

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

RESERVED ON 10TH JUNE 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO.1961 OF 2025 (GM-RES)

C/W

WRIT APPEAL NO.1703 OF 2025 (GM-RES)

WRIT APPEAL NO.1708 OF 2025 (GM-RES)

WRIT APPEAL NO.1963 OF 2025 (GM-RES)

WRIT APPEAL NO.1965 OF 2025 (GM-RES)

WRIT APPEAL NO.1992 OF 2025 (GM-RES)

WRIT APPEAL NO.569 OF 2026 (GM-RES)

WRIT APPEAL NO.570 OF 2026 (GM-RES)

Digitally signed by
C K EATHA
Location: High
Court of Karnataka

IN W.A. NO.1961/2025

BETWEEN:

CENTRAL TRANSMISSION UTILITY OF INDIA
A SUBSIDIARY OF POWER GRID
CORPORATION OF INDIA PRIVATE LIMITED
HAVING ITS REGISTERED OFFICE AT
PLOT NO.2, SECTOR-29
NEAR IFFCO CHOWK METRO STATION
GURGAON-122001
REPRESENTED BY ITS
SENIOR GENERAL MANAGER.

...APPELLANT

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

(BY SRI. S.S. NAGANAND, SENIOR ADVOCATE A/W
SMT. SUMANA NAGANAND, ADVOCATE,
MR. SHUBHAM ARYA, ADVOCATE,
MS. PALLAVI SAIGAL, ADVOCATE)

AND:

1. RAYS POWER INFRA LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISION OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT
1ST - 21 EVERSHINE MALL
NORTH METER CABIN 1,
MALAD WEST MUMBAI-400064
REPRESENTED BY ITS AUTHORISED SIGNATORY.
2. STATE OF KARNATAKA
DEPARTMENT OF ENERGY,
VIKASA SOUDHA
DR. B.R. AMBEDKAR VEEDHI,
BANGALORE-560001.
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY.
3. KARNATAKA RENEWABLE ENERGY
DEVELOPMENT LTD.,
GOVERNMENT OF KARNATAKA UNDERTAKING
#6/13/1, 10TH BLOCK,
2ND STAGE, NAGARBHAVI,
BANGALORE-560072.
REPRESENTED BY ITS
MANAGING DIRECTOR.
4. UNION OF INDIA
MINISTRY OF NEW AND RENEWABLE ENERGY
BLOCK 14 CGO COMPLEX
LODHI ROAD, NEW DELHI-110003
REPRESENTED BY SECRETARY.
5. CENTRAL ELECTRICITY REGULATORY COMMISSION
6TH 7TH AND 8TH FLOORS, TOWER B,
WORLD TRADE CENTRE NAUROJI NAGAR,
NEW DELHI-110029.
REPRESENTED BY ITS SECRETARY.

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

6. ACME SOLAR HOLDING LTD.,
NO.152, SECTOR 44, GURGAON,
HARYANA - 122002.
7. AMPIN ENERGY UTILITY PRIVATE LIMITED
308, 3RD FLOOR, RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI - 110017.
8. AMPIN ENERGY C & I FOURTEEN PVT. LTD.,
308, 3RD FLOOR, RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI - 110017.
9. AMPIN ENERGY C & I TWENTYEIGHT PVT. LTD.,
308, 3RD FLOOR, RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI - 110017.
10. AMPIN ENERGY C & I TWENTYNINE PVT. LTD.
308, 3RD FLOOR, RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI - 110017.
11. ESSAR RENEWABLES LIMITED
ESSAR HOUSE, 11 K.K. MARG,
MAHALAKSHMI, HAJI ALI,
MUMBAI - 400034.

...RESPONDENTS

(BY SRI. G.S. KANNUR, SENIOR ADVOCATE A/W
SRI. ABHINAY S., ADVOCATE FOR C/R-1;
SRI. RUBEN JACOB, AAG A/W
SRI. K.S. HARISH, GOVERNMENT ADVOCATE FOR R-2;
SRI. RUBEN JACOB, SENIOR ADVOCATE A/W
SRI. PIYUSH JAIN D. KUMAR, ADVOCATE FOR R-3;
SMT. SADHANA S. DESAI, CGC FOR R-4 & R-5;
R-6, R-8 & R-10 ARE SERVED & UNREPRESENTED;
SRI. ROHAN SACHDEV, ADVOCATE FOR R-7;
MS. MANASA SUNDARRAMAN, ADVOCATE &
SRI. DEEP RAO PALEPU, ADVOCATE FOR R-11)

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 09/09/2025 PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NO.21533/2024 (GM-RES) AND CONSEQUENTLY DISMISS THE WRIT PETITION.

IN W.A. NO.1703/2025

BETWEEN:

ESSAR RENEWABLES LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISION OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT:
ESSAR HOUSE, 11 K K MARG,
MAHALAXMI, HAJI ALI, MUMBAI,
MAHARASHTRA - 400034.
AUTHORIZED SIGNATORY
MR. TN SANTOSH KUMAR.

...APPELLANT

(BY SRI. MOHAMMED SHAMEER, ADVOCATE &
SRI DEEP RAO PALEPU, ADVOCATE)

AND:

1. M/S. RAYS POWER INFRA LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISION OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT:
1ST, 21 EVERSINE MALL,
NORTH METER CABIN 1, MALAD,
WEST MUMBAI, MUMBAI,
MAHARASHTRA - 400 064,
THROUGH ITS AUTHORISED SIGNATORY
MR. SANNA THIPPESWAMY,
LEGAL MANAGER.
2. THE STATE OF KARNATAKA
DEPARTMENT OF ENERGY,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560001.
THROUGH THE ADDITIONAL

CHIEF SECRETARY TO THE
GOVERNMENT OF KARNATAKA.

3. KARNATAKA RENEWABLE ENERGY
DEVELOPMENT LIMITED,
GOVERNMENT OF KARNATAKA UNDERTAKING,
NO.6/13/1, 10TH BLOCK, 2ND STAGE,
NAGARABHAVI, BANGALORE,
KARNATAKA - 560072.
REPRESENTED BY ITS
MANAGING DIRECTOR.
4. CENTRAL TRANSMISSION UTILITY OF INDIA LIMITED
HAVING ITS OFFICE AT:
PLOT NO.2, SECTOR 29,
NEAR IFFCO CHOWK METRO STATION,
GURUGRAM, HARYANA - 122001.
REPRESENTED BY ITS MANAGING DIRECTOR.
5. UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
MINISTRY OF NEW AND RENEWABLE
ENERGY, GOVERNMENT OF INDIA
HAVING ITS OFFICE AT:
BLOCK 14, CGO COMPLEX,
LODHI ROAD, NEW DELHI - 110003.
6. CENTRAL ELECTRICITY REGULATORY COMMISSION
THROUGH ITS SECRETARY,
HAVING ITS REGISTERED OFFICE
AT: 6TH, 7TH AND 8TH FLOORS,
TOWER B, WORLD TRADE CENTRE,
NAUROJI NAGAR,
NEW DELHI-110029.
7. ACME SOLAR HOLDINGS LIMITED
THROUGH ITS AUTHORISED SIGNATORY
HAVING ITS REGISTERED OFFICE AT:
PLOT NO.152, SECTOR 44,
GURUGRAM, HARYANA - 122002.
8. AMPIN ENERGY UTILITY PRIVATE LIMITED
ADDRESS: 308, 3RD FLOOR,
RECTANGLE ONE,

BEHIND SHERATON HOTEL,
SAKET, NEW DELHI - 110017
REPRESENTED BY ITS
AUTHORIZED BISWAJIT JANA.

9. AMPIN ENERGY C & I FOURTEEN PRIVATE LIMITED
(FORMERLY KNOWN AS AMP ENERGY
C & I FOURTEEN PRIVATE LIMITED)
ADDRESS - 308, 3RD FLOOR,
RECTANGLE ONE, BEHIND SHERATON HOTEL,
SAKET, NEW DELHI - 110017
REPRESENTED BY ITS
AUTHORIZED BISWAJIT JANA.
10. AMPIN ENERGY C & I TWENTY-EIGHT PRIVATE LIMITED
(FORMERLY KNOWN AS AMP ENERGY
AND C & I TWENTY-EIGHT PRIVATE LIMITED)
ADDRESS - 308, 3RD FLOOR,
RECTANGLE ONE, BEHIND SHERATON HOTEL,
SAKET, NEW DELHI - 110017
REPRESENTED BY ITS
AUTHORIZED BISWAJIT JANA.
11. AMPIN ENERGY C & I TWENTY-NINE PRIVATE LIMITED
(FORMERLY KNOWN AS AMP ENERGY
C & I TWENTY-NINE PRIVATE LIMITED)
ADDRESS - 308, 3RD FLOOR,
RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI - 110017.

...RESPONDENTS

(BY SRI. G.S. KANNUR, SENIOR ADVOCATE A/W
SRI. ABHINAY S., ADVOCATE FOR C/R-1;
SRI. RUBEN JACOB, AAG A/W
SRI. K.S. HARISH, GOVERNMENT ADVOCATE FOR R-2;
SRI. RUBEN JACOB, SENIOR ADVOCATE A/W
SRI. PIYUSH KUMAR JAIN, ADVOCATE FOR R-3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
IMPUGNED JUDGMENT DATED 09.09.2025 PASSED BY THE
LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN
W.P.NO.21533 OF 2024 (GM-RES) AND DISMISS THE SAID WRIT
PETITION.

IN W.A. NO.1708/2025

BETWEEN:

ESSAR RENEWABLES LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISION OF THE COMPANIES ACT, 2013,
HAVING ITS REGISTERED OFFICE AT:
ESSAR HOUSE, 11 K K MARG,
MAHALAXMI, HAJI ALI, MUMBAI,
MAHARASHTRA-400 034.
AUTHORISED SIGNATORY
MR. TN SANTOSH KUMAR.

