

No. CE/RE/MERC/ **No 243 17**

Date: **1 OCT 2021**

To,
The Secretary,
Maharashtra Electricity Regulatory Commission,
13th Floor, Centre No.1, World Trade Centre,
Cuffe Parade, Colaba, Mumbai – 400 005.

Sub: Application for withdrawal of the petition No. 338 of 2019.

Ref: 1. Letter No. 591 AND/NS/2021 dated 22.09.2021.
2. Your office e-mail dated 28.09.2021

Respected Sir,

With reference to above subject, this is to state a letter was submitted to Hon'ble Commission to allow us to withdraw the present petition with liberty to approach the Hon'ble Commission.

This office is in receipt of your office e-mail regarding the subject matter and further, it was informed that for withdrawal of the said petition kindly file proper application along with Affidavit apprising the factual matrix in the matter.

In this regard, please find enclosed herewith notarized "Application for withdrawal of the Petition" in Case No. 338 of 2019.

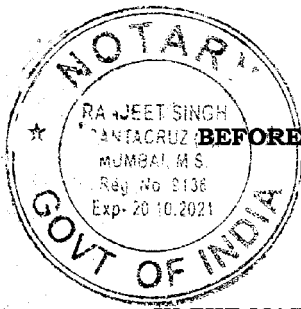
Submitted for your further needful please.

Thanking You

Regards,


Chief Engineer (Renewable Energy)

Copy s.w.r. to: The Director (Commercial), MSEDCL, Mumbai.



**BEFORE THE MAHARASHTRA ELECTRICITY REGULATORY COMMISSION,
MUMBAI**

CASE NO. 338 OF 2019

IN THE MATTER OF:

Maharashtra State Electricity Distribution Company Ltd. ... Petitioner

VERSUS

Maharashtra Energy Development Authority ... Respondent

APPLICATION FOR WITHDRAWAL OF THE PETITION

1. The Petitioner has filed the above Petition seeking reclassification of the windzones of the wind energy projects in Maharashtra pursuant to the Report submitted by MEDA {Annexure IV to the Petition of the Petitioner} upon the study of the classifications of windzones in the State of Maharashtra pursuant to the Order dated 09.07.2018 of the Hon'ble Commission in Case No. 152 of 2018 (Review of the Order dated 03.04.2018 passed in Case No. 41 of 2017) and the liberty granted by the Hon'ble Commission in Case No. 108 of 2019 (a public consultation process on the MEDA Report), vide its Order dated 10.07.2019 which is in terms of the Order of the Hon'ble Bombay High Court.
2. The Hon'ble Commission vide Public Notice dated 19.06.2021, has invited comments/ objections/ suggestions to the Petition filed by MSEDCL. Various wind Generators have filed the objections to the maintainability of the above Petition, by virtue of Miscellaneous Applications. The said matters were scheduled for hearing on the objections on 16.07.2021.
3. In the meantime, one Wind Independent Power Producers Association filed Original Petition No. 11 of 2021 before the Hon'ble Appellate Tribunal for Electricity, New Delhi challenging the process of e-public hearing to be conducted by the Respondent No. 1 on 16.07.2021 in respect of the petition being Case No. 338 of 2019. The said Petition was heard on 14.07.2021 preliminarily and reserved for orders.
4. The Objections filed in the above Case before Hon'ble Commission came to be heard on 16.07.2021. Arguments were advanced by all parties in furtherance to their respective cases and the Applications came to be reserved for Orders.
5. Subsequently, the Hon'ble Appellate Tribunal for Electricity, New Delhi, passed an Order dated 19.07.2021 in the said Original Petition No. 11 of 2021, wherein it was pleased to hold as follows:

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On going through, we note from the orders of the Hon'ble High Court, at the time of disposal of the said Petition before the High Court, the present Petitioner was neither a party to the proceedings nor was a party to the Petition filed before the 1st Respondent. We are of the opinion that since the tariff for existing project was already determined earlier, if the question of re-determination of the desired tariff is raised in the present proceedings, it may amount to res judicata. Therefore, we are of the opinion that maintainability of the present public hearing needs to be heard as preliminary issue.

Till maintainability of the present proceedings is decided, the Respondent Commission shall not proceed further in the matter pending before it."

- 6. The Petitioner, after internal deliberations has decided to withdraw the above Petition with liberty of the Hon'ble Commission to file appropriate Petition (s) in respect of the subject matter.
- 7. Therefore, the present Application is being filed seeking leave to withdraw the above Petition with liberty of the Hon'ble Commission to file appropriate Petition (s) in respect of the subject matter.
- 8. It is submitted that no harm or prejudice, whatsoever shall be caused to the Respondents/ objectors if the present application is allowed, whereas grave prejudice would be caused to the Petitioner if the present application is rejected.

In view of the aforesaid contentions, it is respectfully prayed that this Hon'ble Commission may be pleased to:

- (a) Permit the Petitioner to withdraw the above Petition with liberty of the Hon'ble Commission to file appropriate Petition (s) in respect of the subject matter

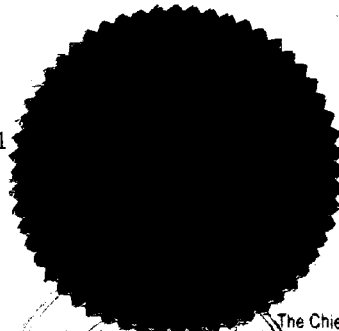
(b) Pass such further order or orders as this Hon'ble Commission may deem just and proper in the circumstances of the case.

NOTARIAL
 NOTARY
 RA JEET SINGH
 ANANTKANEKAR (E)
 MUMBAI M.S.
 Reg. No. 5105
 Exp- 20.10.2021
 GOVT OF INDIA

Place: Mumbai.
Date: 01st Oct 2021

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 RA JEET SINGH
 ANANTKANEKAR (E)
 MUMBAI M.S.
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Advocate for Petitioner



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Shant

Petitioner
Office of

BEFORE ME

The Chief Engineer (Renewable Energy), MSEDCL,
Prakashgad, 5th Floor,
Prof. Anant Kanekar Marg,
Bandra (East), Mumbai - 400051

[Signature]

RA JEET SINGH
M.Sc., LL.B.

NOTARY
MAHARASHTRA
GOVT. OF INDIA

01 OCT 2021