

IN THE HIGH COURT OF KARNATAKA, BENGALURU

R

DATED THIS THE 21<sup>ST</sup> DAY OF SEPTEMBER, 2022

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S. DIXIT

**WRIT PETITION NO.9174/2022(GM-KEB)**

**C/W**

**WRIT PETITION NO.18941/2021(GM-RES),**

**WRIT PETITION NO.17244/2022(GM-RES)**

**IN W.P.NO.9174/2022:**

**BETWEEN:**

SRK ENERGY PRIVATE LIMITED,  
PVT LTD COMPANY,  
REGISTERED UNDER INDIAN COMPANIES ACT,  
HAVING OFFICE AT 2-057/A/801,  
8<sup>TH</sup> FLOOR, VSS NANDADEEP,  
NEAR MEDCHAL RTA OFFICE,  
PETBAHEERABAD VILLAGE,  
KOMPALLY ROAD, MEDCHAL DISTRICT,  
TELANGANA – 500 067.  
REP BY ITS AUTHORIZED REPRESENTATIVE  
AND DIRECTOR,  
MR SUBBA RAO PAMPANA.

...PETITIONER

(BY SRI.SHARATH GOWDA, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
ENERGY DEPARTMENT,  
REP BY ITS PRINCIPAL SECRETARY,  
VIDHANA SOUDHA,  
B R AMBEDKAR VEEDHI,  
BANGALORE-560 001.

2. KARNATAKA RENEWABLE ENERGY DEVELOPMENT LIMITED  
GOVERNMENT OF KARNATAKA  
UNDERTAKING NO.39, SHANTHI GRUHA,  
BHARATH SCOUTS AND GUIDES BUILDING,  
OPP THE CHIEF MASTER GENERAL OFFICE,  
PALACE ROAD, BANGALORE-560 001.  
REP BY ITS MANAGING DIRECTOR
3. THE ASST GENERAL MANAGER (WIND)  
KARNATAKA RENEWABLE  
ENERGY DEVELOPMENT LIMITED,  
NO.39, SHANTHI GRUHA,  
PALACE ROAD, BANGALORE-560 001.
4. THE ASSISTANT TECHNICAL OFFICER  
KARNATAKA RENEWABLE ENERGY  
DEVELOPMENT LIMITED,  
NO.39, SHANTHI GRUHA, PALACE ROAD,  
BANGALORE-560 001.
5. ALLOTMENT COMMITTEE (RENEWABLE ENERGY)  
ENERGY DEPARTMENT, GOVT OF KARNATAKA,  
REP BY ITS CHAIRMAN,  
VIKASA SOUDHA, AMBEDKAR VEEDHI,  
BANGALORE-560 001.
6. AYANA RENEWABLE POWER SIX PRIVATE LIMITED  
HAVING ITS OFFICE IN S 2904  
29<sup>TH</sup> FLOOR, WORLD TRADE CENTRE,  
BRIGADE GATEWAY CAMPUS,  
NO.26/1, DR RAJKUMAR ROAD,  
RAJAJINAGAR, MALLESHWARAM,  
BENGALURU-560 055.  
REP BY ITS DIRECTOR.

...RESPONDENTS

(BY SMT.RASHMI PATEL, HCGP FOR R1;  
SRI. SAMANTH KASHYAP, ADVOCATE FOR R2;  
SRI. A S PONNANNA, SENIOR COUNSEL A/W  
SRI. AJAY J NANDALIKE, ADVOCATE FOR R6;  
R3 TO R5 ARE SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE GOVERNMENT ORDER DTD 04.09.2021 ISSUED BY THE R1 VIDE ANNEXURE-A.

**IN W.P.NO.18941/2021:**

**BETWEEN:**

SJP BUILDERS AND DEVELOPERS PRIVATE LIMITED,  
PVT LTD COMPANY REGISTERED UNDER  
INDIAN COMPANIES ACT,  
HAVING OFFICE AT ASSETZ LUMOS,  
#601, UNIT "A",  
YESHWANTHPUR INDUSTRIAL AREA,  
YESHWANTHPUR, BENGALURU - 560 086.  
REP BY ITS DIRECTOR,  
MR VINOD KUMAR D P.