...APPELLANT

(BY SRI. MOHAMMED SHAMEER, ADVOCATE &
SRI DEEP RAO PALEPU, ADVOCATE)

AND:

1. M/S. RAYS POWER INFRA LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISION OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE
AT: 1ST, 21 EVERSINE MALL,
NORTH METER CABIN 1,
MALAD, WEST MUMBAI,
MUMBAI, MAHARASHTRA-400 064.
THROUGH ITS AUTHORISED SIGNATORY,
MR. SANNA THIPPESWAMY
LEGAL MANAGER.
2. RAYSALFA POWER PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISION OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE
AT: 605, 6TH FLOOR, MANJUSHA BUILDING,
57 NEHRU PLACE, NEW DELHI
SOUTH DELHI-110 019.
THROUGH ITS AUTHORISED SIGNATORY,
MR. SANNA THIPPESWAMY

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3. DADUR SOLAR POWER PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISION OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE
AT: D-43, JANPATH, SHYAM NAGAR,
JAIPUR, RAJASTHAN-302 019.
THROUGH ITS AUTHORISED SIGNATORY,
MR. SANNA THIPPESWAMY
4. NILAJ SOLAR POWER PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISION OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE
AT: P. NO.65, SARDAR PATEL MARG,
C-SCHEME, ASHOK NAGAR,
JAIPUR, RAJASTHAN-302 001.
THROUGH ITS AUTHORISED SIGNATORY,
MR. SANNA THIPPESWAMY.
5. ANNIGERI SOLAR POWER PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISION OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT:
SARDAR PATEL MARG, C-SCHEME,
ASHOK NAGAR, JAIPUR,
RAJASTHAN-302 001.
THROUGH ITS AUTHORISED SIGNATORY,
MR. SANNA THIPPESWAMY.
6. SIRA SOLAR POWER PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISION OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT:
65, SARDAR PATEL MARG, C-SCHEME,
ASHOK NAGAR, JAIPUR,
RAJASTHAN-302 001.
THROUGH ITS AUTHORISED SIGNATORY,
MR. SANNA THIPPESWAMY.
7. THE STATE OF KARNATAKA
DEPARTMENT OF ENERGY,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU-560 001.

REPRESENTED BY THE
ADDITIONAL CHIEF SECRETARY
TO THE GOVERNMENT.

8. KARNATAKA RENEWABLE ENERGY
DEVELOPMENT LIMITED
GOVERNMENT OF KARNATAKA UNDERTAKING,
NO.6/13/1, 10TH BLOCK,
2ND STAGE, NAGARABHAVI,
BANGALORE-560072
REPRESENTED BY ITS
MANAGING DIRECTOR.
9. CENTRAL TRANSMISSION UTILITY OF INDIA LIMITED
HAVING ITS OFFICE AT:
PLOT NO.2 SECTOR 29,
NEAR IFFCO CHOWK METRO STATION,
GURAGON, HARYANA - 122 001.
REPRESENTED BY ITS
MANAGING DIRECTOR.
10. UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
MINISTRY OF NEW AND RENEWABLE ENERGY,
BLOCK 14, CGO COMPLEX,
LODHI ROAD, NEW DELHI-110 003.
11. ACME SOLAR HOLDINGS LIMITED
THROUGH ITS AUTHORISED SIGNATORY,
HAVING ITS REGISTERED OFFICE AT:
PLOT NO.152, SECTOR 44,
GURUGRAM, HARYANA-122 002.
12. AMPIN ENERGY UTILITY PRIVATE LIMITED
ADDRESS: 308, 3RD FLOOR,
RECTANGLE ONE, BEHIND SHERATON HOTEL,
SAKET, NEW DELHI - 110017
REPRESENTED BY ITS
AUTHORIZED BISWAJIT JANA.
13. AMPIN ENERGY C & I FOURTEEN PRIVATE LIMITED
(FORMERLY KNOWN AS AMP ENERGY
C & I FOURTEEN PRIVATE LIMITED)
ADDRESS: 308, 3RD FLOOR,

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
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AND 5 OTHERS**

RECTANGLE ONE, BEHIND SHERATON HOTEL,
SAKET, NEW DELHI - 110017
REPRESENTED BY ITS
AUTHORIZED BISWAJIT JANA.

14. AMPIN ENERGY C & I TWENTY-EIGHT PRIVATE LIMITED
(FORMERLY KNOWN AS AMP ENERGY
C & I TWENTY-EIGHT PRIVATE LIMITED)
ADDRESS: 308, 3RD FLOOR,
RECTANGLE ONE, BEHIND SHERATON HOTEL,
SAKET, NEW DELHI - 110017
REPRESENTED BY ITS
AUTHORIZED BISWAJIT JANA.
15. AMPIN ENERGY C & I TWENTY-NINE PRIVATE LIMITED
(FORMERLY KNOWN AS AMP ENERGY
AND C & I TWENTY-NINE PRIVATE LIMITED)
ADDRESS: 308, 3RD FLOOR,
RECTANGLE ONE, BEHIND SHERATON HOTEL,
SAKET, NEW DELHI - 110017.

...RESPONDENTS

(BY SRI. RUBEN JACOB, AAG A/W
SRI. K.S. HARISH, GOVERNMENT ADVOCATE FOR R-7;
SRI. RUBEN JACOB, SENIOR ADVOCATE A/W
SRI. PIYUSH KUMAR JAIN, ADVOCATE FOR R-8)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER DATED 09.09.2025 PASSED BY THE LEARNED SINGLE
JUDGE OF THIS HON'BLE COURT IN W.P.NO.35002/2024 FILED BY
THE RESPONDENT NOS.1 - 6 BEFORE THE HON'BLE HIGH COURT
OF KARNATAKA.

IN W.A. NO.1963/2025

BETWEEN:

1. AMPIN ENERGY UTILITY PRIVATE LIMITED
THROUGH ITS AUTHORISED SIGNATORY
HAVING ITS REGISTERED OFFICE AT:
309, 3RD FLOOR, RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI-110017.

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

2. AMPIN ENERGY C & I FOURTEEN PRIVATE LIMITED
(FORMERLY KNOWN AS AMP ENERGY
C & I FOURTEEN PRIVATE LIMITED)
THROUGH ITS AUTHORISED SIGNATORY
HAVING ITS REGISTERED OFFICE AT:
309, 3RD FLOOR, RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI-110017.
3. AMPIN ENERGY C & I TWENTY-EIGHT PRIVATE LIMITED
(FORMERLY KNOWN AS AMP ENERGY
C & I TWENTY-EIGHT PRIVATE LIMITED)
THROUGH ITS AUTHORISED SIGNATORY
HAVING ITS REGISTERED OFFICE AT:
309, 3RD FLOOR, RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI-110017.
4. AMPIN ENERGY C & I TWENTY-NINE PRIVATE LIMITED
(FORMERLY KNOWN AS AMP ENERGY
C & I TWENTY-NINE PRIVATE LIMITED)
THROUGH ITS AUTHORISED SIGNATORY
HAVING ITS REGISTERED OFFICE AT:
309, 3RD FLOOR, RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI-110017.

...APPELLANTS

(BY SRI. ROHAN SACHDEV, ADVOCATE &
SRI. MOHAMMED SHAMEER, ADVOCATE)

AND:

1. M/S. RAYS POWER INFRA LIMITED
THROUGH ITS AUTHORISED SIGNATORY,
HAVING ITS REGISTERED OFFICE AT:
1ST, 21 EVERSINE MALL,
NORTH METER CABIN 1, MALAD,
WEST MUMBAI, MUMBAI,
MAHARASHTRA - 400064.
2. THE STATE OF KARNATAKA
THROUGH THE ADDITIONAL CHIEF SECRETARY
TO THE GOVERNMENT OF KARNATAKA,

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

HAVING ITS OFFICE AT:
DEPARTMENT OF ENERGY,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU, KARNATAKA - 560001.

3. KARNATAKA RENEWABLE ENERGY
DEVELOPMENT LIMITED
THROUGH ITS MANAGING DIRECTOR,
HAVING ITS REGISTERED OFFICE AT:
GOVERNMENT OF KARNATAKA UNDERTAKING,
UNDERTAKING NO.6/13/1, 10TH BLOCK,
2ND STAGE, NAGARABHAVI,
BANGALORE, KARNATAKA - 560072.
4. CENTRAL TRANSMISSION
UTILITY OF INDIA LIMITED
THROUGH ITS MANAGING DIRECTOR,
HAVING ITS OFFICE AT:
PLOT NO.2, SECTOR 29,
NEAR IFFCO CHOWK METRO STATION,
GURUGRAM, HARYANA-122001.
5. UNION OF INDIA
THROUGH THE SECRETARY,
MINISTRY OF NEW AND RENEWABLE ENERGY,
GOVERNMENT OF INDIA
HAVING ITS OFFICE AT:
BLOCK 14, CGO COMPLEX,
LODHI ROAD, NEW DELHI -110003.
6. CENTRAL ELECTRICITY
REGULATORY COMMISSION
THROUGH ITS SECRETARY
HAVING ITS REGISTERED OFFICE AT:
6TH, 7TH, 8TH FLOORS, TOWER B,
WORLD TRADE CENTRE,
NAUROJI NAGAR, NEW DELHI - 110029.
7. ACME SOLAR HOLDINGS LIMITED
THROUGH ITS AUTHORISED SIGNATORY
HAVING ITS REGISTERED OFFICE AT
PLOT NO.152, SECTOR 44,
GURUGRAM, HARYANA - 122002.

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

8. ESSAR RENEWABLES LIMITED
THROUGH ITS AUTHORISED SIGNATORY
HAVING ITS REGISTERED OFFICE AT
ESSAR HOUSE, 11 K K MARG,
MAHALAXMI, HAJI ALI, MUMBAI,
MAHARASHTRA - 400034.

...RESPONDENTS

(BY SRI. RUBEN JACOB, AAG A/W
SRI. K.S. HARISH, GOVERNMENT ADVOCATE FOR R-2;
SMT. SADHANA S. DESAI, CGC FOR R-5;
SRI RUBEN JACOB, SENIOR COUNSEL A/W
SRI PIYUSH KUMAR JAIN D., ADVOCATE FOR R-8)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH
COURT ACT PRAYING TO SET ASIDE THE ORDER DATED
09.09.2025 PASSED BY THE LEARNED SINGLE JUDGE OF THIS
HON'BLE COURT IN W.P.NO.21533 OF 2024.

