

**COURT-II**

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY  
(APPELLATE JURISDICTION)**

**ORDER IN APPEAL NO. 30 OF 2015**

**Dated: 18<sup>th</sup> December, 2017**

**Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member  
Hon'ble Mr. S.D. Dubey, Technical Member**

**In the matter of:**

**Shendra Green Energy Ltd.  
D-197, MIDC Shendra Jalna Road,  
Aurangabad-431201**

... **Appellant(s)**

**Versus**

**1. Maharashtra Electricity Regulatory Commission  
13<sup>th</sup> Floor, Centre No. 1, World Trade Centre  
Cuffe Parade  
Mumbai-400 005**

**2. Maharashtra State Electricity Distribution  
Company Limited  
Through Chairman & Managing Director  
Prakashgad, Bandra (East)  
Mumbai-400051**

**3. Maharashtra Energy Development Agency  
MHADA Commercial Complex  
Opp. Tridal Nagar, Yerwada  
Pune-411006**

... **Respondent(s)**

Counsel for the Appellant (s) : Mr. Rajiv Yadav

Counsel for the Respondent(s) : Mr. Buddy A. Ranganadhan for R-1

Ms. Nikita Choukse for R-2

In the instant case, the appellant sought following relief :-

- a) Set aside the order dated 27.10.2014, passed by the Ld. Maharashtra Electricity Regulatory Commission in case No. 69 of 2014;
- b) Direct the Ld. Maharashtra Electricity Regulatory Commission to re-determine cost plus tariff in respect of renewable energy supplied by the Appellant's 13 MW biomass based plant to MSEDCL.

- c) Pass such other or further orders as this Hon'ble Tribunal may deem fit and proper in the facts of the case.

## **ORDER**

The Appellant, being aggrieved by the impugned order dated 27.10.2014, passed in case No. 69 of 2014 on the file of the Maharashtra Electricity Regulatory Commission, Mumbai, Respondent No. 1 herein, vide Annexure A-1, presented this appeal following question of law :-

- (i) Whether, by declining to examine the Appellant's case for redetermination of tariff on merits, the Ld. State Commission has failed to exercise the jurisdiction conferred upon it under Sections 62(1), 62(4) and 86 of the Electricity Act, 2003?
- (ii) Whether the impugned order has been passed without adhering to the principle of cost-plus tariff envisaged under the Electricity Act, 2003?
- (iii) Whether the Ld. State Commission was justified in mechanically adopting the tariff order dated 8.8.2005, even though the same was premised upon unverified assumptions?
- (iv) Whether the impugned order has been passed without appreciating the extant law laid down by this Hon'ble Tribunal and the Hon'ble Supreme Court of India?
- (v) Whether the impugned order has been passed by the State Commission de hors the omnibus role of a sector regulator envisaged under the provisions of the Electricity Act, 2003.
- (vi) Whether the State Commission was justified in ignoring the initial submissions made on behalf of MSEDCL and MEDA?
- (vii) Whether the State Commission has failed to take a balanced approach in the facts and circumstances of the case, so as to balance the interest of all the stakeholders?

We have heard the learned counsel appearing for the appellant and the learned counsel appearing for the respondent.

The learned counsel, Shri Rajiv Yadav, appearing for the Appellant, on taking instructions from the appellant, submitted that the instant Appeal, being Appeal No. 30 of 2015, filed by the Appellant, may kindly be dismissed as not pressed.

The learned counsel appearing for the Respondent Nos. 1 & 2 submitted that the submission made by the appellant may place on record and the instant appeal may be dismissed as not pressed as requested by the learned counsel appearing for the appellant.

The submissions made by the learned counsel appearing for the parties, at supra, place on record.

The appeal filed by the learned counsel appearing for the appellant is dismissed, as not pressed, as requested by the learned counsel appearing for the appellant.

With these observations, the instant Appeal, being Appeal No. 30 of 2015, on the file of this Appellate Tribunal for Electricity, New Delhi, stands disposed of. Order accordingly.

**(S.D. Dubey)**  
**Technical Member**

**(Justice N.K. Patil)**  
**Judicial Member**

*js/kt*