...PETITIONER

(BY SRI.SHARATH S GOWDA, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
ENERGY DEPARTMENT,  
REP BY ITS PRINCIPAL SECRETARY,  
VIDHANA SOUDHA,  
B R AMBEDKAR VEEDHI,  
BANGALORE-560 001.
2. KARNATAKA RENEWABLE ENERGY DEVELOPMENT LIMITED  
GOVERNMENT OF KARNATAKA  
UNDERTAKING NO.39, SHANTHI GRUHA,  
BHARATH SCOUTS AND GUIDES BUILDING,  
OPP THE CHIEF MASTER GENERAL OFFICE,  
PALACE ROAD, BANGALORE-560 001.  
REP BY ITS MANAGING DIRECTOR
3. THE ASST GENERAL MANAGER (WIND)  
KARNATAKA RENEWABLE  
ENERGY DEVELOPMENT LIMITED,  
NO.39, SHANTHI GRUHA,  
PALACE ROAD, BANGALORE-560 001.

4. THE ASSISTANT TECHNICAL OFFICER  
KARNATAKA RENEWABLE ENERGY DEVELOPMENT LIMITED,  
NO.39, SHANTHI GRUHA,  
PALACE ROAD, BANGALORE-560 001.
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ENERGY DEPARTMENT,  
GOVT OF KARNATAKA,  
REP BY ITS CHAIRMAN,  
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NO.26/1, DR RAJKUMAR ROAD,  
RAJAJINAGAR, MALLESHWARAM,  
BENGALURU-560 055.  
REP BY ITS DIRECTOR.

...RESPONDENTS

(BY SMT.RASHMI PATEL, HCGP FOR R1 & R5;  
SRI. SAMANTH KASHYAP, ADVOCATE FOR R2;  
SRI. A S PONNANNA, SENIOR COUNSEL A/W  
SRI. AJAY J N, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO  
QUASH THE GOVERNMENT ORDER DTD 04.09.2021 ISSUED  
BY THE R1 VIDE ANNEXURE-A.

**IN W.P.NO.17244/2022:**

BETWEEN:

SJP BUILDERS AND DEVELOPERS PRIVATE LIMITED,  
PVT LTD COMPANY REGISTERED UNDER  
INDIAN COMPANIES ACT,  
HAVING OFFICE AT ASSETZ LUMOS,  
#601, UNIT "A",  
YESHWANTHPUR INDUSTRIAL AREA,

YESHWANTHPUR, BENGALURU – 560 086.  
REP BY ITS DIRECTOR MR VINOD KUMAR D P.

...PETITIONER

(BY SRI.SHARATH S GOWDA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,  
ENERGY DEPARTMENT,  
REP BY ITS PRINCIPAL SECRETARY,  
VIDHANA SOUDHA,  
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UNDERTAKING NO.39, SHANTHI GRUHA,  
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OPP THE CHIEF MASTER GENERAL OFFICE,  
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ENERGY DEPARTMENT,  
GOVT OF KARNATAKA,  
REP BY ITS CHAIRMAN,  
VIKASA SOUDHA, AMBEDKAR VEEDHI,  
BANGALORE-560 001.

...RESPONDENTS

(BY SMT.RASHMI PATEL, HCGP FOR R1 & R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENT AUTHORITIES TO ISSUE FACILITATION LETTER IN FURTHERANCE OF ALLOTMENT APPROVED BY ALLOTMENT COMMITTEE VIDE ITS ORDER DTD 23.01.2019 IN RESPECT OF 5MW WIND POWER PROJECT, IN FAVOR OF PETITIONER COMPANY VIDE ANNEXURE-G.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDER, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

**ORDER**

In W.P.No.18941/2021 & W.P.No.9174/2022, petitioner companies carrying on business in Wind Energy Projects, are knocking at the doors of Writ Court seeking invalidation of the Government Order dated 04.09.2021 whereby the Wind Energy Project allotted to one M/S SML Electricals India Private Limited has been transferred to the 6<sup>th</sup> Respondent (hereafter '*Ayana Limited*') and further, the then obtaining Project Capacity of 10 MW has been enhanced to 300 MW. This project, according to them, comprises of land *ad measuring* 44 acres out of the earmarked vast area of 6500 acres in all.

2. In the companion case i.e., in W.P. No.17244/2022 filed by one of these petitioners namely M/s. SJP Builders & Developers Pvt. Ltd., a Writ of Mandamus is sought for to the respondent-authorities to issue Facilitation Letter in furtherance of Allotment approved by the Allotment Committee vide Order dated 23.01.2019 for 5 MW Wind Power Project.

