

ITEM NO.63

COURT NO.2

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s).202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. & ORS. Respondent(s)

[2] INTERLOCUTORY APPLICATION NO. 72406/2018 [APPLICATION FOR DIRECTIONS]IN RE : WIND WORLD INDIA LTD.

Date : 02-11-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE R. SUBHASH REDDY

Mr. Harish N. Salve, Sr. Adv. [A.C.](NP)

Mr. A.D.N. Rao, Advocate [A.C.]
Mr. Sudipto Sircar, Adv.

Mr. Siddhartha Chowdhury, Advocate [A.C.]

Ms. Aparajita Singh, Advocate [A.C.]

For Petitioner(s)

For Respondent(s)

Mr. A.N.S. Nadkarni, ASG
Mr. R. Bala, Adv.
Mr. Sachin Sharma, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. A.K. Sharma, Adv.
Mr. Ritesh Kumar, Adv.
Mr. Devasis Bharuka, Adv.
Ms. Suhasini Sen, Adv.
Mr. G.S. Makker, Adv.

For S.No. [2]

Mr. K.V. Viswanathan, Sr. Adv.
MR. Himinder Lal, Adv.
Mr. Yaduinder Lal, Adv.
Ms. Rajni Ohri Lal, Adv.
Ms. Sumeeta Sharma, Adv.

Karnataka

Mr. V.N. Raghupathy, Adv.

	Mr. Parikshit P. Angadi, Adv.
Maharashtra	Mr. Nishant R. Katneshwarkar, Adv. Mr. Anoop K., Adv. Ms. Suvarna Sanu, Adv. Ms. Deepa Kulkarni, Adv.
Madhya Pradesh	Mr. Arjun Garg, Adv.
Rajasthan	Mr. S.S. Shamsbery, AAG Mr. Amit Sharma, Adv. Mr. Ankit Raj, Adv. Ms. Nidhi Jaswal, Adv. Ms. Indira Bhakar, Adv. Ms. Ruchi Kohli, Adv.

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

Learned counsel for the applicant has drawn our attention to an order dated 2nd December, 2013 passed in I.A. No.2785.

In the aforesaid order, it has been noted that the Central Empowered Committee had recommended that wind energy projects be given extra 50 per cent of the Net Present Value at the minimum rate for the reason that wind energy projects were eco-friendly. Accordingly, on the basis of this recommendation which was accepted by this Court, an opinion was expressed that the project of the applicant therein should be given the benefit of 50 per cent Net Present Value even though the project had started prior to the order granting exemption.

We see no reason to differ from the view taken by this Court on 2nd December, 2013.

Under the circumstances, it appears that the applicant may be entitled to some refund. This may be

calculated by the concerned authorities and necessary refund, if any, should be paid within four weeks from today.

We make it clear that we have not been informed whether the order dated 2nd December, 2013 has been modified or not. We are proceeding on the basis that there is no modification of this order.

Application stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR