

ITEM NO.301

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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

WITH C.A. No.3570/2022 (XVII)

(With IA No.67320/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.67324/2022-STAY APPLICATION and IA No.67319/2022-PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 30-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
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. Sugandha Yadav, Adv.
Ms. Ria Singh Sawhney, Adv.
Ms. Surbhi Anand, Adv.
Ms. Muskan Nagpal, Adv.
M/s. Legal Options

Petitioner-in-person

For Respondent(s) Mr. R. Venkataramni, AG
Ms. Aishwarya Bhati, ASG
Ms. Ruchi Kohi, Adv.
Mr. Ankur Talwar, Adv.
Mr. Shyam Gopal, Adv.
Mr. Chinmayee Chandra, Adv.
Ms. Swarupama Chaturvedi, Adv.
Mr. Gurmeet Singh Makker, AOR

Ms. Deepanwita Priyanka, AOR
Ms. Swati Ghildiyal, Adv.

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

Mr. Mahfooz Ahsan Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mr. K.V. Girish Chowdary, Adv.
Ms. Rajeshwari Mukherjee, Adv.
Ms. Niti Richhariya, Adv.

Mr. Rahul Chitnis, Adv.
Mr. Suiddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Ms. Kirti Dadheech, Adv.

Ms. Mrinal Gopal Elker, AOR
Mr. Sushil Tomar, Adv.

Mr. Sachin Patil, AOR

Mr. Somesh Chandra Jha, AOR
Mr. Rahul Narang, Adv.
Mr. Parvez Alam, Adv.
Mr. Shubham Gurung, Adv.

Mr. M.G. Ramachandran, Sr. Adv.
Ms. Hemantika Wahi, AOR

Dr. Manish Singhvi, Sr. Adv.
Mr. Rohit K. Singh, AOR
Mr. Kislay Jha, Adv.
Ms. Ruchi Gupta, Adv.

Mr. Ranji Thomas, Sr. Adv.
Mr. V.N. Raghupathy, AOR
Mr. Syed Imtiyas Ali, Adv.

Mr. A. Karthik, AOR

Mr. Varun Chopra, Adv.
M/s. VKV Law Offices

Ms. Arti Singh, AOR

Mr. Devendra Singh, AOR

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

Mr. Maninder Singh, Sr. Adv.
Mr. Ankur Sood, AOR
Ms. Romila Mandal, Adv.
Ms. Shreshtha Mathur, Adv.

Mr. Sajjan Poovayya, Sr. Adv.
Mr. Visrov Mukerjee, Adv.
Mr. Janmali Manikala, Adv.
Mr. Girik Bhalla, Adv.
Mr. Damodar Solanki, Adv.
Ms. Raksha Agarwal, Adv.
Mr. Abhishek Kakker, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR

Mr. S.S. Shroff, AOR

Ms. Priya Puri, AOR
Mr. Ranjay Kumar Dubey, Adv.
Mr. Rishabh Sharma, Adv.

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

- 1 By an order dated 21 April 2022, the Committee constituted by this Court was directed to prepare quality standards for bird divertors in consultation with the Central Electricity Authority¹. This part of the direction has been complied with and a report has been filed on 31 May 2022.
- 2 Apart from the above direction, this Court had by its order dated 21 April 2022 directed (i) the installation of bird divertors in priority areas by 20 July 2022; and (ii) the States of Rajasthan and Gujarat and private power producers to ensure that within the priority areas, a comprehensive exercise is completed within a period of three weeks to assess (a) the total length of transmission lines; and (b) the estimated number of bird divertors required for this purpose.
- 3 The status report which has been placed on the record indicates that the installation of bird divertors in priority areas is yet not complete, though some progress has been made on the ground. The direction for estimating the required member of bird divertors based on the actual length of

1 "CEA"

transmission lines is still to be complied with though, among the respondents GETCO has filed the requisite details in an affidavit dated 14 April 2022.

- 4 Mr Shyam Divan, senior counsel appearing on behalf of the petitioner has placed a note on the record indicating that certain deaths have taken place in the priority areas of a male and female of the species of the Great Indian Bustard in the months of April and October 2022. Besides this, it has been stated that a news report indicates that in November 2022, three Bustard deaths were reported in the captive breeding centre at Jaisalmer.
- 5 In order to ensure that the directions which were issued by this Court are duly complied with, we issue the following further directions:
 - (i) The Chief Secretaries of the States of Rajasthan and Gujarat shall ensure that within the priority areas, a comprehensive exercise is completed no later than within a period of six weeks to assess (a) the total length of transmission lines; and (b) the estimated number of bird divertors required for the purpose. Separate affidavits shall be filed by Chief Secretaries for both the States indicating the outcome of the exercise and the number of bird divertors required to be installed.
 - (ii) The Committee appointed by this Court shall file an updated report before the next date of listing on the status of the applications which have been submitted to it and those that have been cleared in the meantime.
- 6 An application has been filed on behalf of the Union of India for modifying the constitution of the Court appointed Committee so as to induct in addition to the three Members already appointed (i) the Additional Secretary in the Ministry of New & Renewable Energy, *ex officio*; and (ii) the Chief Operating Officer of the Central Transmission Utility of India Limited,² *ex officio*.

2 "CTUIL"

- 7 Mr R Venkataramni, Attorney General for India and Ms Aishwarya Bhati, Additional Solicitor General have submitted that inclusion of the above two officers *ex officio* would facilitate the work of the Committee since the Committee would then have the benefit of domain experts who have some knowledge on transmission lines.
- 8 The final judgment of this Court leaves it open to the Committee to seek the views of technical experts on the subject. At this stage, we need only clarify that the Court appointed Committee may seek the expert opinion of the Chief Operating Officer of CTUIL. Once the updated status report of the Committee is made available to the Court, a further view can be taken on whether it is necessary to expand the composition of the Committee which issue is kept open for further deliberation at a future date.
- 9 An updated status report shall be filed within a period of six weeks on the steps which have been taken to complete the tendering process and to install bird divertors.
- 10 We clarify that all bird divertors shall be in compliance with the quality norms which have been laid down by the Court appointed Committee in consultation with the CEA in terms of its report dated 31 May 2022.
- 11 Copies of the report of the Court appointed Committee may be made available to all the counsel appearing on behalf of the contesting parties.
- 12 List the Petitions on 18 January 2023 at 3 pm.

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

(VIDYA NEGI)
Assistant Registrar