3. After service of notice, the State has entered appearance through the learned HCGP; the respondent – Karnataka Renewable Energy Development Ltd., (hereafter 'KREDL') & its officials are represented by their learned Panel Counsel. The 6th respondent – Ayana Limited is represented by a private advocate. The KREDL and Ayana Limited have filed their Statements of Objections opposing the writ petitions. Learned HCGP, learned Panel Counsel & the learned private advocate make submission in justification of the impugned order and the reasons on which it is structured, and seek dismissal of all the writ petitions.

4. Having heard the learned counsel for the parties and having perused the Petition Papers, this Court is inclined to grant a limited indulgence in the matter as under and for the following reasons:

(a) The fulcrum of petitioners' case is that the land area in respect of which they have staked their claim is subsumed in the project area allotted to the 6<sup>th</sup> respondent – Ayana Limited and therefore, the impugned order is liable to be voided. Learned counsel for the petitioners takes the Court through the pages of petition books to substantiate the same. However, both the learned HCGP appearing for the State & the Panel Counsel appearing for the KREDL repel this contention contending that the entire area earmarked for the Wind Energy Project is as vast as 6500 acres and what has been allocated to the 6<sup>th</sup> respondent is an area of mere 544 acres and therefore, petitioners' claim is in no way prejudiced by the impugned order, even if they are in future to seek enhancement of the area or the MW



capacity and therefore, they are not justified in complaining against the allocation made in favour of 6<sup>th</sup> respondent-Ayana Limited. A perusal of the records lends abundant support to the case of respondents inasmuch as, the claim of both the petitioners put together works out to a small extent of 66 acres only i.e., 16 acres claimed by the petitioner in W.P.No.18941/2021 and 50 acres claimed by the petitioner in W.P. No.9174/2022.

(b) There is force in the contention of contesting respondents that the petitioners whose claims have not yet become concrete & choate, cannot seek to stick on to a particular piece of earth, especially when as assured by KREDL, they can be accommodated in any other piece of land comprised in the vast area of 6,500 acres, if at all it becomes necessary. What one cannot lose sight of is: the Government & its authorities have been exploring the tapping potential of non-conventional/renewable energy resources like wind power, more particularly by engaging

private agencies who are in a position to avail the latest science & technology, to fructify the same. It needs no research to show that our society is starving of electrical power which is the lifeblood of any business & industry, and which also generate abundant employment opportunities. Invalidation of the impugned order on the pleaded grounds that are not much substantiated would dampen the spirit of large – scale investors and their entrepreneurship. Pertinently, the observations of the Apex Court in *HINDUSTAN ZINC LTD. vs. RAJASTHAN ELECTRICITY REGULATORY COMMISSION*<sup>1</sup> have been reproduced:

*"Para 4.2.2 of the National Action Plan on Climate Change and the Preamble to the 2003 Act, emphasize upon the promotion of efficient and environmentally benign policy of the State to encourage generation and consumption of green energy to subserve the mandate of Article 21 read with Article 51-A(g) of the Constitution of India. Further, it is consistent with the international obligations...ratified under Kyoto Protocol. The said Regulations are framed...with a laudable objective of achieving the directive principles of State policy as provided in Article 48-A read with fundamental duties under Article 51-A(g) of the Constitution, which mandate upon*

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<sup>1</sup> (2015) 12 SCC 611

*the State and its instrumentalities to protect the environment in the area with a view to see that the citizens/residents of the area lead a healthy life. This is the laudable object of the State and to achieve the same it has framed the National Electricity Policy, 2005 referred to supra."*

(c) The stand of the KREDL that the allocation made in favour of 6<sup>th</sup> Respondent – Ayana Limited would not much prejudice the pending claims of petitioners is fully adumbrated by the report dated 14.06.2021 submitted by the Managing Director of the KREDL to the Government. Its relevant part which broadly safeguards the business interest of petitioners too, reads as under:

