

ITEM NO.301

COURT NO.4

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.838/2019

M.K. RANJITSINH & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With IA No.1731/2021 - APPLICATION FOR PERMISSION, IA No.85618/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No.141842/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No.126273/2020 - CLARIFICATION/DIRECTION, IA No.95438/2019 - CLARIFICATION/DIRECTION, IA No.1732/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No.95435/2019 - EXEMPTION FROM FILING O.T., IA No.7924/2021 - INTERVENTION/IMPLEADMENT, IA No.157733/2021 - INTERVENTION/IMPLEADMENT, IA No.142870/2021 - INTERVENTION/IMPLEADMENT, IA No. 149293/2021 - MODIFICATION, IA No.6537/2022 - MODIFICATION OF COURT ORDER, IA No.160225/2021 - MODIFICATION OF COURT ORDER, IA No.142880/2021 - MODIFICATION OF COURT ORDER and IA No.142882/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 21-04-2022 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE A.S. BOPANNA  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s)

Mr. Shyam Divan, Sr. Adv.  
Mr. Prashanto Chandra Sen, Sr. Adv.  
Ms. Sonia Dube, Adv.  
Ms. Ria Singh Sawhney, Adv.  
Ms. Surbhi Anand, Adv.  
M/s. Legal Options

**For Respondent(s)**

Mr. K.K. Venugopal, AG  
Mr. Tushar Mehta, SG  
Ms. Aishwarya Bhati, ASG  
Mr. D.L. Chidanand, Adv.  
Mr. Ankur Talwar, Adv.  
Mr. Shyam Gopal, Adv.  
Ms. Chinmayee Chandra, Adv.  
Ms. Suhasini Sen, Adv.  
Ms. Kirti Khangarot, Adv.  
Mr. Gurmeet Singh Makker, AOR

Dr. Manish Singhvi, Sr. Adv.  
Mr. Arpit Parkash, Adv.  
Mr. Milind Kumar, AOR

Ms. Deepanwita Priyanka, AOR

Mr. Mrinal Gopal Elker, AOR  
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Mr. Mahfooz Ahsan Nazki, AOR  
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Mr. Shaik Mohamad Haneef, Adv.  
Mr. T. Vijaya Bhaskar Reddy, Adv.  
Mr. K.V. Girish Chowdary, Adv.  
Ms. Rajeswari Mukherjee, Adv.

Mr. Sachin Patil, AOR  
Mr. Rahul Chitnis, Adv.  
Mr. Aaditya A. Pande, Adv.  
Mr. Geo Joseph, Adv.  
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Mr. Somesh Chandra Jha, AOR  
Mr. Rahul Narang, Adv.

Mr. G. Ramchandran, Sr. Adv.  
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Ms. Jesal Wahi, Adv.

Mr. Ranji Thomas, Sr. Adv.  
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**Mr. A. Karthik, AOR**

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**Ms. Arti Singh, AOR  
Mr. Aakashdeep Singh Roda, Adv.  
Mr. Basant Pal Singh, Adv.  
Ms. Pooja Singh, Adv.**

**Mr. Devendra Singh, AOR**

**Mr. Mahesh Agarwal, Adv.  
Mr. Arshit Anand, Adv.  
Mr. Yojit Mehra, Adv.  
Ms. Kamakshi Sehgal, Adv.  
Mr. E.C. Agrawala, AOR**

**Mr. Rakesh Dwivedi, Sr. Adv.  
Mr. Sajjan Poovayya, Sr. Adv.  
Mr. Vishrov Mukherjee, Adv.  
Mr. Pukhrambam Ramesh Kumar, AOR  
Mr. Janmali Manikala, Adv.  
Mr. Girik Bhalla, Adv.  
Mr. Karun Sharma, Adv.  
Mr. Damodar Solanki, Adv.  
Ms. Raksha Agarwal, Adv.  
Ms. Monika Dwivedi, Adv.  
Ms. Arya Tripathi, Adv.**

**Mr. K.V. Viswanathan, Sr. Adv.  
Mr. Manu Nair, Adv.  
Mr. Neelabh Shreesh, Adv.  
Mr. Nawneet V., Adv.  
Mr. Shashwat Kumar, Adv.  
Ms. Shreya Mukerjee, Adv.  
Mr. S.S. Shroff, AOR**