IN W.A. NO.1965/2025

BETWEEN:

1. AMPIN ENERGY UTILITY PRIVATE LIMITED
THROUGH ITS AUTHORISED SIGNATORY
HAVING ITS REGISTERED OFFICE AT:
309, 3RD FLOOR, RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI-110017.
2. AMPIN ENERGY C & I FOURTEEN PRIVATE LIMITED
(FORMERLY KNOWN AS AMP ENERGY
C & I FOURTEEN PRIVATE LIMITED)
THROUGH ITS AUTHORISED SIGNATORY
HAVING ITS REGISTERED OFFICE AT:
309, 3RD FLOOR, RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI-110017.
3. AMPIN ENERGY C & I TWENTY-EIGHT PRIVATE LIMITED
(FORMERLY KNOWN AS AMP ENERGY
C & I TWENTY-EIGHT PRIVATE LIMITED)
THROUGH ITS AUTHORISED SIGNATORY

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
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HAVING ITS REGISTERED OFFICE AT:
309, 3RD FLOOR, RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI-110017.

4. AMPIN ENERGY C & I TWENTY-NINE PRIVATE LIMITED
(FORMERLY KNOWN AS AMP ENERGY
C & I TWENTY-NINE PRIVATE LIMITED)
THROUGH ITS AUTHORISED SIGNATORY
HAVING ITS REGISTERED OFFICE AT:
309, 3RD FLOOR, RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI-110017.

...APPELLANTS

(BY SRI. ROHAN SACHDEV, ADVOCATE AND
SRI. MOHAMMED SHAMEER, ADVOCATE)

AND:

1. M/S. RAYS POWER INFRA LIMITED
THROUGH ITS AUTHORIZED SIGNATORY
HAVING ITS REGISTERED OFFICE AT:
1ST, 21 EVERSINE MALL,
NORTH METER CABIN 1, MALAD,
WEST MUMBAI, MUMBAI,
MAHARASHTRA-400064.
2. RAYSALFA POWER PRIVATE LIMITED
THROUGH ITS AUTHORIZED SIGNATORY
HAVING ITS REGISTERED OFFICE AT:
605, SIXTH FLOOR, MANJUSHA BUILDING,
57 NEHRU PLACE, NEW DELHI-110019.
3. DADUR SOLAR POWER PRIVATE LIMITED
THROUGH ITS AUTHORIZED SIGNATORY
HAVING ITS REGISTERED OFFICE AT:
D-43, JANPATH, SHYAM NAGAR,
JAIPUR-302019.
4. NILAJ SOLAR POWER PRIVATE LIMITED
THROUGH ITS AUTHORIZED SIGNATORY
HAVING ITS REGISTERED OFFICE AT:
P.NO.65, SARDAR PATEL MARG,

C-SCHEME, ASHOK NAGAR,
JAIPUR-302001.

5. ANNIGERI SOLAR POWER PRIVATE LIMITED
THROUGH ITS AUTHORIZED SIGNATORY
HAVING ITS REGISTERED OFFICE AT:
65, SARDAR PATEL MARG, C-SCHEME,
ASHOK NAGAR, JAIPUR-302001.
6. SIRA SOLAR POWER PRIVATE LIMITED
THROUGH ITS AUTHORIZED SIGNATORY
HAVING ITS REGISTERED OFFICE AT:
65, SARDAR PATEL MARG, C-SCHEME,
ASHOK NAGAR, JAIPUR-302001.
7. THE STATE OF KARNATAKA
THROUGH THE ADDITIONAL CHIEF SECRETARY
TO THE GOVERNMENT OF KARNATAKA
HAVING ITS OFFICE AT:
DEPARTMENT OF ENERGY,
VIKASA SOUDHA, DR. B.R. AMBEDKAR VEEDHI,
BENGALURU, KARNATAKA-560001.
8. KARNATAKA RENEWABLE ENERGY
DEVELOPMENT LTD.,
THROUGH ITS MANAGING DIRECTOR
HAVING ITS REGISTERED OFFICE AT:
GOVERNMENT OF KARNATAKA UNDERTAKING,
UNDERTAKING NO.6/13/1,
10TH BLOCK, 2ND STAGE,
NAGARABHAVI, BANGALORE,
KARNATAKA-560072.
9. CENTRAL TRANSMISSION UTILITY OF INDIA LIMITED
THROUGH ITS MANAGING DIRECTOR
HAVING ITS OFFICE AT:
PLOT NO.2, SECTOR 29,
NEAR IFFCO CHOWK METRO STATION
GURUGRAM, HARYANA-122001.
10. UNION OF INDIA
THROUGH THE SECRETARY,
MINISTRY OF NEW AND RENEWABLE ENERGY,
GOVERNMENT OF INDIA

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

HAVING ITS OFFICE AT: BLOCK 14,
C.G.O. COMPLEX, LODHI ROAD,
NEW DELHI-110003.

11. ACME SOLAR HOLDINGS LIMITED
THROUGH ITS AUTHORISED SIGNATORY
HAVING ITS REGISTERED OFFICE AT:
PLOT NO.152, SECTOR 44,
GURUGRAM, HARYANA-122002.
12. ESSAR RENEWABLES LIMITED,
THROUGH ITS AUTHORISED SIGNATORY
HAVING ITS REGISTERED OFFICE AT:
ESSAR HOUSE, 11 K K MARG,
MAHALAXMI, HAJI ALI, MUMBAI,
MAHARASHTRA-400034.

...RESPONDENTS

(BY SRI. RUBEN JACOB, AAG A/W
SRI. K.S. HARISH, GOVERNMENT ADVOCATE FOR R-7;
SRI RUBEN JACOB, SENIOR COUNSEL A/W
SRI PIYUSH KUMAR JAIN D., ADVOCATE FOR R-8;
SMT. SADHANA S. DESAI, CGC FOR R-10)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER DATED 09.09.2025 PASSED BY THE LEARNED SINGLE
JUDGE OF THIS HON'BLE COURT IN W.P.NO.35002 OF 2024 AND
ETC.,

IN W.A. NO.1992/2025

BETWEEN:

CENTRAL TRANSMISSION UTILITY OF INDIA LIMITED
A SUBSIDIARY OF POWER GRID
CORPORATION OF INDIA PRIVATE LIMITED
HAVING ITS REGISTERED OFFICE AT
PLOT NO.2, SECTOR-29
NEAR IFFCO CHOWK METRO STATION
GURGAON-122001
REP. BY ITS SENIOR GENERAL MANAGER.

...APPELLANT

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

(BY SRI. TUSHAR MEHTA, SOLICITOR GENERAL OF INDIA,
SRI. S.S. NAGANAND, SENIOR COUNSEL,
SMT. SUMANA NAGANAND, ADVOCATE,
MR. SHUBHAM ARYA, ADVOCATE,
MS. PALLAVI SAIGAL, ADVOCATE)

AND:

1. M/S RAYS POWER INFRA LIMITED
A COMPANY INCORPORATED UNDER
THE PROVISION OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT
1ST, 21 EVERSHINE MALL,
NORTH METER CABIN
1 MALAD, WEST MUMBAI-400064
REP. BY ITS AUTHORIZED SIGNATORY.
2. RAYSALFA POWER PRIVATE LIMITED
A COMPANY INCORPORATED UNDER
THE PROVISION OF THE COMPANIES ACT 2013
HAVING ITS REGISTERED OFFICE AT
605, 6TH FLOOR, MANJUSHA BUILDING,
57 NEHRU PLACE DELHI,
SOUTH DELHI-110019
REP. BY ITS AUTHORIZED SIGNATORY.
3. DADUR SOLAR POWER PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISION OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT
D-43, JANPATH, SHYAM NAGAR,
JAIPUR-302019
REP. BY ITS AUTHORIZED SIGNATORY.
4. NILAJ SOLAR POWER PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISION OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT
P.NO.65, SARDAR PATEL MARG,
C-SCHEME ASHOK NAGAR,
JAIPUR-302001
REP. BY ITS AUTHORIZED SIGNATORY.

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

5. ANNIGERI SOLAR POWER PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISION OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT
SARDAR PATEL MARG,
C-SCHEME ASHOK NAGAR,
JAIPUR-302001
REP. BY ITS AUTHORIZED SIGNATORY.
6. SIRA SOLAR POWER PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISION OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT
65, SARDAR PATEL MARG,
C-SCHEME ASHOK NAGAR,
JAIPUR-302001.
REP. BY ITS AUTHORIZED SIGNATORY.
7. STATE OF KARNATAKA
DEPARTMENT OF ENERGY,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BANGALORE-560001.
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY.
8. KARNATAKA RENEWABLE ENERGY
DEVELOPMENT LTD.,
GOVERNMENT OF KARNATAKA UNDERTAKING,
#6/13/1, 10TH BLOCK, 2ND STAGE,
NAGARBHAVI,
BANGALORE-560072
REPRESENTED BY ITS
MANAGING DIRECTOR.
9. UNION OF INDIA
MINISTRY OF NEW AND RENEWABLE ENERGY
BLOCK 14 CGO COMPLEX
LODHI ROAD, NEW DELHI-110003
REPRESENTED BY SECRETARY.
10. ACME SOLAR HOLDING LTD.,
NO.152, SECTOR 44,
GURGAON, HARYANA-122002.

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

11. AMPIN ENERGY UTILITY PRIVATE LIMITED
308, 3RD FLOOR, RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI-110017.
12. AMPIN ENERGY C & I FOURTEEN PVT. LTD.
308, 3RD FLOOR, RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI-110017.
13. AMPIN ENERGY C & I TWENTY EIGHT PVT. LTD.,
308, 3RD FLOOR, RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI-110017.
14. AMPIN ENERGY C & I TWENTY NINE PVT. LTD.,
308, 3RD FLOOR, RECTANGLE ONE,
BEHIND SHERATON HOTEL,
SAKET, NEW DELHI-110017.
15. ESSAR RENEWABLES LIMITED
ESSAR HOUSE, 11 K.K. MARG,
MAHALAKSHMI, HAJI ALI,
MUMBAI - 400034.

...RESPONDENTS

(BY SRI. K.G. RAGHAVAN, SENIOR COUNSEL,
SRI. G.S. KANNUR, SENIOR COUNSEL,
SRI. ABHINAY S. ADVOCATE FOR R-1 TO R-6;
SRI. RUBEN JACOB, AAG A/W
SRI. K.S. HARISH, GOVERNMENT ADVOCATE FOR R-7;
SRI. RUBEN JACOB, SENIOR COUNSEL A/W
SRI. PIYUSH KUMAR JAIN D., ADVOCATE FOR R-8;
SMT. SADHANA DESAI, CGC FOR R-9 ;
MS. MANASA SUNDARRAMAN, ADVOCATE FOR R-15)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER DATED 09.09.2025 PASSED BY THE LEARNED SINGLE
JUDGE IN W.P.NO.35002/2024 (GM-RES) AND CONSEQUENTLY
DISMISS THE WRIT PETITION.