*"ಈ ಮೇಲಿನ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಮೆ: SML ELECTIRCALS INDIA PRIVATE LIMITED, ರವರು ಗದಗ ಜಿಲ್ಲೆಯ, ಗದಗ ತಾಲ್ಲೂಕಿನ ಮುಷ್ಠಿಕೊಪ ಗ್ರಾಮದಲ್ಲಿ ಈಗಾಗಲೇ ವರ್ಗದಡಿಯಲ್ಲಿ ಅನುಷ್ಠಾನಗೊಂಡಿರುವ 1.25 ಮೆ.ವ್ಯಾ ಸಾಮರ್ಥ್ಯದ ಪವನ ವಿದ್ಯುತ್ ಯೋಜನೆಯನ್ನು ಮೆ: Ensemble Infrastructure India Limited ರವರಿಂದ ವರ್ಗಾವಣೆ ಮೂಲಕ ಪಡೆದಿದ್ದು, ಸದರಿ ಯೋಜನೆಯ ಸ್ಥಳದ ಆಸು ಪಾಸಿನ ಪ್ರದೇಶದಲ್ಲಿ (ಗದಗ ಜಿಲ್ಲೆಯ, ಗದಗ ಮತ್ತು ಮುಂಡರಗಿ ತಾಲ್ಲೂಕುಗಳ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ) ಲಭ್ಯವಿರುವ ಖಾಸಗಿ ಜಮೀನುಗಳಲ್ಲಿ ಹೆಚ್ಚುವರಿಯಾಗಿ(additional) 10 ಮೆ.ವ್ಯಾ ಸಾಮರ್ಥ್ಯವನ್ನು ಮೂರನೇ ವ್ಯಕ್ತಿ/SECI ವರ್ಗದಡಿಯಲ್ಲಿ ಹಂಚಿಕೆ ಮಾಡಬೇಕೆಂದು ಕೋರಿದ್ದು, ನಂತರ ಹೆಚ್ಚುವರಿಯಾಗಿ ಹಂಚಿಕೆಯಾದ 10 ಮೆ.ವ್ಯಾ ಸಾಮರ್ಥ್ಯವನ್ನು ಮೆ: Ayana Renewable Power Six Private Limited ರವರಿಗೆ ವರ್ಗಾಯಿಸುವುದು. ತದನಂತರ, ಮೆ: Ayana Renewable Power Six Private Limited ರವರು ವರ್ಗಾವಣೆಗೊಂಡ 10 ಮೆ.ವ್ಯಾ ಸಾಮರ್ಥ್ಯವನ್ನು 300 ಮೆ.ವ್ಯಾ ಗೆ ಹೆಚ್ಚಿಸುವುದು ಹಾಗೂ ಸದರಿ*

ಯೋಜನೆಯಿಂದ ಉತ್ಪಾದನೆಯಾಗುವ ವಿದ್ಯುತ್ ಕೇಂದ್ರ ಸರ್ಕಾರದ Power Grid Corporation of India Limited(PGCIL) ವಿದ್ಯುತ್ ಪ್ರಸಾರಣ ಜಾಲಕ್ಕೆ ಜೋಡಿಸಿ, Inter State Transmission System(ISTS) (ಮುಖಾಂತರ ಸೂರ ರಾಜ್ಯಗಳಿಗೆ ಬಿಡ್ಡಿಂಗ್/ ಮೂರನೇ ವ್ಯಕ್ತಿಗೆ ವಿದ್ಯುತ್ ಸರಬರಾಜು ಮಾಡುವುದಕ್ಕೆ ಹಂಚಿಕೆ ಆದೇಶದಲ್ಲಿ ಮೆ. Ayana Renewable Power Six Private Limited ರವರು Topo Sheet No.48 M/11 and 48 M/15 ನಲ್ಲಿ, ಈಗಾಗಲೇ ಸರ್ಕಾರದಿಂದ ಹಂಚಿಕೆ ಆದೇಶ/ತಾತ್ಕಿಕ ಅನುಮೋದನೆಯನ್ನು ಪಡೆದಿರುವ ಹಾಗೂ ಪಡೆಯಬೇಕಾಗಿರುವ ಪವನ ವಿದ್ಯುತ್ ಯೋಜನೆಗಳ ಸಾಮರ್ಥ್ಯಕ್ಕೆ ಅಳವಡಿಸುವ ಟರ್ಬೈನ್‌ಗಳಿಗೆ ಯಾವುದೇ ತೊಂದರೆಯಾಗದಂತೆ, ಪ್ರತಿ WTG ಯನ್ನು (Each Turbine) 4 ಎಕರೆ ಯಂತೆ ಲೆಕ್ಕೀಕರಿಸಿ ಒಟ್ಟು 300 ಮೆ.ವ್ಯಾ (131 WTG x 4 Acre + 524 Acres) ಸಾಮರ್ಥ್ಯಕ್ಕೆ 524 ಎಕರೆ ಖಾಸಗಿ ಜಮೀನಿನಲ್ಲಿ ಅನುಷ್ಠಾನಗೊಳಿಸಲು ಹಾಗೂ ಪವನ ವಿದ್ಯುತ್ ಘಟಕಗಳ ಅಂತರವನ್ನು MNRE ಸುತ್ತೋಲೆ/ಮಾರ್ಗಸೂಚಿಯಂತೆ (Micrositing guidelines) ಅಳವಡಿಸುವಂತೆ, ಷರತ್ತುಗಳನ್ನು ವಿಧಿಸಿ ಹಂಚಿಕೆ ಆದೇಶ ನೀಡುವ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಸಲ್ಲಿಸಲಾಗಿದೆ.”

