

HIGH COURT OF JUDICATURE AT ALLAHABAD

SKV Secures Final Disposal of Writ and Vacation of Transmission Line Restraint for Tata Power Jalpura Khurja

September 2026, New Delhi: SKV Law Offices successfully represented TP Jalpura Khurja Power Transmission Limited before the Hon'ble High Court of Judicature at Allahabad in proceedings concerning a right of way dispute obstructing the energisation of a critical intra-State transmission project. By its order dated 01.09.2026, the Hon'ble High Court vacated the interim order restraining energisation of the transmission line and disposed of the Writ Petition, enabling TP Jalpura to proceed with the final commissioning of the project and the line.

Background

The writ petition was instituted before the Hon'ble High Court of Judicature at Allahabad under Article 226 of the Constitution of India by TP Jalpura Khurja Power Transmission Limited ("TP Jalpura") seeking administrative support and adequate police assistance from the District Magistrate, Gautam Buddha Nagar, for completion of the pending construction work of the overhead transmission line at Village Khairpur Gurjar, Tehsil Dadri, District Gautam Buddha Nagar, Uttar Pradesh. The construction work was being obstructed by certain private landowners who were invoking an interim order dated 04.01.2021 passed in a separate writ proceeding concerning inter-se disputes between them relating to possession of land.

TP Jalpura is implementing the 400/220 kV, 2x500 MVA GIS Substation Metro Depot (Greater Noida) and GIS Substation Jalpura with associated lines, on a Build, Own, Operate and Transfer ("BOOT") basis for 35 years

pursuant to a Transmission Service Agreement dated 05.04.2024 executed with UPPTCL, with the Scheduled Commercial Operation Date fixed for June 2026. TP Jalpura had obtained all requisite statutory authorisations for the project, including approvals under Sections 68 and 164 of the Electricity Act, an intra-State transmission licence from UPERC, and a No Objection Certificate from GNIDA. By its order dated 16.06.2026, the Hon'ble High Court (Vacation Bench) permitted TP Jalpura to proceed with installation of the transmission line, while restraining energisation thereof pending final adjudication of the writ petition; TP Jalpura thereafter completed construction of the line in its entirety, leaving only energisation pending.

Submissions by SKV Law Offices

SKV Law Offices, appearing on behalf of TP Jalpura, submitted that the construction of the transmission line had since been completed in its entirety and only the energisation of the said line remained pending, the delay in which was occasioned solely on account of the interim restraint imposed by the order dated 16.06.2026.

It was submitted that the private respondents have inter-se disputes between themselves regarding possession of the Subject Land over which the transmission lines have been drawn, and that these disputes are entirely distinct from TP Jalpura's statutory right of way for overhead electricity transmission under the Electricity Act, 2003 and the Indian Telegraph Act, 1885. It was urged that the interim order dated 04.01.2021 pertained exclusively to the question of

possession of land as between the parties therein and the State/GNIDA, and could not in any manner restrain the statutory right of TP Jalpura to energise the transmission line.

SKV Law Offices further emphasised the time-bound nature of the project and the significant time overrun already occasioned, and submitted that the private respondents must find their remedy in proceedings concerning possession and compensation, rather than continuing to obstruct a project of national importance.

Decision of the Hon'ble Court

The Hon'ble Division Bench of Hon'ble Arindam Sinha, J. and Hon'ble Satya Veer Singh, J. accepted the submissions made on behalf of TP Jalpura and held that the private respondents are eligible for possession of the Subject Land and for compensation in respect thereof, and that such remedies must be pursued through appropriate proceedings. The Hon'ble Court further held that the subsequent filing of a counter affidavit opposing the writ petition could not prevent the direction from being issued in favour of TP Jalpura for energising the transmission line.

Accordingly, the interim order dated 16.06.2026, insofar as it restrained the petitioner from energising the transmission line, was vacated, and the writ petition was disposed of, hence the whole line of TP Jalpura can be energized now.

Significance

The order is significant in affirming that private inter-se land disputes between landowners cannot be invoked to obstruct the exercise of statutory rights of way by a licensed transmission company under the Electricity Act, 2003 and the Indian Telegraph Act, 1885. The order further reinforces the principle that parties claiming possession or compensation over land traversed by transmission infrastructure must seek their remedies through appropriate proceedings and cannot hold up the commissioning of critical public utility projects of national importance. With the vacation of the restraint on energisation, TP Jalpura is now enabled to proceed with the final commissioning and energisation of the transmission line forthwith.

Team

The matter was argued by Mr. Shashi Nandan, Senior Advocate, and Mr. Tarun Agrawal, Senior Advocate, assisted by Mr. Varad Nath, Advocate. The matter was led by Mr. Shryeshth Ramesh Sharma, Senior Partner, Mr. Abhishek Nangia, Counsel, and Mr. Nilesh Purohit, Associate, of SKV Law Offices, who appeared for the petitioner.

FOR FURTHER INFORMATION PLEASE CONTACT

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