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

IN W.A. NO.569/2026

BETWEEN:

M/S. RAYS POWER INFRA LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT
1ST-21 EVERSHINE MALL NORTH METER
CABIN 1, MALAD WEST, MUMBAI-400064
REPRESENTED BY ITS
AUTHORISED SIGNATORY
MR. SANNA THIPPESWAMY.

...APPELLANT

(BY SRI. K.G. RAGHAVAN, SENIOR COUNSEL A/W
SRI. ABHINAY S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF ENERGY,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BANGALORE-560 001
REPRESENTED BY THE ADDITIONAL
CHIEF SECRETARY TO THE GOVERNMENT.
2. KARNATAKA RENEWABLE ENERGY
DEVELOPMENT LTD.,
GOVERNMENT OF KARNATAKA UNDERTAKING
#6/13/1, 10TH BLOCK, 2ND STAGE,
NAGARABHAVI, BANGALORE-560072.
REPRESENTED BY ITS
MANAGING DIRECTOR.
3. CENTRAL TRANSMISSION UTILITY OF INDIA LIMITED
HAVING ITS REGISTERED OFFICE AT
PLOT NO.2, SECTOR-29
NEAR IFFCO CHOWK METRO STATION
GURAGON-122001
REPRESENTED BY ITS
MANAGING DIRECTOR.

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

4. UNION OF INDIA
REPRESENTED BY SECRETARY
MINISTRY OF NEW AND RENEWABLE ENERGY,
BLOCK 14 C.G.O. COMPLEX
LODHI ROAD, NEW DELHI-110003.
5. CENTRAL ELECTRICITY REGULATORY COMMISSION
6TH, 7TH AND 8TH FLOORS, TOWER B,
WORLD TRADE CENTRE,
NAUROJI NAGAR, NEW DELHI-110029.
6. ACME SOLAR HOLDINGS LTD.,
NO.152, SECTOR 44, GURGAON,
HARYANA-122002
REP. BY ITS AUTHORISED SIGNATORY.
7. AMPIN ENERGY UTILITY PRIVATE LTD.,
8. AMPIN ENERGY C & I FOURTEEN PVT. LTD.,
9. AMPIN ENERGY C & I TWENTY EIGHT PVT. LTD.,
10. AMPIN ENERGY C & I TWENTY NINE PVT. LTD.,

ALL HAVING OFFICE AT 'ORBIS',
2ND CROSS RESIDENCY ROAD,
BENGALURU-560025.
REPRESENTED BY ITS
AUTHORISED SIGNATORY.
11. ESSAR RENEWABLES LIMITED
ESSAR HOUSE, 11 K.K.MARG,
MAHALAKSHMI, HAJI ALI,
MUMBAI-400034.
REPRESENTED BY ITS
AUTHORISED SIGNATORY.

...RESPONDENTS

(BY SRI. RUBEN JACOB, AAG A/W
SRI. K.S. HARISH, GOVERNMENT ADVOCATE FOR R-1;
SRI. RUBEN JACOB, SENIOR COUNSEL A/W
SRI. PIYUSH KUMAR JAIN D., ADVOCATE FOR R-2;
SRI. TUSHAR MEHTA, SENIOR ADVOCATE,
SRI. S.S. NAGANAND, SENIOR ADVOCATE A/W

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

SMT. SUMANA NAGANAND, ADVOCATE,
MR. SHUBHAM ARYA, ADVOCATE,
MS. PALLAVI, MS. VISMAYA SIMHA, ADVOCATES FOR R-3;
SMT. SADHANA S. DESAI, CGC FOR R-4 & R-5;
SRI. ROHAN SACHDEV, ADVOCATE FOR R-7;
R-6, 8 TO 11 ARE SERVED & UNREPRESENTED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED FINAL ORDER/JUDGMENT DATED 09.09.2025 PASSED BY THE HON'BLE SINGLE JUDGE IN W.P.NO.21533/2024 TO THE EXTENT IT FAILS TO READ DOWN OR QUASH THE REGULATION 5.8(vii)(a) OF THE GNA REGULATIONS, 2022.

IN W.A. NO.570/2026

BETWEEN:

1. M/S RAYS POWER INFRA LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT
1ST-21 EVERSHINE MALL NORTH METER
CABIN 1, MALAD WEST, MUMBAI-400064
REPRESENTED BY ITS
AUTHORIZED SIGNATORY
MR. SANNA THIPPESWAMY.
2. RAYSALFA POWER PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT
605, SIXTH FLOOR, MANJUSHA BUILDING,
57 NEHRU PLACE DELHI,
SOUTH DELHI-110019
REPRESENTED BY ITS
AUTHORIZED SIGNATORY
MR. SANNA THIPPESWAMY.
3. DADUR SOLAR POWER PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT
D-43, JANPATH, SHYAM NAGAR,

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

JAIPUR- 302019
REPRESENTED BY ITS
AUTHORIZED SIGNATORY
MR. SANNA THIPPESWAMY.

4. NILAJ SOLAR POWER PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT
P.NO.65, SARDAR PATEL MARG,
C-SCHEME, ASHOK NAGAR,
JAIPUR- 302001
REPRESENTED BY ITS
AUTHORIZED SIGNATORY
MR. SANNA THIPPESWAMY.
5. ANNIGERI SOLAR POWER PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT
65, SARDAR PATEL MARG, C SCHEME,
ASHOK NAGAR, JAIPUR-302001
REPRESENTED BY ITS
AUTHORIZED SIGNATORY
MR. SANNA THIPPESWAMY.
6. SIRA SOLAR POWER PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT
65, SARDAR PATEL MARG, C SCHEME,
ASHOK NAGAR, JAIPUR - 302001
REPRESENTED BY ITS
AUTHORIZED SIGNATORY
MR. SANNA THIPPESWAMY.

...APPELLANTS

(BY SRI. G.S. KANNUR, SENIOR ADVOCATE A/W
SRI. ABHINAY S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF ENERGY,

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

VIKASA SOUDHA, DR. B.R. AMBEDKAR VEEDHI,
BANGALORE-560001
REP. BY THE ADDITIONAL CHIEF SECRETARY
TO THE GOVERNMENT.

2. KARNATAKA RENEWABLE ENERGY
DEVELOPMENT LTD.,
GOVERNMENT OF KARNATAKA UNDERTAKING
#6/13/1, 10TH BLOCK,
2ND STAGE, NAGARABHAVI,
BANGALORE-560072.
REPRESENTED BY ITS
MANAGING DIRECTOR.
3. CENTRAL TRANSMISSION UTILITY OF INDIA LIMITED
HAVING ITS REGISTERED OFFICE AT
PLOT NO.2, SECTOR-29
NEAR IFFCO CHOWK METRO STATION
GURAGON-122001
REPRESENTED BY ITS
MANAGING DIRECTOR.
4. UNION OF INDIA
REPRESENTED BY SECRETARY
MINISTRY OF NEW AND RENEWABLE ENERGY,
BLOCK 14 C.G.O. COMPLEX
LODHI ROAD,
NEW DELHI-110003.
5. ACME SOLAR HOLDINGS LTD.,
NO.152, SECTOR 44, GURGAON,
HARYANA-122002
REPRESENTED BY ITS
AUTHORISED SIGNATORY.
6. AMPIN ENERGY UTILITY PRIVATE LTD.,
7. AMPIN ENERGY C & I FOURTEEN PVT. LTD.,
8. AMPIN ENERGY C & I TWENTYEIGHT PVT. LTD.,
9. AMPIN ENERGY C & I TWENTYNINE PVT. LTD.,

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

ALL HAVING OFFICE AT 'ORBIS',
2ND CROSS, RESIDENCY ROAD,
BENGALURU-560025.
REPRESENTED BY ITS
AUTHORISED SIGNATORY.

10. ESSAR RENEWABLES LIMITED
ESSAR HOUSE, 11 K.K.MARG,
MAHALAKSHMI, HAJI ALI,
MUMBAI-400034.
REPRESENTED BY ITS
AUTHORISED SIGNATORY.

...RESPONDENTS

(BY SRI. RUBEN JACOB, AAG A/W
SRI. K.S. HARISH, GOVERNMENT ADVOCATE FOR R-1;
SRI. RUBEN JACOB, SENIOR COUNSEL A/W
SRI. PIYUSH KUMAR JAIN D., ADVOCATE FOR R-2;
SRI. TUSHAR MEHTA, SENIOR ADVOCATE,
SRI. S.S. NAGANAND, SENIOR ADVOCATE A/W
SMT. SUMANA NAGANAND, ADVOCATE,
MR. SHUBHAM ARYA, ADVOCATE,
MS. PALLAVI, MS. VISMAYA SIMHA, ADVOCATES FOR R-3;
SMT. SADHANA S. DESAI, CGC FOR R-4;
SRI. ROHAN SACHDEV, ADVOCATE FOR R-6;
R-5, 7 TO 10 ARE SERVED & UNREPRESENTED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
IMPUGNED FINAL ORDER/JUDGMENT DATED 09.09.2025 PASSED
BY THE HON'BLE SINGLE JUDGE IN W.P.NO.35002/2024 TO THE
EXTENT IT FAILS TO READ DOWN OR QUASH THE REGULATION
5.8(vii)(a) OF THE GNA REGULATIONS, 2022.

THESE WRIT APPEALS HAVING BEEN HEARD AND
RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT
THIS DAY, JUDGMENT WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU ,CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

C.A.V. JUDGMENT

(PER: HON'BLE MRS. JUSTICE K.S. HEMALEKHA)

1. These appeals arise out of the common order dated 09.09.2025 passed by the learned Single Judge in Writ Petition No. 35002/2024 c/w Writ Petition No. 21533/2024 (GM-RES). By the impugned order, the learned Single Judge partly allowed the writ petitions, set aside the orders dated 30.08.2024, 02.09.2024 and 09.09.2024 issued by the Central Transmission Utility of India Limited (**CTUIL**). Since all the appeals arise from the common order, they have been heard together and disposed of by this common judgment.

