

MONDAY | 27 JANUARY 2025



Case Update

TATA POWER COMPANY LTD. SUCCESSFULLY VACATES INJUNCTION OVER THEIR DEDICATED TRANSMISSION LINE IN MADRAS HIGH COURT



On 10.01.2025, The Madras High Court ruled in favour of Tata Power Company Ltd., allowing the company to proceed with the construction of a high-tension transmission tower that had been halted by an interim injunction granted by the Madras High Court in a Writ Petition (W.P. No. 31649 of 2024). The case revolved around the petitioner's contention that the proposed tower would be erected on a water body in Senathipalayam Village, Kangayam Taluk, Tiruppur District; potentially causing adverse effects on irrigation and risks to villagers and livestock.

The Writ Petition was filed by an agricultural landowner, challenging the permission granted by the Velappanaickenvalasu Village Panchayat for the construction. The petitioner argued that the project would disrupt water storage and endanger local residents. On October 23, 2024, the Madras High Court granted an interim stay, preventing the construction of the tower.

Tata Power Company Ltd., represented by its subsidiary T.P. Vardhaman Surya Limited, contested the stay. The company argued that the transmission project, part of a 198 MW wind energy project in Tiruppur and Karur districts, had received prior approval from the Ministry of Power under Section 68(1) of the Electricity Act, 2003. Furthermore, the Ministry conferred powers under Section 164 of the Electricity Act, granting authority equivalent to a telegraph authority under the Indian Telegraph Act, 1885.

The respondent also highlighted compliance with procedural requirements, including public notices inviting objections from residents. No objections were reportedly raised during this period, after which the Panchayat granted approval. Tata Power emphasized that the project was critical to public interest and aligned with the government's renewable energy initiatives.

During the proceedings, the respondent assured the Court that the tower would not obstruct water flow or alter the land's physical characteristics. The company also undertook to implement necessary safeguards to address villagers' concerns, ensuring the safety of residents and livestock. The Court considered these assurances while balancing the competing interests of public infrastructure development and individual concerns.

The Hon'ble Madras High Court noted the significance of the project as a public infrastructure initiative and the absence of substantial harm to the petitioner or the local community. The Court emphasized the need for judicial restraint in granting injunctions against infrastructure projects, as mandated by Section 20-A of the Specific Relief Act, 1963, as amended in 2018.

Accordingly, the High Court directed local authorities, including the District Collector and the Tahsildar, to convene a public meeting to address villagers' concerns about the project and its safety. Subsequently, the High Court vacated the interim stay, enabling Tata Power to proceed with the construction. The Writ Petition was dismissed, and the associated miscellaneous petitions were disposed of accordingly.

The Hon'ble Madras High Court's Order vacating the stay can be accessed [here](#).

T.P. Vardhaman Surya Limited was represented before the Madras High Court by Sr. Adv. CS Vaidyanathan and Sr. Adv. Satish Parasaran, instructed and assisted by Shri Venkatesh, Managing Partner; Suhael Buttan, Counsel; Ashutosh Srivastava, Counsel; Vineet Kumar, Senior Associate; Nikunj Bhatnagar Associate and Drishti Rathi, Trainee Associate of the SKV Law offices Team along with Adv. Abhinav Parthasarathy.