

TUESDAY | 27 MAY 2025
Case Update



Rajasthan High Court Vacates Interim Stay Against TP Bikaner Transmission Project



On 27th May 2025, a Division Bench of the Rajasthan High Court vacated an interim stay granted by the Single Judge and allowed TP Bikaner III Neemrana II Transmission Limited ("**TP Bikaner**") to proceed with the construction of the transmission lines.

The proceeding stems from a writ petition filed by a private landowner, seeking to restrain TP Bikaner from laying transmission infrastructure on his land. On 7th March 2025, the Single Judge had stayed the project execution.

TP Bikaner filed a D.B. Special Appeal, arguing that the stay order would significantly delay an infrastructure project squarely covered under the Schedule to Section 20A of the Specific Relief Act, 1963. It was contended that as per the Schedule to Section 20A read with Section 41(ha) of the Specific Relief Act, 1963 – there was an express bar on the grant of injunctions that hinder the progress of notified infrastructure projects.

TP Bikaner submitted that the company had obtained all requisite statutory approvals and was the recipient of a Transmission License from the Central Electricity Regulatory Commission ("**CERC**") under Section 14 of the Electricity Act, and the requisite approvals under Section 68 read with Section 164 of the Electricity Act. It was also contended that the compensation had consistently been offered to the landowner in accordance with the Rajasthan State Policy.

TP Bikaner also placed on record that the grievance raised in the writ petition also pertained to matters squarely covered under Sections 10, 16 and 17 of the Indian Telegraph Act. The District Magistrate had already issued directions for compensation through a letter and had quantified a payable amount based on the evaluation by relevant authorities.

TP Power also indicated its willingness to tender a demand draft for the compensation amount immediately to the private landowner. However, the counsel representing the landowner argued that the compensation should be calculated as per the Central Guidelines, 2024 issued by the Ministry of Power, and not the Rajasthan State Policy.

The High Court rejected the landowner's contentions and observed that the infrastructure projects cannot be restrained solely on the grounds relating to compensation, especially when there is a statutory mechanism under the Telegraph Act that remains available for redressal. It was noted that the compensation determined under the Rajasthan policy was duly affirmed by the relevant authorities.

Most pertinently, the High Court clarified that if the land owner was aggrieved by the quantum of compensation, he possesses the right to challenge the same before the appropriate authorities.

Accordingly, the Hon'ble High Court vacated the interim stay order dated 07th March 2025, and disposed of the special appeal. TP Bikaner was directed to hand over the demand draft for the compensation to the counsel of the private landowner forthwith.

Click [here](#) for the orders in this Case.

TP Bikaner III Neemrana II Transmission Limited was represented before the Rajasthan High Court by Sr. Adv Mr J.P. Goyal and Assisted by Mr. Shri Venkatesh (Founding Partner), Mr. Shryeshth R. Sharma (Partner), Mr. Akash Lamba (Senior Associate), Vedant Choudhary (Associate) and Mr. Kunal Veer Chopra (Associate) of SKV Law Offices.