

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5531 of 2026

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Anmol Kumar Son of Manoj Kumar, Resident of Nathupur, Bihta, P.O. -
Doghra, P.S.- Bihta, District- Patna - 801112.

... .. Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar at Patna.
2. Bihar State Power Generation Company Limited (BSPGCL), Vidyut Bhawan, Bailey Road, Pin - 800021, Patna, Bihar.
3. Bihar State Holding Company Limited (BSPHCL), Vidyut Bhawan, Bailey Road, PIN- 800021, Patna, Bihar.
4. South Bihar Power Distribution Company Limited (SBPDCL), Vidyut Bhawan, Bailey Road, PIN- 800021, Patna, Bihar.
5. North Bihar Power Distribution Company Limited (NBPDC), Vidyut Bhawan, Bailey Road, PIN- 800021, Patna, Bihar.
6. Adani Power Ltd., Adani Corporate House, Shantigram, Near Vaishnodevi Circle, S.G. Highway, Khodiyar, Ahmedabad, Gujarat, PIN- 382421, India.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Sumit Kumar Singh, Advocate
	:	Ms. Deepali Singh, Advocate
For the Respondent/s	:	Mr. S.D. Sanjay, AG
	:	Mr. Rahul Kumar, AC to AG
	:	Mr. Mohit Agarwal, AC to AG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-06-2026

The petitioner is present through learned counsel, Mr. Sumit Kumar Singh. The learned Advocate General, Mr. S.D. Sanjay is present on advance notice and waives formal notice.

2. The petitioner is a practicing advocate at this Court and claims to have no personal, direct or indirect interest in the present matter. The petitioner has approached this Court contending that he is raising *bona fide* issues of



grave public interest regarding the approval, establishment and operation of the Pirpainti Thermal Power Project-2400 MW (3X800 MW) ultra-supercritical coal-based power plant proposed at Pirpainti, Bhagalpur District, Bihar and awarded to Respondent No.6 under a Design, Build, Finance, Own and Operate model for a contractual period for 33 years.

3. It is contended by learned counsel for the petitioner that approval for this project was granted by the Bihar State Cabinet in March 2025, pursuant to the nodal agency Bihar State Power Generation Company Limited having accepted the project. That, the procurement was processed under tariff based competitive bidding procedure on 16.07.2025 in which Respondent No.6 emerged as the lowest bidder out of the four qualified bidders. Respondent No.6 is to make an aggregate investment exceeding Rs.28,000/- crore with target commissioning of the first unit in 48 months and full capacity within 60 months of the award. That on comparison with tariffs of similar capital-intensive projects in Maharashtra, Madhya Pradesh and Uttar Pradesh, it is found that the relatively high tariff for the instant project has been accepted which is manifestly, arbitrary, discriminatory and violative of statutory provisions. Hence, the prayers in the writ petition are as follows:

“ (i) To direct the Respondents to bring on record the Power Supply Agreement entered into with Adani Power Limited for the Pirpainti Thermal Power Project and set aside the said agreement



on the grounds that the tariff of ₹6.075 per KWH fixed pursuant to the Tariff Based Competitive Bidding (TBCB) process is arbitrary, unreasonable and not in the public interest, especially considering higher rates compared to other States and without adequate transparent justification of coal premium impact and cost components as highlighted in the tariff petition before Bihar Electricity Regulatory Commission (BERC).

(ii) For quashing the approval dated 4th February 2025 by the Bihar State Government and subsequent decisions permitting the lease of approximately 1,020 acres of prime agricultural land located at Village Pirpainti, Bhagalpur district to the L1 bidder (Adani Power Ltd.) at the nominal consideration of Rs. 1/- per annum for a period of 33 years or the term of the Power Supply Agreement, whichever is shorter, as such lease amount is arbitrary, discriminatory and violates principles of public trust, equity and grossly deprives the State exchequer and affected landowners of fair and just compensation.

(iii) To direct the Respondents to ensure effective and transparent implementation of fair market valuation principles with respect to public land acquisition and lease arrangements, immediately provide just and fair compensation to all affected cultivators and landowners whose rights and livelihoods have been or are at risk due to



the impugned actions supported by documented evidence of pending payments and deprivation.

(iv) To direct the Respondents to conduct and disclose an independent and judicially supervised audit of the Central Electricity Authority's (CEA) Resource Adequacy Report 2024 estimates, particularly scrutinizing the basis of the projected 11,758 MW installed capacity requirement against the existing commissioned and tied-up capacity approximating 9,332 MW, and the genuineness and detailed causation of delays in prior thermal and renewable power projects.