(d) A cogent reason emanates from the above as to why the 10 MW capacity has been enhanced to 300 MW and such decisions partaking the character of policy content do not merit a deeper examination at the hands of Writ Court. After all, as a concomitant of *doctrine of separation of powers* which is held to be a basic feature of the Constitution vide *INDIRA NEHRU GANDHI vs. RAJ NARAIN*<sup>2</sup>, the judicial organs have to show due deference

<sup>2</sup> AIR 1975 SC 1590

to the decisions of the co-ordinate organs of governance. Added, Courts cannot claim to have expertise in technical matters like this and therefore, undertake evaluation of a host of factors that enter the fray of decision making. An argument to the contrary would put this Court in a race of opinions with the Executive. The observations of the Apex Court in *MADRAS BAR ASSOCIATION Vs. UNION OF INDIA*<sup>3</sup>, being apt are reproduced :

*"Ordinarily in pure "policy" matters falling within Parliamentary or executive domain, such as economic, commercial, financial policies, or other areas such as energy, natural resources etc, this court's standard of judicial review is deferential"*

(e) In any nascent power project like this, there has to be some give and take amongst the competitors in the field of business, as of necessity and therefore, redressal to the grievances cannot be worked out by razor sharpness of '*Portia's Knife*' in Merchant of Venice (*shed thou no blood, nor cut thou less nor more, but just a pound of flesh*). If the

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<sup>3</sup> 2021 SCC OnLine SC 463

impugned order has brought about a just result in the given circumstances coupled with the assurance of the 2<sup>nd</sup> Respondent - KREDL to ensure justice to the petitioners by accommodating them somewhere in the earmarked area vastly measuring 6,500 acres, constitutional courts exercising a limited jurisdiction vested under Articles 226 & 227 ordinarily would not interfere, some arguable procedural infirmities therein notwithstanding vide *UJJAM BAI vs. STATE OF UTTAR PRADESH*<sup>4</sup>. What one has to bear in mind is whether in working out competing claims for *State Largesse*, the official respondents have acted with rules of justice & fair play in the matter without compromising public interest. This Court is fully convinced that they have acted accordingly, not only in issuing the impugned order but also in assuring justice to all the stakeholders. It is not that by virtue of the impugned order, the petitioners have been left high and dry. Moreover, the object being reduction of pollution by

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<sup>4</sup> AIR 1962 SC 1621

promoting renewable sources of energy, larger public interest must prevail over the individual interest of industrial entrepreneurs.

(f) There is also force in the contention of 6<sup>th</sup> respondent - Ayana Limited that it has obtained the Letter of Award dated 19.03.2021 being the successful bidder in the tender called for by the Solar Energy Corporation Limited, a Public Sector Undertaking of the Government of India. It has entered into Power Purchase Agreements and Power Transmission Agreements as well in September 2021. In furtherance thereof it has also furnished a Bank Guarantee bearing No. PBG/100/91210010 dated 06.09.2021 issued by the RBL Bank for a huge sum of Rs.36 Crore which is valid till 31.03.2024. Added, the said respondent has obtained *STAGE -II Connectivity Approval* for evacuating 300 MW Wind Power, that would enure to the benefit of public at large, in many ways. In the light of this, the challenge to the impugned order, if allowed, enormous prejudice

would be caused to the public interest apart from injustice to the 6<sup>th</sup> Respondent – Ayana Limited. This Court is at loss to know how the petitioners who together are staking a small claim for allocation of 66 acres in all, out of vast 6,500 acres, i.e., a little more than 1 % can preempt the allocation to the said respondent. They are not justified in raising a hue & cry as if the heavens are falling down; granting relief as claimed by them virtually amounts to allowing them to hold other competitors in the field for a ransom. This court is not sure, if the petitioners were justified in securing an absolute interim order of stay on 16.12.2021 in W.P No. 18941/2021; the said order was later modified on 29.03.2022 is beside the point.

