

Allahabad High Court, Lucknow Bench Stays Injunction granted by Civil Court on the 765kV Transmission Line Project being developed by Tata Power's South East Uttar Pradesh Power Corporation Limited in Gonda



The Allahabad High Court, Lucknow Bench ("Hon'ble Court") has granted interim reliefs in two Writ Petitions filed by the South East Uttar Pradesh Power Transmission Company Limited ("SEUPPTCL"), against civil court injunctions that halted the development of 765kV transmission line project in Gonda district.

SEUPPTCL assailed the injunctions (one passed on 22.05.2025 by the Civil Judge (Senior Division) in Civil Suit No. 207/2025 and the other passed on 28.05.2025 the Civil Judge (Senior Division) in Civil Suit No. 228/2025) by filing two separate Writ Petitions before the Hon'ble Court bearing No. 6023 of 2025 and Writ Petition No. 6025 of 2025. The Civil Court had by passing the injunction order has gone beyond the statutory mandate. SEUPPTCL in its Writ Petitions has vehemently argued that this injunction jeopardizes an essential power infrastructure project, and has cited jurisdictional overreach and statutory violations by the Civil Court.

SEUPPTCL's challenge was the assertion that the civil court lacked jurisdiction to entertain the matter. SEUPPTCL argued that the Telegraph Act, 1885, provides a self-contained and exclusive dispute resolution mechanism—requiring landowners to first approach the telegraph authority (in this case, SEUPPTCL) under Section 17(1), and if unresolved, escalate to the District Magistrate under Section 17(2). The impugned civil court order bypassed this established legal hierarchy, rendering the proceedings procedurally defective. SEUPPTCL further pointed out that Respondent No. 2 never approached the District Magistrate, making the institution of the civil suit untenable.

Additionally, SEUPPTCL invoked Section 20A and Section 41(ha) of the Specific Relief Act, 1963, to argue that the project qualifies as critical public infrastructure. Under the Act's Schedule Group 2(b), electricity transmission lines are recognized as infrastructure projects where injunctive relief is generally barred, barring exceptional circumstances.

SEUPPTCL has also contended before the Hon'ble Court that the two civil suits amounted to forum shopping, particularly impermissible under Section 10 of the Civil Procedure Code, as parallel proceedings were already pending in Writ-C No. 2559 of 2024 and Writ-C No. 4778 of 2025 which have been filed by the same landowners. It was submitted that the landowners had made material misrepresentations before the civil court by concealing critical statutory approvals obtained by SEUPPTCL. SEUPPTCL holds a valid transmission license issued by the Uttar Pradesh Electricity Regulatory Commission (UPERC) since 2013, and the transmission line's proposed route—although passing through the villages of the landowners, which falls within the purview of the Section 164 notification, which covers adjoining villages (which do fall in the ambit of the said notification). This position has judicial backing in *Lavlesh Kumar Shukla v. State of UP* (2025).

Taking note of these jurisdictional objections and statutory protections under Section 145 of the Electricity Act, 2003, and Section 20A of the Specific Relief Act, the High Court issued formal notice to the concerned landowners and directed expeditious service of the writ petitions. Crucially, the Court granted a stay on the operation of the civil court's impugned orders, thereby enabling SEUPPTCL to proceed with the transmission project pending further hearing.

The proceedings underscore a recurring conflict wherein individual landowners hinder the execution of critical power infrastructure projects, despite the existence of statutory frameworks intended to balance private rights with broader public interest. SEUPPTCL apprised the Hon'ble Court that such delays could lead to significant cost overruns and jeopardize essential electricity supply objectives.

Click here to read the Hon'ble High Court's Order in Writ Petition No. [6023 & 6025](#).

SEUPPTCL was represented before the Allahabad High Court by Shri Venkatesh (Founding Partner), Shryeshth R. Sharma (Senior Partner), Abhishek Nangia (Senior Associate) and Kunal Veer Chopra (Associate) of the SKV Law Offices Team.