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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of Decision: 04<sup>th</sup> December, 2025**

+ W.P.(C) 18443/2025, CM APPL. 76382/2025, CM APPL. 76383/2025 & CM APPL. 76384/2025

UDUPI KASARGODE TRANSMISSION LIMITED .....Petitioner

Through: Mr. Dayan Krishnan, Sr. Adv. and Mr. Jayant Mehta, Sr. Adv. with Mr. Deep Rao Palepu, Mr. Arjun Agarwal, Mr. Prajeeti Ghosh, Ms. Radhika Yadav and Mr. Om Shetal, Advs.

versus

CENTRAL ELECTRICITY REGULATORY COMMISSION & ORS. ....Respondents

Through: Mr. Anand K. Ganesan, Ms. Ritu Apurva, Mr. Karthikeyan M. and Ms. Pragya Pushkar, Advs. for R-2 to 6 Mr. Hemendra Singh Kashyap and Ms. Parul Dagar, Advs. for R-1 (Through VC)

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**MINI PUSHKARNA, J.(Oral):**

1. The present writ petition has been filed on account of the fact that there is imminent threat of coercive and precipitative action by respondent nos. 2 to 6, along with respondent nos. 7 to 15, against the petitioner.
2. Learned Senior Counsel appearing for the petitioner submits that the petitioner had earlier filed a petition before respondent no. 1 - Central Electricity Regulatory Commission ("CERC"). Subsequently, the said



petition was disposed of without going into the merits, by holding that the said petition was pre-mature, and by granting the petitioner liberty to approach the CERC, after the petitioner completes the project. By way of the said order dated 01<sup>st</sup> September, 2025, the CERC had also granted protection in favour of the petitioner in the interim.

3. Subsequently, Karnataka DISCOMS filed an appeal before the Appellate Tribunal for Electricity (“APTEL”), challenging the CERC order dated 01<sup>st</sup> September, 2025. Thus, *vide* order dated 01<sup>st</sup> December, 2025, the learned APTEL passed an order setting aside the CERC order and remanded the matter back to learned CERC, directing it to pass an order afresh, after hearing the parties.

4. The present writ petition has been filed since there is no interim protection by the learned APTEL in favour of the petitioner.

5. Learned Senior Counsel appearing for the petitioner submits that since the matter is yet to be taken up by the CERC and the schedule of sitting of the CERC does not show the case of the petitioner as being listed for hearing in December, 2025, the present petition has been filed for a limited protection in the interregnum, till the petition filed on behalf of the petitioner is heard by the CERC.

6. Learned Senior Counsel appearing for the petitioner relies upon an order dated 29<sup>th</sup> May, 2025 passed by this Court in *W.P.(C) 7934/2025*, titled as “*Sprng Vayu Vidyut Private Limited Versus Central Transmission Utility of India Limited & Anr.*”, and submits that similar protection may be granted to the petitioner herein.

7. *Per contra*, learned counsel appearing for respondent nos. 2 to 7 submits that the *Advance List* of the CERC for the month of December,



2025, was published on 30<sup>th</sup> November, 2025. He submits that since the order was passed by the APTEL only on 01<sup>st</sup> December, 2025, therefore, the schedule of the CERC could not have reflected the petitioner's petition for the month of December, 2025. He further submits that the learned CERC had a sitting yesterday, i.e., 03<sup>rd</sup> December, 2025, and the matter was not mentioned by the petitioner.

8. He further submits that the next sittings of the CERC are on 09<sup>th</sup> December, 2025 and 11<sup>th</sup> December, 2025.

9. At this stage, learned Senior Counsel appearing for the petitioner submits that the petitioner shall mention the matter before the CERC on 09<sup>th</sup> December, 2025, with a prayer for taking up the matter either on 09<sup>th</sup> December, 2025 or 11<sup>th</sup> December, 2025. He, thus, submits that limited protection ought to be granted to the petitioner, in view of the earlier protection granted by the learned CERC.

10. Attention of this Court has also been drawn to the '*Proof of Service*', to show that advance service has been done to all the parties, although all the parties are not represented before this Court.

11. After having heard learned counsel for the parties that are present before this Court, this Court considers the fact that the petitioner is only seeking a limited protection till the petition of the petitioner is heard by the learned CERC.

12. Liberty is granted to the petitioner to mention the matter before the learned CERC on 09<sup>th</sup> December, 2025. Upon mentioning, the learned CERC is requested to take up the application for interim relief filed on behalf of the petitioner, either on 09<sup>th</sup> December, 2025 or on its next sitting, which this Court is informed, is on 11<sup>th</sup> December, 2025.



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13. Accordingly, considering the facts and circumstances of the present case, it is directed that no coercive steps or measures shall be taken against the petitioner till 11<sup>th</sup> December, 2025.

14. With the aforesaid directions, the present writ petition, along with the pending applications, is accordingly disposed of.

**MINI PUSHKARNA, J**

**DECEMBER 4, 2025/KR**