(v) To direct the Respondents, including Bihar Electricity Regulatory Commission (BERC), BSPGCL and State Government authorities to establish immediate protocols and mechanisms for the regular publication of all relevant data related to capacity additions, project timelines, tariff determinations and land transactions concerning power projects on official government portals for wider public and judicial scrutiny to ensure transparency and accountability."

4. The petitioner further avers that the moot questions involved in the PIL are:

I. Whether the adoption of the high tariff of ₹6.075/kWh is justifiable given comparative market tenders and the suspicious patterns in bidding documents and their rationale?



II. *Whether the bidding process conducted under Case No.36/2025 is tainted with collusion evident from near-identical bids even in decimals, invalidating the premise of public transparent competitive bidding?*

III. *Whether the decision of the State Government to lease approximately 1,020 acres extensive fertile agricultural land at Rs. 1/- per annum is violative of the Public Trust Doctrine and statutory norms, including mandatory compensation under the RFCTLARR Act?*

IV. *Whether the Bihar Government and related agencies violated statutory mandates, failed proper compensatory payment and suppressed essential data on land acquisition and compensation to allow mala fide privilege to the corporate bidder?*

V. *Whether the State's failure to ensure transparent, independent valuation of land, lack of competitive bidding for land lease disproportionately favouring private commercial interests over the public interest and fails to protect the constitutional rights of affected stakeholders is unlawful, arbitrary and discriminatory exercise of power, justifying intervention and redress under the writ jurisdiction of this Hon'ble Court?*

VI. *Whether the availability, adequacy, genuineness and transparency of data and official justifications relied upon by the Respondents especially as articulated in the Central Electricity Authority's Resource Adequacy Report 2024 regarding installed capacity requirements (estimated at 11,758 MW) and the purported reasons for delays in ongoing thermal and renewable projects justify the urgent procurement of power under the contested tariff and lease arrangements?*

VII. *Whether constitutional mandates of protecting the right to*



livelihood of cultivators, safeguarding public property and upholding equitable resource allocation are contravened by the State's decisions authorizing lease at token consideration without ensuring adequate compensation, rehabilitation and alternative livelihood provisions?

5. Although the petitioner is a practicing advocate in this High Court and claims not to have any personal interest in the present matter, we notice that there is no averment or submission with regard to the petitioner being a public spirited person or taking up any cause for the public at large at any other prior instance.

6. The learned Advocate General, while objecting to the maintainability of the application, submits that the application preempts that the tariffs that are likely to be paid in 2030 are going to be high, as can be culled out from the submissions advanced by learned counsel for the petitioner which cannot be considered at this juncture. That, if any person is aggrieved by the outcome of the bids, then it is the Bihar Electricity Regulatory Commission which is the concerned authority before whom the complaint has to be lodged. Besides the gamut of facts presented clearly indicate that it is a policy decision taken by the State and ought not to be tampered as it deals with the interest of the Bihar public at large.

7. Having given due consideration to the submissions and perused the averments and the documents on record as well as a document pertaining to competitive



chart made over to this Court across the Bar, we deem it essential to point out that in a Public Interest Litigation, the Court is to be *prima facie* satisfied that the information laid before the Court is of such a nature that it calls for examination. This satisfaction is to be derived from the character and standing of the informant, the nature of the information given by him whether it is vague or contains specific allegations, the gravity or seriousness of the complaint set out in the information.

8. From the averments made in the petition and the submissions advanced, the petitioner himself has admitted that the project was approved by the State Cabinet and by the nodal agency Bihar State Power Generation Company Limited. The procurement was processed under the tariff based competitive bidding procedure conducted on the ETS bidding portal in which the Respondent No.6 emerged as the lowest bidder.

9. In view of the above circumstances, we find that the allegations made are vague, nebulous and appears to be based on private interest as none of the other parties, who have lost out in the bid to the Respondent No. 6, have approached any authority much less this Court, complaining of any irregularities in the bidding process or the award of the bid.

10. We are inclined to agree with the submissions of the learned Advocate General that all decisions made in the matter is a policy decision and cannot be tampered with the



Court sans specific materials in the matter to substantiate the allegations.

11. Consequently, we are of the considered view that the instant petition does not qualify as Public Interest Litigation and we are not inclined to consider it. The petition, accordingly, stands dismissed and disposed of.

(Meenakshi Madan Rai, CJ)

(Soni Shrivastava, J)

anand/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	03.07.2026
Transmission Date	NA