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1 The three-member Committee constituted by the order of this Court dated 19 April 2021 has submitted its status report dated 20 April 2022.
- 2 The status report indicates that the Committee received eight applications for exemption from the requirement of setting up underground transmission lines. The Committee has tabulated the status of the applications. The Committee has obtained a technical report from the Central Electricity Authority<sup>1</sup> on the feasibility of undergrounding 400 kV and 765 kV transmission lines. The Committee has also sought a technical report from CEA on undergrounding 66 kV and 220 kV transmission lines to which a reply is awaited.
- 3 The tabulated chart indicates that out of the eight applications which were submitted to it, the Committee has approved two applications on the receipt of CEA's technical report permitting the laying of overhead transmission lines subject to the installation of bird divertors. The remaining six applications are at various stages of scrutiny upon which a decision is expected to be taken by the Committee.
- 4 The work of the Committee may proceed in terms of the order of this Court dated 19 April 2021 and a fresh status report should be filed before the next date of listing.
- 5 The following interlocutory applications have been filed at this stage of the proceedings:
  - (i) IA No 141842 of 2021 by the petitioner;
  - (ii) IA No 149293 of 2021 by the Union of India; and

1 "CEA"

(iii) IA No 160225 of 2021 by the State of Rajasthan.

Apart from the above interlocutory applications, a clutch of interlocutory applications has been filed by the Solar Power Developers Association and the Wind Independent Power Producers Association.

- 6 We have heard submissions by Mr K K Venugopal, learned Attorney General, Mr Shyam Divan, Mr. Prashanto Chandra Sen, Mr Rakesh Dwivedi, Mr K V Viswanathan and Dr Manish Singhvi, senior counsel among other counsel who appear on behalf of the contesting parties.
- 7 During the course of the hearing, it has emerged that none of the parties before the Court or the intervenors have any objection to the installation of bird divertors. Though in the IA which has been filed before the Court by the State of Rajasthan an attempt has been made to indicate the steps which have been taken, the progress has been deficient in all respects. The installation of bird divertors at least in the priority areas of the States of Gujarat and Rajasthan must be taken up with the utmost expedition. The installation of bird divertors in the priority areas shall be completed before 20 July 2022, when these proceedings shall be taken up for further direction. This direction shall govern all State owned as well as private power producers.
- 8 The States of Rajasthan and Gujarat as well as all power producers in the private domain shall ensure that within the priority areas, a comprehensive exercise is completed within a period of three weeks to assess (i) the total length of transmission lines; and (ii) the estimated number of bird divertors required for the purpose.
- 9 The Committee which has been appointed by the Court shall within a month in consultation with the CEA formulate the standards of quality required for

the bird divertors so that uniformity can be maintained in the standards to be observed. Necessary steps shall be taken immediately thereafter for ensuring that the time schedule of completing the installation of bird divertors in the priority areas associated with the Great Indian Bustard and Lesser Florican is observed by all power producers in Gujarat and Rajasthan.

- 10 Compliance reports shall be filed before this Court at least a week before the next date of listing.
- 11 In terms of the previous order dated 19 April 2021, any company which seeks an exemption from the direction to install underground transmission lines, shall be at liberty to move the Committee which has been constituted by this Court. Any grievance thereafter may be submitted before this Court.
- 12 The injunction which has been imposed in the order of this Court from the installation of fresh overhead transmission lines, save with the approval of the Committee, shall be scrupulously enforced. The Committee has stated that it has received reports in regard to the ongoing installation of power lines despite the directions of this Court. The States of Gujarat and Rajasthan as well as private power producers shall ensure that there is no breach of the directions of this Court. As already noted earlier, the feasibility of and need for installation of fresh overhead transmission lines is being examined by the Committee on a case to case basis and hence, applicants have sufficient remedies in the first instance to approach the Committee, and thereafter move this Court, if there be any subsisting grievance.
- 13 List the Petition on 20 July 2022 at 2.00 pm.

**(CHETAN KUMAR)**  
A.R. - cum - P.S.

**(SAROJ KUMARI GAUR)**  
Court Master