

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

Review Petition No. 27 of 2025

In
Appeal No. 250 of 2022

Dated : 17th November, 2025

Present: Hon'ble Ms. Seema Gupta, Technical Member
Hon'ble Mr. Virender Bhat, Judicial Member

In the matter of:

M/s. Interocean Shipping Company

Through its Authorised Representative
A-17, Mohan Cooperative Industrial Estate
Near Sarita Vihar Metro Station
Mathura Road, New Delhi – 110044
Email: adv.aloktripathi@gmail.com

... Petitioner(s)

Versus

1. Maharashtra State Electricity Distribution Company Ltd.

Through Chief Engineer (Commercial)
5th Floor, Prakashgadh, Plot No. G-9
Anant Kanekar Marg, Bandra (East)
Mumbai – 700051
Email: ceremsedcl@gmail.com

2. Maharashtra Energy Development Authority

Through the Chairman
MHADA Commercial Complex
II Floor, Opposite Tridal Nagar
Pune, Maharashtra – 411 006
Email: manrd@mahaurja.com

3. Maharashtra Electricity Regulatory Commission

Through its Secretary
World Trade Centre, Centre No. 1

13th Floor, Cuffe Parade
Mumbai – 400005

Email: anilkumar.ukey@merc.gov.in

... Respondent (s)

Counsel for the Petitioner(s) : Alok Tripathi
for App. 1

Counsel for the Respondent(s) : G. Umapathy, Sr. Adv.
Udit Gupta
Anup Jain
Vyom Chaturvedi
Amarnath D. Sahoo
Pragya Gupta
Nishtha Goel
for Res. 1

Shruti Iyer
Muktai Rahatgaonkar
Anandh K
Ravi Deshmukh
Nishita Jagetia
Ang Bajaj
Tanish Gupta
for Res. 2

Pratiti Rungta
for Res. 3

ORDER

PER HON'BLE MR. VIRENDER BHAT, JUDICIAL MEMBER

1. The Petitioner/Applicant is seeking review of the judgement of this Tribunal dated 2nd May, 2024 passed in Appeal No. 250 of 2022.
2. The said appeal was filed by Petitioner/Applicant, a wind power generator operating a wind mill with an installed capacity of 0.85 MW located in Village Altur District Kolhapur, Maharashtra against the order

dated 4th November, 2022 passed by Maharashtra Electricity Regulatory Commission where by its claim for compensation for energy injected by it into the grid from the said wind mill as well as other ancillary prayers made in Petition No. 157 of 2021 had been rejected.

3. Vide the judgement under review, this Tribunal allowed the appeal and held the petitioner/Applicant entitled to be compensated for the electricity injected by its wind turbine generator into the grid with effect from the date on which it had applied to Maharashtra Energy Development Authority (MEDA) for registration i.e. 21st November, 2015 till 2nd June, 2020.

4. It is contended in the Review Petition that this Tribunal has passed the judgement under review while relying on the previous judgement of this Tribunal in Appeal No. 119 of 2020 dated 18th August, 2022 along with batch (Bothe's case) but has made a departure from the conclusion in the said case by restricting the entitlement of petitioner for compensation w.e.f 21st November, 2015 only i.e. the date when it applied for registration of its wind turbine with MEDA. Learned Counsel for the petitioner pointed out that in Bothe's case, this Tribunal had directed the MSEDCL to pay compensation to the wind power producers from the date of the commissioning of the power projects equivalent from the Average Power Purchase cost prevailing at the time of the

commissioning of those projects. Reference is also made to another judgement of this Tribunal in Appeal No. 103 of 2021 Greenko Maha Wind Energy Private Limited vs. Maharashtra State Electricity Regulatory Commission and Ors. in which also this Tribunal directed the MSEDCL to issue credit notes to the wind power producer for the energy supplied from its wind turbine generator into the grid with effect from the date of commissioning of the generator.

5. We have considered the submissions of the Learned Counsel for the petitioner and have perused the Review Petition as well as the judgement under review.

6. It is not disputed that as per the provisions of RE Policy, 2015 issued by the Government of Maharashtra, it was mandatory from the wind power projects established under the said policy to get registered with MEDA. The relevant provisions of the said policy has been extracted in para 14 of the judgement under review. Clause 2.9 of the policy is material for our discussion and is reproduced hereinbelow :-

“2.9. The wind power projects established under this policy are required to be registered with Maharashtra Energy Development Agency (MEDA).”

7. Concededly, as also noted in the judgement under review, the Petitioner/Appellant had set up its wind power project under the said RE

Policy dated 20th July, 2015 and has applied for registration of the same with MEDA vide letter dated 21st November, 2015. Ultimately, the project was registered on 20th August, 2019. However, in view of the judgement of this Tribunal in Bothe's case, it was observed that the registration granted by MEDA to petitioner's wind power project in 2019 would relate back to the date when the petitioner had submitted its application for registration of the project i.e. 21st November, 2015. Accordingly, in the light of the same, the petitioner was held entitled to tariff for the electricity generated and injected by it into the grid from the date on which it fulfilled all the eligibility requirements i.e. the date on which it had applied to MEDA for registration.

8. It is true that Bothe's case as well as in the subsequent Appeal No. 103 of 2021 (Greenko's case) involved identical fact situations and this Tribunal had held the wind power producers in those cases entitled to compensation for the electricity generated by them and injected into the grid from the date of commissioning. However, it appears that this Tribunal, while delivering those judgements have not taken into account the fact that unless and until the wind turbine generators applied and obtained registration from MEDA as required under the RE policy, they cannot be stated to have fulfilled the eligibility criteria. It is manifest that this Tribunal has erred in holding the wind power producers in those

judgements entitled to compensation from the date of their commissioning and not from the date of their registration with MEDA.

9. We feel it against the interest of justice as well as against the interests of the consumers to perpetuate the said error and therefore, the petitioner in the instant case cannot held entitled to compensation from the date of the commissioning of wind power project and has rightly been held entitled to compensation from the date when it had submitted its case for registration with MEDA.

10. Hence, we do not find any patent error in the judgement under review. The Review Petition is sans any merit and is hereby dismissed.

Pronounced in the open court on this 17th day of November, 2025.

(Virender Bhat)
Judicial Member

(Seema Gupta)
Technical Member (Electricity)

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REPORTABLE / ~~NON-REPORTABLE~~

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