(g) There is also force in the contention of learned Senior Advocate Mr. Ponnanna appearing for the 6<sup>th</sup> Respondent – Ayana Limited that the petitioners had not identified any particular locations either, when the claim of his client was being considered or while the government was issuing order dated 04.09.2021. The



petitioners prayer in W.P. 17244/2022 for issuance of a Writ of Mandamus has been structured on the basis of Allotment Committee Order which by itself does not create any choate interest in any particular piece of land. Petitioners who were yet to identify any specific areas cannot completely block out the entire extent of the earmarked land that *admeasures* thousands of acres. It is high time that the government and the KREDL ponder over the such problems and take appropriate measures so that huge projects of the kind are not imperiled by avoidable litigations as the ones herein. Otherwise, what would be at stake is, nothing but the public interest.

(h) The observations hereinabove made are to be read in light of renewable energy infrastructure at present and the daunting climate change & energy crises faced by the world. Renewable energy currently has a share of 26.53% in the total installed generation capacity in the country, the installed capacity having been

increased 286% in the last 7.5 years<sup>5</sup>. At present, development & transition to renewable modes of energy are categorically imperative and thus, all efforts must be made to aid the process of this transition, especially in light of crippling climate crises being faced nationally and internationally<sup>6</sup>. The role of justice, reason & fair play in such situations morph into '*environmental rule of law*' of which development and sustainability are foundational pillars. The Apex Court in *CITIZENS FOR GREEN DOON vs. UNION OF INDIA*<sup>7</sup> while expounding upon environmental rule of law, observed as under:

*"The environmental rule of law becomes a priority particularly when we acknowledge that the benefits of environmental rule of law extend far beyond the environmental sector. While the most direct effects are on protection of the environment, it also strengthens rule of law more broadly, supports sustainable economic and social development, protects public health, contributes to peace and security...In matters of the environment and development however, there is no trade-off between the two. The*

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<sup>5</sup> Ministry of New and Renewable Energy, Annual Report 2020 – 2021 & India Energy Policy Review, 2020

<sup>6</sup> '*In Climate Change, Impacts, Adaptation, and Vulnerability*', Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, 2022.

<sup>7</sup> 2020 SCC OnLine SC 1359

*protection of the environment is an inherent component of development and growth. The protection of the environment is premised not only on the active role of courts, but also on robust institutional frameworks within which every stakeholder complies with its duty to ensure sustainable development....Sustainable development is premised not merely on the redressal of the failure of democratic institutions in the protection of the environment, but ensuring that such failures do not take place."*

(i) All the above having been said, this Court is broadly in agreement with the submission of learned counsel for the petitioner in W.P. No. 17244/2022 that a direction needs to be given to the government for issuing Facilitation Letter in furtherance of Allotment Committee Order dated 23.01.2019, subject to petitioner complying with all requisites including the payment of fees if any, prescribed therefor. This has to happen in accordance with law and in a time bound manner. Otherwise, whatever benefit the said petitioner is entitled to derive from the order in question, may be lost by sheer lapse of time and consequent change of circumstances, and that again would imperil the public interest. *More is not*

*necessary to specify and less is insufficient to leave it unsaid.*

In the above circumstances, Writ Petition Nos. 18941/2021 & 9174/2022 are disposed off with the observations hereinabove made. W.P. No. 17244/2022 is favoured and a writ of Mandamus issues to Respondent Nos. 1 & 2 to consider petitioner's claim for grant of Facilitation Letter within an outer limit of three months, subject to all usual terms & conditions.

Costs made easy.

This court places on record its deep appreciation for the able assistance and research rendered by its Official Law Clerk Cum Research Assistant Mr. Faiz Afsar Sait.

Snb/bsv

**Sd/-  
JUDGE**