

## Civil Appeal Dismissed in Dispute Against Power Transmission Project



On 31st May 2025, the Ld. District Court of Bulandshahr dismissed a Civil Appeal at the admissibility stage whereby the Appellant-Plaintiff while challenging the trial court Judgement dated 20th May 2025 and decree dated 22nd May 2025 had sought permanent injunction to the effect that T.P Jalpura Khurja Power Transmission Ltd. ("**TP Jalpura Khurja**") shall not interfere with his alleged peaceful possession over the land in Dhanora Village in Sikandrabad Tehsil of Bulandshahr District ("**Subject Land**")

TP Jalpura Khurja is a wholly owned subsidiary of Tata Power Company limited, and as a transmission licensee is exercising its powers as a Telegraph Authority under Section 164 of the Electricity Act for the Jalpura transmission project.

The Plaintiff while asserting his ownership and possession over the Subject Land, alleged before the trial court that TP Jalpura Khurja sought to forcibly lay a power transmission line through a parcel of Subject land which had a mango orchard and associate structures. On 11.12.2024, the trial Court vide its Order has erroneously granted temporary injunction directing TP Jalpura Khurja to refrain itself from interfering in the Subject Land.

Being aggrieved, T.P Jalpura Khurja as a transmission licensee had filed an application before the trial court under Order VII Rule 11 of the Civil Procedure Code ("**CPC**") seeking rejection of the plaint. It was argued by TP Jalpura Khurja that the plaintiff had failed to disclose a cause of action, and had misled the court into granting an interim injunction and approached the civil court by bypassing the statutory remedy available to him under the Indian telegraph Act, 1885. It was also asserted that the project was duly approved by the relevant authorities, such as the Government of Uttar Pradesh and the Uttar Pradesh Electricity Regulatory Commission ("**UPERC**"), and that no transmission towers were being erected on the land parcel owned by the plaintiff.

The preceding trial court had accepted these contentions and held that civil suit being filed by the Plaintiff is barred in light of the alternative remedy available under Section 16 and 17 of the Indian Telegraph Act. The trial court had also observed that there exists a statutory bar on granting injunctions under Section 20A and Section 41(ha) of the Specific Relief Act, 1963, which restricts injunctions in suits involving infrastructure projects of public interest. The trial court's findings also stated that the Plaintiff had not specifically denied that the transmission project is not being executed over his land and observed that the pleadings in the plaint indicated an admission of the project's existence.

The District Court upheld these findings and affirmed that there is statutory bar on the jurisdiction of civil courts in light of the efficacious alternative remedy available under the Telegraph Act and the Electricity Act. It further affirmed the findings of the trial court that the suit could not be maintained under the Specific Relief Act due to the nature of laying down the electricity transmission line as an infrastructure project. The District Court further found no merit in the contention that the Application preferred by TP Jalpura Khurja under Order VII Rule 11 of the CPC was premature in the absence of a written statement or framing of issues. The district court further reiterated that at the stage of an application being filed under Order VII Rule 11 of the CPC, only the contents of the plaint has to be considered.

The District Court while soliciting the above findings, referred to the Supreme Court's rulings on the exclusion of civil jurisdiction in cases where a statutory framework provides for an efficacious remedy. It was also noted that the Plaintiff had not established a valid cause of action and hence there were no merits in its Appeal to be admissible.

*TP Jalpura Khurja Power Transmission Limited was represented before the District Court, Bulandshahr by Shri Venkatesh (Founding Partner), Shryeshth R. Sharma (Partner), Abhishek Nangia (Senior Associate) and Mohit Gupta (Associate) of the SKV Law Offices team.*