2. The Central Electricity Regulatory Commission (CERC) in exercise of its powers under Sections 79 and 178 of the Electricity Act, 2003 [**Electricity Act**], notified the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 [**Connectivity Regulations, 2009**] governing grant of connectivity to the Inter-State Transmission System (ISTS). The concept of a power park developer was introduced for the first time by the Fifth Amendment

to the Connectivity Regulations, 2009, notified on 15.05.2015, pursuant to the policy initiatives of the Ministry of New and Renewable Energy (MNRE), where under a company authorised by the Central Government as a Solar Power Park Developer was recognised as an eligible applicant for connectivity, and its application could be considered by the Central Transmission Utility only if it was so authorized. By the Seventh Amendment, notified on 09.01.2019, the expression was widened to 'Renewable Power Park Developer' (RPPD) and the power to authorize such a developer was extended to the State Governments as well.

3. The regulatory framework was thereafter replaced by the Central Electricity Regulatory Commission (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 [**GNA Regulations**] which came into force on 07.06.2022 and repealed the Connectivity Regulations, 2009 while retaining the requirement of governmental authorisation for an RPPD. Regulation 5.8(vii) of the GNA Regulations, as originally framed, required an RPPD to furnish, with its application for connectivity, an authorisation issued by the Central Government or the State Government, as applicable, to undertake infrastructural activities including arrangement for connectivity on behalf of solar

or wind power generators. By the First Amendment Regulations notified on 01.04.2023 and again by Second Amendment notified on 19.06.2024, Clause (vii) of Regulation 5.8 was substituted in its present form, where under the authorisation [sub-clause (a)] is required to be furnished in combination with the prescribed land documents [sub-clause (b)] or a bank guarantee [sub-clause (c)]. By the Second Amendment Regulations notified on 19.06.2024, which came into effect from 15.07.2024, sub-clauses (b) and (c) were substituted and, significantly, Regulation 3.5 was substituted to provide that an application containing deficiencies other than the notified minor deficiencies shall be treated as incomplete and rejected.

4. The brief facts relating to the Writ Petitions are :

W.P. No. 21533/2024

M/s Rays Power Infra Limited [**the writ petitioner**], claiming to be an RPPD, proposed to establish renewable energy parks in the State of Karnataka with connectivity to ISTS at the Tumkur II and Bellary pooling sub-stations. By e-mail dated 13.06.2024 (supplemented on 13.09.2024), it requested the State Government and the Karnataka Renewable Energy Development Limited [**KREDL**] to issue the authorisation contemplated under Regulation

5.8(vii)(a) without insisting upon a Government Order. As no decision was forthcoming, it instituted W.P No. 21533/2024 (GM-RES) on 07.08.2024 seeking, *inter alia*, a declaration that the State Government and/or KREDL have the power to issue such authorisation and a direction to consider its application. By an interim order dated 08.08.2024, CTUIL was directed to consider the petitioner's application for grant of connectivity on the basis of seniority, without insisting on the authorisation. Between 13.08.2024 and 29.08.2024, the petitioner, through its special purpose vehicles [**SPVs**], submitted applications before CTUIL seeking connectivity at the Tumkur-II and Bellary sub-stations (aggregating 890 MW and 600 MW respectively). In terms of the amended Regulation 3.5, CTUIL had, on 15.07.2024, published a list of deficiencies categorising the absence of the authorisation under Regulation 5.8 (vii)(a) as a major deficiency; accordingly, by orders dated 30.08.2024, 02.09.2024 and 09.09.2024, CTUIL closed the applications on the ground that the mandatory authorisation had not been furnished.

5. The petitioner thereafter amended the writ petition and specifically challenged the constitutional validity of Regulation 5.8(vii)(a) on the ground that it violates Articles 14 and 19(1)(g) of

the Constitution of India by imposing an additional requirement only upon RPPDs, while similarly situated renewable energy developers are not subjected to such a condition. It was further contended that neither the GNA Regulations nor the Karnataka Renewable Energy Policy 2022-2027 [**the RE Policy**] prescribes any procedure, competent authority or timeline for grant of such authorisation, rendering the requirement arbitrary and impossible to comply with.

W.P. No. 35002/2024.

6. During the pendency of the aforesaid writ petition, the writ petitioners and its five SPVs [hereafter collectively referred to as '**the writ petitioners**'] instituted W.P. No.35002/2024 on 19.12.2024 seeking a direction to the State Government to grant the authorisation contemplated under Regulation 5.8(vii)(a), without insisting upon issuance of a separate Government Order, within a fixed time. By an interim order dated 19.12.2024, the State Government was directed to consider the petitioners' application for grant of authorisation without insisting on the submission of a Government Order specifically approving the petitioners' projects at

Tumkur and Bellary.¹ By further interim order dated 16.01.2025, CTUIL was directed to reserve 890 MW at the Tumkur-II sub-station and 600 MW at Bellary sub-station for allotment to the petitioners, while remaining free to grant connectivity to other applicants beyond the reserved portion, until further orders.

7. During the pendency of the writ petitions, the petitioners sought leave to approach CERC for relaxation of the requirement of authorisation in exercise of its power under Regulation 41 of the GNA Regulations. By order dated 17.03.2025, the learned Single Judge permitted the petitioners to make a representation and directed CERC to consider the same. The petitioners' representation dated 10.03.2025 was, however, rejected by CERC by its order dated 11.04.2025, holding, *inter alia*, that the requirement of authorisation is neither prohibitive nor discriminatory, and that it was open to the petitioners to seek the authorisation of the Central Government (MNRE) under Mode-6 of the Solar Park Scheme.

8. By the common order under appeal, the learned Single Judge partly allowed the writ petitions. Relying upon the decision of

¹ The State's appeal against the said order, being W.A. No.1938/2024, was subsequently closed as infructuous on 08.10.2025 upon disposal of the writ petitions.

the Supreme Court in **Reliance Energy Limited v. Maharashtra State Road Development Corporation Ltd.**,² the learned Single Judge held that the petitioners had been denied a level playing field, inasmuch as the GNA Regulations prescribe no guidelines or timeframe for the competent Government to grant the authorisation; that the State Government had compounded the difficulty by insisting upon a Government Order, although no such requirement is found in the GNA Regulations; that CERC, though empowered to remove difficulties, had failed in its duty to do so; and that in a single queue operated on a first-come-first-served basis, the connectivity would stand exhausted by the time an RPPD secured the authorisation. Accordingly, the learned Single Judge;

- (i) extended the interim reservation of 890 MW at the Tumkur-II sub-station and 600 MW at the Bellary sub-station until the authorisation is granted by the State Government;
- (ii) reserved liberty to CERC and CTUIL to reconsider the petitioners' applications and grant in-principle approval/connectivity, subject to the petitioners obtaining the authorisation;

² (2007) 8 SCC 1

- (iii) rejected I.A. No.1/2024 filed by CTUIL and consequently set aside the orders dated 30.08.2024 and 02.09.2024, restoring the applications for reconsideration; and
- (iv) formally allowed the impleading applications.

The learned Single Judge, however, consciously did not strike down or read down Regulation 5.8(vii)(a). Subsequently, by order dated 24.10.2025 passed on I.A. No.6/2025 filed by the writ petitioners, the learned Single Judge modified the order dated 09.09.2025 by;

- (i) correcting the reference to 'August 2024' in paragraph 2 to 'June–July 2024';
- (ii) including CTUIL's order dated 09.09.2024 within direction (iv), so that the orders set aside read as those dated 30.08.2024, 02.09.2024 and 09.09.2024; and
- (iii) recasting direction (iii) to provide that CERC and CTUIL shall reconsider the petitioners' applications and grant in-principle approval/connectivity within a period of four weeks, such approval remaining subject to the petitioners obtaining the authorisation from the State Government.

9. Aggrieved by the common order,
- (i) M/s Rays Power Infra Limited has preferred W.A. No. 569/2026, and along with its five SPVs, W.A. No. 570/2026, contending that the learned Single Judge failed to adjudicate the constitutional challenge to Regulation 5.8(vii)(a) and granted only conditional relief.
 - (ii) CTUIL has preferred W.A. Nos.1961/2025 and 1992/2025 contending that the learned Single Judge could not have directed CTUIL contrary to the mandatory provisions of the GNA Regulations without declaring Regulation 5.8 (vii)(a) invalid.
 - (iii) Essar Renewables Limited has preferred W.A. Nos. 1703/2025 and 1708/2025, contending that the reservation of transmission capacity in favour of the petitioner disturbed the statutory queue-based mechanism and adversely affected the rights of the other eligible applicants.
 - (iv) AMPIN Energy Utility Private Limited and its group entities, who were impleaded as respondents in the writ proceedings, preferred W.A. Nos. 1963/2025 and 1965/2025, contending that the relief granted to the petitioner confers an

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
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undue advantage contrary to the statutory framework and prejudices the rights of the competing applicants.

10. During the pendency of these appeals, the Government of Karnataka issued the requisite authorisation in favour of M/s Rays Power Infra Limited on 31.01.2026. By an interim order dated 10.02.2026 in W.A. Nos.1961/2025 and 1992/2025, this Court stayed the operation of the impugned order, observing, *prima facie*, that although the constitutional validity of Regulation 5.8(vii)(a) has been questioned, the Regulations had neither been struck down nor read down, and the directions issued by the learned Single Judge therefore appeared to be contrary to the GNA Regulations. Subsequently, by order dated 18.03.2026, this Court clarified that the interim order would not prevent CTUIL from processing the applications of M/s Rays Power Infra Limited from the date of grant of the government authorisation, namely 31.01.2026.

Rival contentions of the parties.

Submissions on behalf of M/s Rays Power Infra Limited and its SPVs (appellants in W.A. Nos. 569/2026 and 570/2026 and the writ petitioners)

11. Sri K. G. Raghavan and Sri G. S. Kannur,- learned Senior Counsel appearing for the appellants submit that the appellant is

an established RPPD proposing to establish renewable energy parks in the State of Karnataka. It is submitted that Regulation 4.1 (d) of the GNA Regulations specifically recognizes an RPPD as an eligible entity entitled to seek connectivity to the ISTS.

