Aakash Kakde, Adv.
Mr. Swetab Kr. Shastri, Adv.
Mr. Somanatha Padhan, AOR
Mr. Ashok Anand, Adv.

Mr. Basava Prabhu Patil, Sr. Adv.
Mr. Varun Chugh, Adv.
Mrs. Geet Ahuja, Adv.
Mr. Harmanjot Singh Gill, Adv.
Mr. Sarad Kumar Singhania, AOR

Mr. Puneet Jain, Adv.
Ms. Christi Jain, AOR
Mr. Umang Mehta, Adv.
Mr. Yogit Kamat, Adv.
Mr. Mann Arora, Adv.
Ms. Shipra Singh, Adv.
Ms. Akriti Sharma, Adv.

Mr. Rahul Chitnis, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bhagla, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

I.A. NOs.158705, 158385, 158386 and 158708 of 2022

Having heard the learned counsel for the parties, we are inclined to partly modify our order and direct that the appellant shall make payment of current charges for the electricity uploaded/injected into the system by the respondents at the rate of Rs. 3.50 per Unit. The balance amount to be paid in terms of the order passed by the Maharashtra Electricity Regulatory Commission (MERC) dated 03.07.2020, shall be deposited in this Court and converted into interest bearing Fixed Deposit Receipt for a period of 12 months, which would be renewed periodically. The deposit in the court would be made bi-monthly.

It is the case of the appellant that they had made the payment of the dues for the period up to 31.03.2017. The appellant shall file an affidavit along with a chart indicating the total amount of electricity uploaded/injected, and the amount with dates of the payment made to each party.

The applications are disposed of accordingly.

We also give liberty to the appellant to move an application for impleadment of parties, which, as per the decision of the appellate tribunal, should not have been given the benefit of the 2015 Policy.

Re-list in the month of February, 2023.

CIVIL APPEAL Nos. 7935, 7683, 7639, 7790, 7640 of 2022

Issue notice, returnable in the month of February, 2023.

Dasti, in addition, is permitted. Interim order(s) as passed will equally apply in the present cases.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)