

UNTANGLING LEGAL KNOTS: HIGH COURT'S DIRECTIVES EMPOWER THE PROJECT OF TATA POWER SAURYA LIMITED TO PROCEED AS PER ITS SCHEDULE



The Hon'ble High Court of Bombay Bench at Aurangabad vide its order dated 29.01.2024 passed in W.P No. 1083 of 2024 vacated an Injunction Order whereby it had ordered status quo of a project being executed by T.P Saurya Limited (TPSL) through its contractor. In turn, such an Order stalled the commissioning of the 300 MW Wind Solar Hybrid Power Project with respect to the erection, testing, and commissioning of the 220 Kv Transmission Line.

The Petitioner has preferred the Writ Petition to restrain the Respondents from entering his land to execute the Project claiming rights created in its favour for carrying out mining activity. The status quo Order was granted on the alleged ground that towers for stringing high-tension wires have not been constructed and the work in relation to stringing of cables of 200 KV has not commenced among others. Considering the above, the Hon'ble Court vide order dated 29.01.2024 granted an ex-parte stay in the matter.

Being aggrieved by such an Injunction order and non-disclosure of essential facts by the Petitioner, TPSL approached the Hon'ble Court seeking vacation of the Injunction Order on the ground that the construction of towers has already been completed and an alternate remedy existing through the regulatory framework was conveniently ignored. Similarly, an application pointing out the stoppage of work on the site to the concerned authority being District Collector has already been moved by the Contractor and despite same, the Hon'ble Court is being approached. Further, objections to the non-grant of such mining permission are also pending before the District Collector.

Appreciating the above, the Hon'ble Court directed that the Project of the TPSL may proceed as per its schedule and the parties are being directed to approach the concerned authorities. Hon'ble Court also granted time-bound directions to the parties to approach the District Collector to pass the necessary Order within a week thereby bringing much relief to the project proponent.

T.P Saurya Limited was represented by Mr. Shryeshth Ramesh Sharma, Partner assisted by Mr. Abhishek Nangia, Senior Associate, and Mr. Mohit Gupta, Associate

To access the Order, please [click here](#).