12. It is contended that Regulation 5.8(vii)(a) however, imposes an additional condition requiring RPPD alone to obtain prior authorisation from the Central Government or the State Government before applying for connectivity, whereas no such requirement is imposed upon any other renewable energy generator or generating company seeking the very same connectivity. The learned Senior Counsel submits that the classification is arbitrary, discriminatory and violative of Article 14 of the Constitution of India, since there exists no intelligible differentia, having any rational nexus with the object sought to be achieved. It is further submitted that the GNA Regulations themselves do not prescribe the competent authority, procedure or timeline for issuance of such authorisation. Likewise, the RE Policy is completely silent. It is argued that the writ petitioner approached the Government of Karnataka as early as June 2024, but no decision was taken for several months. Consequently, by the time authorisation is issued, the available transmission margins at

important sub-stations, such as Tumkur II and Bellary, stand exhausted because connectivity is processed on a first-come-first-served basis.

13. Learned Senior Counsel submits that the result is that although Regulation 4 recognizes an RPPD as an eligible applicant, Regulation 5.8(vii)(a) renders such right wholly illusory. It is submitted that the learned Single Judge failed to grant complete relief by declining to decide the constitutional validity of Regulation 5.8(vii)(a). According to the learned Senior Counsel, the relief granted by the learned Single Judge is illusory since it continues to make restoration of connectivity subject to obtaining the very authorisation which constitutes the source of the grievance. On these grounds, they seek that Regulation 5.8(vii)(a) is unconstitutional or, in the alternative, that it be read down.

Submissions on behalf of CTUIL-appellants in Writ Appeal Nos. 1961/2025 and 1992/2025

14. Sri Tushar Mehta, the learned Solicitor General of India and Sri S.S. Naganand, the learned Senior Counsel submit that the CTUIL is the entity notified by the Central Government as the Central Transmission Utility under Section 38 of the Electricity Act, and is bound to discharge its functions strictly in accordance with

the GNA Regulations. It is submitted that CTUIL is merely the statutory implementing authority under the Electricity Act. It is submitted that the GNA Regulations constitute subordinate legislation framed by the CERC under Sections 79 and 178 of the Electricity Act and have statutory force. It is submitted that Regulation 5.8(vii)(a) expressly mandates government authorisation before an RPPD can seek connectivity to ISTS. It is submitted that CTUIL has no jurisdiction to waive, relax or ignore the statutory requirement. It is submitted that the learned Single Judge, while consciously declining to strike down Regulation 5.8(vii)(a), nevertheless issued directions compelling CTUIL to act contrary to the Regulations. Such directions virtually rewrite the statutory Regulations. It is argued that what cannot be done directly cannot be permitted to be done indirectly. They further submit that if the petitioner was genuinely aggrieved by the implementation difficulties, the appropriate remedy was to invoke the powers of CERC under the GNA Regulations – the power of relaxation under Regulation 41 and the power to remove difficulties under Regulation 42. It is contended that the distinction between RPPD and an ordinary generating company is a reasonable classification that is founded on the principle of intelligible differentia. Further that

the Regulations serves a legitimate regulatory purpose of ensuring that only government recognized RPPD can seek connectivity to the ISTS on behalf of multiple generating stations. It is therefore, submitted that there is no violation of Article 14 of the Constitution of India.

Submission on behalf of Essar Renewables Limited

15. The learned counsel appearing for Essar Renewables Limited submits that the appellant is a competing renewable energy developer. The reservation of 890 MW at Tumkur II and 600 MW at Bellary in favour of the writ petitioner, directly prejudices other eligible applicants. The statutory queue mechanism under GNA Regulations is disturbed by judicial orders. It is submitted that the impugned directions confer an undue preference upon an applicant who admittedly did not satisfy the mandatory requirement.

Submission on behalf of AMPIN Energy Utility Private Limited.

16. The learned counsel appearing for AMPIN Energy Utility submits that the appellants were impleaded before the learned Single Judge as affected parties. The reservation of transmission capacity in favour of the petitioners have adversely affected the rights of all competing applicants and that the learned Single Judge

could not have granted equitable relief to the petitioner, contrary to the statutory Regulations.

Submission on behalf of the State

17. Sri Ruben Jacob, the learned Additional Advocate General, submits that the State Government has no dispute regarding issuance of authorisation. However, the State is required to satisfy itself regarding eligibility before issuing authorisation. He submits that subsequent to the institution of these appeals, the authorisation has been granted to the writ petitioner on 31.01.2026.

Points for consideration:

18. In light of the rival submissions, the following points arise for consideration:

- (i) Whether Regulation 5.8(vii)(a) is liable to be declared unconstitutional on the ground that it is manifestly arbitrary and violative of Article 14 of the Constitution of India?
- (ii) Whether the learned Single Judge was justified in issuing directions which virtually dispense with the mandatory requirement contained in Regulation 5.8(vii)(a) without striking down or reading down the Regulation?

19. The controversy essentially centres on the validity and implementation of Regulation 5.8(vii)(a) of the GNA Regulations.

The Regulation 5.8(vii)(a) is set out below :

"5. Application for Grant of Connectivity

5.8 The application for grant of Connectivity shall contain, inter alia, the following details, as applicable, duly supported with relevant affidavit, as stipulated in the Detailed Procedure for Connectivity and GNA issued in accordance with Regulation 39.1 :

(vii) In case of Renewable Power Park Developer, the documents shall be submitted in combination of clauses (a) and (b) or combination of clauses (a) and (c) as specified hereunder:

(a) Authorisation by the Central Government or the State Government, as applicable, to undertake infrastructural activities including arrangement for Connectivity on behalf of solar power generators or wind power generators;"

20. The challenge is mounted on the ground that the Regulation requires an RPPD alone to obtain a prior authorisation from the Central Government or the State Government before seeking connectivity to the ISTS, whereas no such requirement is imposed upon other renewable energy developers. The expression 'Renewable Power Park Developer' is defined in Regulations 2.1

(ai) of the GNA Regulations, which reads thus :

"(ai) "Renewable Power Park Developer" means an entity authorised by the Central Government or a State

Government as Power Park developer for Renewable Energy Generating Station(s).”

21. To examine the validity of the constitutional challenge to the Regulation 5.8(vii)(a), it is necessary to refer to the statutory and regulatory framework under which the impugned Regulation has been framed.

22. The Electricity Act was enacted with the object of consolidating the laws relating to generation, transmission, distribution, trading and use of electricity and to promote competition, efficiency and development of electricity industry. Under Sections 79 and 178 of the Electricity Act, CERC has been vested with the power to regulate ISTS of electricity and to frame regulations having statutory force for carrying out the provisions of the Act. Sections 79 and 178 of the Electricity Act reads as under :

"79. Functions of Central Commission.—(1)The Central Commission shall discharge the following functions, namely:—

- (a) to regulate the tariff of generating companies owned or controlled by the Central Government;
- (b) to regulate the tariff of generating companies other than those owned or controlled by the Central Government specified in clause (a), if such generating companies enter into or otherwise have a composite scheme for generation and sale of electricity in more than one State;
- (c) to regulate the inter-State transmission of electricity;

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- (d) to determine tariff for inter-State transmission of electricity;
- (e) to issue licences to persons to function as transmission licensee and electricity trader with respect to their inter-State operations;
- (f) to adjudicate upon disputes involving generating companies or transmission licensee in regard to matters connected with clauses (a) to (d) above and to refer any dispute for arbitration;
- (g) to levy fees for the purposes of this Act;
- (h) to specify Grid Code having regard to Grid Standards;
- (i) to specify and enforce the standards with respect to quality, continuity and reliability of service by licensees;
- (j) to fix the trading margin in the inter-State trading of electricity, if considered, necessary;
- (k) to discharge such other functions as may be assigned under this Act.

(2) The Central Commission shall advise the Central Government on all or any of the following matters, namely:—

- (i) formulation of National Electricity Policy and tariff policy;
- (ii) promotion of competition, efficiency and economy in activities of the electricity industry;
- (iii) promotion of investment in electricity industry;
- (iv) any other matter referred to the Central Commission by that Government.

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(3) The Central Commission shall ensure transparency while exercising its powers and discharging its functions.

(4) In discharge of its functions, the Central Commission shall be guided by the National Electricity Policy, National Electricity Plan and tariff policy published under section 3.

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"178. Powers of Central Commission to make regulations.— (1) The Central Commission may, by notification make regulations consistent with this Act and the rules generally to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the power contained in sub-section (1), such regulations may provide for all or any of following matters, namely:—

(a) period to be specified under the first proviso to section 14;

(b) the form and the manner of the application under sub-section (1) of section 15;

(c) the manner and particulars of notice under sub-section (2) of section 15;

(d) the conditions of licence under section 16;

(e) the manner and particulars of notice under clause (a) of sub-section (2) of section 18;

(f) publication of alterations or amendments to be made in the licence under clause (c) of sub-section (2) of section 18;

(g) Grid Code under sub-section (2) of section 28;

(h) levy and collection of fees and charge from generating companies or transmission utilities or licensees under sub-section (4) of section 28;

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- (i) rates, charges and terms and conditions in respect of intervening transmission facilities under proviso to section 36;
- (j) payment of the transmission charges and a surcharge under sub-clause (ii) of clause (d) of sub-section (2) of section 38;
- (k) reduction of surcharge and cross subsidies under second proviso to sub-clause (ii) of clause (d) of sub-section (2) of section 38;
- (l) payment of transmission charges and a surcharge under sub-clause (ii) of clause (c) of section 40;
- (m) reduction of surcharge and cross-subsidies under the second proviso to sub-clause (ii) of clause (c) of section 40;
- (n) proportion of revenues from other business to be utilised for reducing the transmission and wheeling charges under proviso to section 41;
- (o) duties of electricity trader under sub-section (2) of section 52;
- (p) standards of performance of a licensee or class of licensees under sub-section (1) of section 57;
- (q) the period within which information to be furnished by the licensee under sub-section (1) of section 59;
- (r) the manner of reduction of cross-subsidies under clause (g) of section 61;
- (s) the terms and conditions for the determination of tariff under section 61;
- (t) details to be furnished by licensee or generating company under sub-section (2) of section 62;
- (u) the procedures for calculating the expected revenue from tariff and charges under sub-section (5) of section 62;

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(v) the manner of making an application before the Central Commission and the fee payable therefor under sub-section (1) of section 64;

(w) the manner of publication of application under sub-section (2) of section 64;

(x) issue of tariff order with modifications or conditions under sub-section (3) of section 64;

(y) the manner by which development of market in power including trading specified under section 66;

(z) the powers and duties of the Secretary of the Central Commission under sub-section (1) of section 91;

(za) the terms and conditions of service of the Secretary, officers and other employees of Central Commission under sub-section (3) of section 91;

(zb) the rules of procedure for transaction of business under sub-section (1) of section 92;

(zc) minimum information to be maintained by a licensee or the generating company and the manner of such information to be maintained under sub-section (8) of section 128;

(zd) the manner of service and publication of notice under section 130;

(ze) any other matter which is to be, or may be, specified by regulations.

(3) All regulations made by the Central Commission under this Act shall be subject to the conditions of previous publication.."

23. The CTUIL is the implementing agency responsible for processing applications for connectivity and general network access strictly in accordance with the Regulations framed by

CERC. It exercises no independent legislative or policy making power and is bound to implement the Regulations as they stand.

24. The regulatory framework relating to connectivity has undergone gradual evolution. As noticed above, the Connectivity Regulations, 2009 initially governed grant of connectivity to the ISTS; the Fifth Amendment, notified on 15.05.2015 introduced the Solar Power Park Developer, authorized by the Central Government, as an eligible applicant; The Seventh Amendment notified on 09.01.2019, substituted the wider expression 'Renewable Power Park Developer' and extended the authorising power to the State Governments. The GNA Regulations which replaced the earlier Connectivity Regulations, 2009, have substantially retained the same requirement *vis-a-vis* Regulation 5.8(vii)(a).

25. The above legislative history assumes considerable significance. The requirement of government authorisation is not a condition introduced for the first time under the GNA Regulations, 2022. It has existed in one form or another since 2015 and has consciously been retained through successive regulations by and amendments framed by the expert regulatory body. Such continuity demonstrates that the requirement forms a part of the legislative

policy governing RPPD and that it cannot be viewed as accidental or arbitrary stipulation.

26. The principal submission of the petitioners is that Regulation 5.8 (vii)(a) violates Article 14 of the Constitution as it discriminates between RPPD and other renewable energy developers. The further grievance is that while the Regulation insist upon government authorisation, neither the GNA Regulations nor the RE Policy prescribes any procedure or timeline for grant of such authorisation, resulting in practical impossibility. Consequently, by the time the authorisation is obtained, the available connectivity margin in the relevant sub-stations stands exhausted.

27. The learned Single Judge accepted this submission to the extent of holding that the absence of any mechanism for grant of authorisation, created hardship for RPPD. Nevertheless, the learned Single Judge consciously refrained from declaring Regulation 5.8(vii)(a) as unconstitutional or reading down the provision. Despite upholding the continued existence of the Regulation, the learned Single Judge directed CTUIL to restore and process writ petitioners' applications and reserved transmission capacity in their favour, subject to eventual production of the government authorisation. We note that the correctness of the

order has to be examined in the light of the settled principles governing judicial review of subordinate legislation.

28. The law relating to judicial review of subordinate legislation is well settled, the constitutional validity of a legislative enactment can be challenged only on limited grounds, when it is *ultra vires* the parent statute, violates any constitutional provision, exceeds the limits of the delegated power or is manifestly arbitrary. The legislation cannot be struck down merely because the Court does not concur with the wisdom of enacting it or doubts its efficacy. It is wholly impermissible for the Court to test the validity of the legislation on the ground that there may be some other measures which could perceivably better serve the object of the legislation.

29. In **Indian Express Newspapers (Bombay) Private Limited and Others vs Union of India and Others**³, the Supreme Court held that a piece of subordinate legislation does not enjoy the same degree of immunity which is enjoyed by a statute passed by a competent legislature. Subordinate legislation may be questioned on any of the grounds on which the plenary legislation may be questioned; in addition, on the ground that it does not conform to the statute under which it is made; that it is contrary to some other

³ (1985) 1 SCC 641

statute; or that it is manifestly arbitrary and therefore offends Article 14 of the Constitution. The Court further observed that subordinate legislation cannot be questioned on the ground of the violation of the principles of natural justice, which is a ground available against administrative action. The relevant paragraphs, at para Nos. 75, 77 and 78, read as under :

"75. A piece of subordinate legislation does not carry the same degree of immunity which is enjoyed by a statute passed by a competent Legislature. Subordinate legislation may be questioned on any of the grounds on which plenary legislation is questioned. In addition it may also be questioned on the ground that it does not conform to the statute under which it is made. It may further be questioned on the ground that it is contrary to some other statute. That is because subordinate legislation must yield to plenary legislation. It may also be questioned on the ground that it is unreasonable, unreasonable not in the sense of not being reasonable, but in the sense that it is manifestly arbitrary. In England, the Judges would say "Parliament never intended authority to make such rules. They are unreasonable and ultra vires". The present position of law bearing on the above point is stated by Diplock, L.J. in *Mixnam's Properties Ltd. v. Chertsey Urban District Council* [(1964) 1 QB 214] thus:

"The various special grounds on which subordinate legislation has sometimes been said to be void ... can, I think, today be properly regarded as being particular applications of the general rule that subordinate legislation, to be valid, must be shown to be within the powers conferred by the statute. Thus, the kind of unreasonableness which invalidates a bye-law is not the antonym of "reasonableness" in the sense in which that expression is used in the common law, but such manifest arbitrariness, injustice or partiality that a court would say: "Parliament never intended to give

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authority to make such rules; they are unreasonable and ultra vires"...if the courts can declare subordinate legislation to be invalid for "uncertainty" as distinct from unenforceable...this must be because Parliament is to be presumed not to have intended to authorise the subordinate legislative authority to make changes in the existing law which are uncertain."

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77. In India arbitrariness is not a separate ground since it will come within the embargo of Article 14 of the Constitution. In India any enquiry into the vires of delegated legislation must be confined to the grounds on which plenary legislation may be questioned, to the ground that it is contrary to the statute under which it is made, to the ground that it is contrary to other statutory provisions or that it is so arbitrary that it could not be said to be in conformity with the statute or that it offends Article 14 of the Constitution.

78. That subordinate legislation cannot be questioned on the ground of violation of principles of natural justice on which administrative action may be questioned has been held by this Court in *The Tulsipur Sugar Co. Ltd. v. Notified Area Committee, Tulsipur* [(1980) 2 SCC 295], *Rameshchandra Kachardas Porwal v. State of Maharashtra* [(1981) 2 SCC 722] and in *Bates v. Lord Hailsham of St. Marylebone* [(1972) 1 WLR 1373]. A distinction must be made between delegation of a legislative function in the case of which the question of reasonableness cannot be enquired into and the investment by statute to exercise particular discretionary powers. In the latter case the question may be considered on all grounds on which administrative action may be questioned, such as, non-application of mind, taking irrelevant matters into consideration, failure to take relevant matters into consideration, etc, etc. On the facts and circumstances of a case, a subordinate legislation may be struck down as arbitrary or contrary to statute if it fails to take into account very vital facts which either expressly or by necessary implication are required to be taken into consideration by the statute or, say, the Constitution. This can only be done on the ground that it does not conform to

the statutory or constitutional requirements or that it offends Article 14 or Article 19(1)(a) of the Constitution. It cannot, no doubt, be done merely on the ground that it is not reasonable or that it has not taken into account relevant circumstances which the Court considers relevant."

30. In **State of A.P. and Others vs McDowell and Company and Others**⁴, the Supreme Court held that no enactment can be struck down by just saying that it is arbitrary as under :

"43. No enactment can be struck down by just saying that it is arbitrary or unreasonable. Some or other constitutional infirmity has to be found before invalidating an Act. An enactment cannot be struck down on the ground that court thinks it unjustified. Parliament and the legislatures, composed as they are of the representatives of the people, are supposed to know and be aware of the needs of the people and what is good and bad for them. The court cannot sit in judgment over their wisdom. In this connection, it should be remembered that even in the case of administrative action, the scope of judicial review is limited to three grounds, viz., (i) unreasonableness, which can more appropriately be called irrationality, (ii) illegality and (iii) procedural impropriety (see *Council of Civil Service Unions v. Minister for Civil Service* [1985 AC 374] which decision has been accepted by this Court as well). It is one thing to say that a restriction imposed upon a fundamental right can be struck down if it is disproportionate, excessive or unreasonable and quite another thing to say that the court can strike down enactment if it thinks it unreasonable, unnecessary or unwarranted."

31. The Supreme Court considered the **Indian Express** judgment in **Shayara Bano and Others vs Union of India and**

⁴ (1996) 3 SCC 709

Others⁵ and held at para Nos. 260, 279 and 283, which are set out below :

"260. Article 14 of the Constitution of India is a facet of equality of status and opportunity spoken of in the Preamble to the Constitution. The Article naturally divides itself into two parts—(1) equality before the law, and (2) the equal protection of the law. Judgments of this Court have referred to the fact that the equality before law concept has been derived from the law in the U.K., and the equal protection of the laws has been borrowed from the 14th Amendment to the Constitution of the United States of America. In a revealing judgment, Subba Rao, J., dissenting, in *State of U.P. v. Deoman Upadhyaya* (1961) 1 SCR 14 at 34 : (AIR 1960 SC 1125 at p. 1134) further went on to state that whereas equality before law is a negative concept, the equal protection of the law has positive content. The early judgments of this Court referred to the "discrimination" aspect of Article 14, and evolved a rule by which subjects could be classified. If the classification was "intelligible" having regard to the object sought to be achieved, it would pass muster under Article 14's anti-discrimination aspect. Again, Subba Rao, J., dissenting, in *Lachhman Das v. State of Punjab* (1963) 2 SCR 353 at 395 : (AIR 1963 SC 222 at p. 240), warned that overemphasis on the doctrine of classification or an anxious and sustained attempt to discover some basis for classification may gradually and imperceptibly deprive the Article of its glorious content. He referred to the doctrine of classification as a "subsidiary rule" evolved by courts to give practical content to the said Article.

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279. In a recent Constitution Bench decision in *Natural Resources Allocation, In re, Special Reference No.1 of 2012*, (2012) 10 SCC 1 : (2012 AIR SCW 6194), this Court went into the arbitrariness doctrine in some detail. It referred to *Royappa* [AIR 1974 SC 555] (supra), *Maneka Gandhi* [AIR 1978 SC 597] (supra) and *Ajay Hasia* (AIR 1981 SC 487) (supra) (and quoted from paragraph 16

⁵ AIR 2017 SC 4609

which says that "... the impugned legislative or executive action would plainly be arbitrary and the guarantee of equality under Article 14 would be breached..."). It then went on to state that "arbitrariness" and "unreasonableness" have been used interchangeably as follows:

"103. As is evident from the above, the expressions "arbitrariness" and "unreasonableness" have been used interchangeably and in fact, one has been defined in terms of the other. More recently, in *Sharma Transport v. Govt. of A.P.* [(2002) 2 SCC 188], this Court has observed thus: (SCC pp. 203-04, para 25) : (AIR 2002 SC 322 at pp. 330-331, para 23)

'25. ... In order to be described as arbitrary, it must be shown that it was not reasonable and manifestly arbitrary. The expression 'arbitrarily' means: in an unreasonable manner, as fixed or done capriciously or at pleasure, without adequate determining principle, not founded in the nature of things, non-rational, not done or acting according to reason or judgment, depending on the will alone."

(at page 81) : (at p.6235 of AIR SCW)

After stating all this, it then went on to comment, referring to McDowell [*AIR 1996 SC 1627*] (*supra*) that no arbitrary use should be made of the arbitrariness doctrine. It then concluded (at page 83) (at p.6237, para 105 of SCW):

"107. From a scrutiny of the trend of decisions it is clearly perceivable that the action of the State, whether it relates to distribution of largesse, grant of contracts or allotment of land, is to be tested on the touchstone of Article 14 of the Constitution. A law may not be struck down for being arbitrary without the pointing out of a constitutional infirmity as McDowell case [(1996) 3 SCC 709] : (AIR 1996 SC 1627)] has said. Therefore, a State action has to be tested for constitutional infirmities qua Article 14 of the Constitution. The action has to be fair, reasonable, non-discriminatory, transparent, non-capricious, unbiased, without favouritism or nepotism, in pursuit of promotion of healthy competition and equitable

treatment. It should conform to the norms which are rational, informed with reasons and guided by public interest, etc. All these principles are inherent in the fundamental conception of Article 14. This is the mandate of Article 14 of the Constitution of India.”

(Emphasis Supplied)

On a reading of this judgment, it is clear that this Court did not read McDowell (supra) as being an authority for the proposition that legislation can never be struck down as being arbitrary. Indeed the Court, after referring to all the earlier judgments, and *Ajay Hasia [AIR 1981 SC 487]* (supra) in particular, which stated that legislation can be struck down on the ground that it is “arbitrary” under Article 14, went on to conclude that “arbitrariness” when applied to legislation cannot be used loosely. Instead, it broad based the test, stating that if a constitutional infirmity is found, Article 14 will interdict such infirmity. And a constitutional infirmity is found in Article 14 itself whenever legislation is “manifestly arbitrary” i.e. when it is not fair, not reasonable, discriminatory, not transparent, capricious, biased, with favouritism or nepotism and not in pursuit of promotion of healthy competition and equitable treatment. Positively speaking, it should conform to norms which are rational, informed with reason and guided by public interest, etc.

X X X

283. It will be noticed that a Constitution Bench of this Court in *Indian Express Newspapers v. Union of India* (1985) 1 SCC 641 : (*AIR 1986 SC 515*), stated that it was settled law that subordinate legislation can be challenged on any of the grounds available for challenge against plenary legislation. This being the case, there is no rational distinction between the two types of legislation when it comes to this ground of challenge under Article 14. The test of manifest arbitrariness, therefore, as laid down in the aforesaid judgments would apply to invalidate legislation as well as subordinate legislation under Article 14. Manifest arbitrariness, therefore, must be something done by the legislature capriciously, irrationally and/or without adequate determining principle. Also, when something is done which is excessive and disproportionate, such legislation would

be manifestly arbitrary. We are, therefore, of the view that arbitrariness in the sense of manifest arbitrariness as pointed out by us above would apply to negate legislation as well under Article 14.

32. The Supreme Court in **Shayara Bano** (supra) explained that legislation may be invalidated when it is capricious, irrational, without any adequate determining principle or where it is excessive and disproportionate.

33. It is not the case of the petitioners that the impugned Regulation was introduced *mala fide* or by any ulterior motive. Bearing the principle in mind, we are unable to accept that the impugned Regulation is to be set aside on the ground that it is manifestly arbitrary or falls foul of Article 14 of the Constitution of India. The distinction between RPPD and an ordinary renewable power developer is neither artificial nor illusory. An RPPD develops common infrastructure, acquires land, provides pooling arrangement and facilitates establishment of several generating stations within an integrated renewable energy park. Such developers occupy a distinct position in the regulatory framework.

34. The requirement of government authorisation ensures that only projects recognized by the appropriate government are treated as renewable power parks for the purpose of seeking connectivity

to the ISTS on behalf of the generating stations to be established within such parks. The object sought to be achieved is orderly development of the national transmission network, proper planning of transmission infrastructure, and avoidance of speculative blocking of valuable transmission capacity.

35. The classification therefore rests upon an intelligible differentia. The differentia has a direct and rational nexus with the object sought to be achieved under the Electricity Act and the GNA Regulations.

36. It is therefore not possible to accept the contention that Regulation 5.8(vii)(a) creates hostile discrimination or violates Article 14 of the Constitution of India. We are unable to hold that the Regulation is manifestly arbitrary merely because the State Government has not evolved an expeditious procedure for issuance of authorisation.

37. The difficulty pointed out by the petitioners undoubtedly discloses an administrative deficiency. The absence of a prescribed timeline for grant of authorisation may cause delay. However, an administrative vacuum cannot by itself invalidate an otherwise valid statutory regulations. The Courts are concerned with the constitutional validity and not the legislative wisdom. Once

Regulation 5.8(vii)(a) is held to be constitutionally valid, its implementation necessarily follows. It is equally well settled that where a law prescribes that a thing has to be done in a particular manner, it has to be done in that manner alone. Regulation 5.8 (vii)(a) expressly requires government authorisation before an RPPD becomes eligible to seek connectivity. Neither the CTUIL nor this Court can dispense with such a statutory requirement. Regulation 5.8 (vii)(a) continues to remain valid. Though the learned Single Judge consciously declined to strike down or read down the Regulations, once the validity of the Regulations was preserved, the consequential direction compelling CTUIL to process the application without fulfilment of the mandatory statutory requirement could not have been issued. Such directions though equitable in appearance, have the effect of rendering statutory requirements otiose. We note that the Courts exercising judicial review cannot indirectly suspend the operation of a statutory Regulation while simultaneously declining to declare it unconstitutional. The contention of the petitioners that CERC ought to have exercised its enabling powers of relaxation or removal of difficulties (under Regulation 41 and 42 of the GNA Regulations)

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cannot advance the writ petitioners' case. Regulations 41 and 42 of the GNA Regulations reads as under :

"41. Power to Relax

The Central Commission, for reasons to be recorded in writing, may relax any of the provisions of these regulations on its own motion or on an application made before it by an affected party to remove the hardship arising out of the operation of these regulations.

"Regulation 41 enforced w.e.f. 15-10-2022 vide Noti. No. F.No. L-1/261/2021/CERC, dated 9-10-2022."

42. Power to Remove Difficulty

If any difficulty arises in giving effect to the provisions of these regulations, the Central Commission may, on its own motion or on an application made before it by affected party by order, make such provision not inconsistent with the provisions of the Act or provisions of other regulations specified by the Central Commission, as may appear to be necessary for removing the difficulty in giving effect to the objectives of these regulations.

"Regulation 42 enforced w.e.f. 15-10-2022 vide Noti. No. F.No. L-1/261/2021/CERC, dated 9-10-2022.""

38. With the leave of the learned Single Judge (order dated 17.03.2025), the writ petitioners made a representation to CERC seeking relaxation of the requirement in exercise of its power under Regulation 41 of the GNA Regulations. CERC, by an order dated 11.04.2025, declined the request. Such enabling powers are vested in the expert regulatory authority; and the Court, in exercise

of judicial review, cannot exercise these powers in substitution of the regulator.

39. There is, however, a necessity to recognize that the grievance projected by the petitioners is not wholly without substance. The material placed before the Court demonstrates that the State of Karnataka did not have a clearly defined, transparent and a time-bound mechanism for grant of authorisation under Regulation 5.8(vii)(a). Such uncertainty has the potential of adversely affecting genuine RPPDs, particularly in a regime where transmission capacity is allocated on the first-come-first-served basis.

40. During the pendency of these appeals, the State Government has issued the requisite authorisation in favour of the writ petitioner on 31.01.2026. Pursuant to the clarificatory orders dated 18.03.2026 and 09.04.2026 issued by this Court, CTUIL has proceeded to consider the writ petitioners' applications keeping the date of priority as 31.01.2026, in accordance with the GNA Regulations. Consequently, the immediate grievance regarding non-consideration of the applications no longer survives. Nevertheless, the larger issue concerning administrative implementation requires attention. While this Court cannot rewrite

Regulation 5.8 (vii)(a) or dispense with its mandatory requirements, nothing prevents the Court from observing that the State Government should consider an appropriate regulatory or administrative mechanism prescribing a transparent procedure, the competent authority and a reasonable timeline for the grant of authorisation. Such measures would advance the object of the Regulations and avoid recurrence of similar disputes without disturbing the statutory framework.

41. For the foregoing reasons, answering the points for consideration, we hold that Regulation 5.8(vii)(a) of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 is not liable to be struck down or read down on the ground that it is manifestly arbitrary in violation of Article 14 of the Constitution of India. Consequently, the learned Single Judge, having sustained the Regulation, was not justified in issuing directions inconsistent with its mandatory requirement. The impugned order therefore warrants interference to that extent. Accordingly, W.A. Nos. 569/2026 and 570/2026 preferred by M/s Rays Power Infra Limited are hereby dismissed. W.A. Nos. 1961/2025 and 1992/2025 preferred by the CTUIL, W.A. Nos.

**WA No. 1961 of 2025
C/W WA No. 1703 of 2025
WA No. 1708 of 2025
AND 5 OTHERS**

1703/2025 and 1708/2025 preferred by Essar Renewables Limited and W.A. Nos. 1963/2025 and 1965/2025 preferred by AMPIN Energy Utility Private Limited and connected appellants are hereby allowed. It is held that the Regulation 5.8(vii)(a) of Central Electricity Regulatory Commission (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 is valid and the challenge to the constitutional validity of Regulation 5.8(vii)(a) of the GNA Regulations, raised by the petitioner-M/s Rays Power Infra Limited, is hereby rejected.

42. The pending applications in all the appeals stand disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

CKL