ITEM NO.1501 COURT NO.5 SECTION XVII

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

Civil Appeal No(s). 410/2023

THE STATE OF UTTAR PRADESH Appellant(s)

VERSUS

NOIDA POWER COMPANY LIMITED & ANR. Respondent(s)

[HEARD BY: HON. PAMIDIGHANTAM SRI NARASIMHA AND HON. ALOK ARADHE, JJ.]
IA No. 202567/2022 - EX-PARTE STAY

WITH

C.A. No. 8979/2024 (XVII)
FOR EX-PARTE STAY ON IA 172175/2022
IA No. 172175/2022 - EX-PARTE STAY

C.A. No. 8980-8982/2024 (XVII)
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 98698/2023
IA No. 98698/2023 - APPROPRIATE ORDERS/DIRECTIONS

Date : 27-11-2026 These matters were called on for pronouncement of judgment today.

For Appellant(s) : Mr. Mukul Rahotagi, Sr. Adv.
Mr. Sanjeev K Kapoor, Adv.
Mr. Ajay Bhargava, Adv.
Ms. Divya Chaturvedi, Adv.
Ms. Srishti Rai, Adv.
Mr. Chandan Kumar, Adv.
M/S. Khaitan & Co.- 1509, AOR

Mr. Ravindra Kumar, Sr. Adv.
Mr. Shashank Shekhar Singh- 2524, AOR
Mr. Abhinav Singh, Adv.
Mr. Shivam Saxena, Adv.

Mr. Anand K. Ganesan, Adv.
Mr. Nikunj Dayal, AOR
Mr. Amal Nair, Adv.

Signature Not Verified
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Date: 2026.11.27 18:37:35 IST
Reason:

For Respondent(s) :Mr. Mukul Rahotagi, Sr. Adv.
Mr. Sanjeev K Kapoor, Adv.
Mr. Ajay Bhargava, Adv.
Ms. Divya Chaturvedi, Adv.
Ms. Srishti Rai, Adv.
Mr. Chandan Kumar, Adv.
M/s Khaitan & Co., AOR

Mr. C. K. Rai- 1782, AOR
Mrs. Anuradha Roy, Adv.
Mr. Vinay Kumar Gupta, Adv.
Mr. Santanu Singh, Adv.
Mr. Shiva Singh, Adv.

1. Hon'ble Mr. Justice Pamidighantam Sri Narasimha pronounced the judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice Alok Aradhe.

2. The Operative part of the Judgment read as under:-

> **"2. ...For the reasons to follow, we disagree with the interpretation and decision of the APTEL, allow the Civil Appeals in part, set aside the impugned judgment, and direct the continuation of the licence-holder's licence term till 09.06.2029, till this Court resolves broader questions of law implicated in this matter.**
>
> **xxxx xxxx xxxx**
>
> **xxxx xxxx xxxx**
>
> **21. Thus, the following principles can be culled out on the basis of the decisions surveyed:**
>
> **(i) The Judiciary alone has the responsibility of authoritatively interpreting legislation and determining its legal meaning while deciding individual cases before it. This function is the exclusive province of constitutional courts and any explanation or meaning found by any**

other agency is always subject to the interpretation of constitutional courts.

(ii) Constitutional courts primarily adopt the plain and natural meaning of the language used in the legislation. If the intention of the legislature is not conveyed expressly, clearly, and completely, the court will declare the intention by interpreting the text in its context and in the light of the purpose and object of the legislation. Further, the court may adopt an external aid to decipher the meaning of the legislation, with one of them being subordinate legislation made under the primary statute.1

(iii) While using subordinate legislation to interpret the provisions of a primary statute, constitutional courts must bear in mind that, by its very nature, subordinate legislation is founded on the Executive Branch's understanding of the primary legislation. To adopt that position uncritically would be to substitute the rule-making authority for the court as the interpreter. Further, this would disregard the possibility of the subordinate legislation being misconceived or ultra vires the statute.

(iv) Subordinate legislation, by itself, does not determine or control the meaning of the primary statute. It can only be an aid to supplement or corroborate a meaning that a constitutional court would have found on the basis of other interpretative criteria. It cannot oust a meaning that the statutory provision could bear, unless that is supported by the statutory scheme itself, read with the purpose and object of the legislation.

(v) Contemporaneously made rules could aid in understanding the width of certain expressions used in the statute to indicate its inclusiveness. Subordinate legislation, by itself, however, cannot restrict the meaning of the words used in the primary legislation.

22. Keeping in mind the above-referred principles, Rules 4A to 4C, as inserted by the Electricity (Amendment) Rules, 2023, need to be examined. However, as they are not under challenge in these proceedings and, more

> **importantly, as we have not heard the Union of India, we deem it appropriate to issue notice to the Union of India (acting through the Ministry of Power).**
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> **23. At the same time, as Rules 4A, 4B, and 4C were brought into force from 30.06.2023, i.e. before the expiry of NPCL's original licence, and they continue to be in force, we deem it appropriate to direct the continuation of NPCL's license till 09.06.2029 as an interim measure.**
>
> **24. Thus, the Union of India (through the Ministry of Power) is directed to be impleaded as a party to these Civil Appeals. The Registry is directed to serve a copy of the Civil Appeals on the Central Agency Section, Department of Legal Affairs, Ministry of Law and Justice, Government of India. Additionally, copies shall also be served on the office of the Learned Solicitor General of India, who may take instructions from the Central Government and assist this Court.**
>
> **25. List the Civil Appeals on 14.12.2026."**

3. The Civil Appeals are allowed in part in terms of the signed reportable judgment. As Rules 4A, 4B, and 4C were brought into force from 30.06.2023, i.e. before the expiry of NPCL's original licence, and they continue to be in force, we deem it appropriate to direct the continuation of NPCL's license till 09.06.2029 as an interim measure.

4. The Union of India (through the Ministry of Power) is directed to be impleaded as a party to these Civil Appeals.

5. Issue notice to Union of India (through the Ministry of Power). The Registry is directed to serve a copy of the Civil Appeals on the Central Agency Section, Department of Legal Affairs, Ministry of Law and Justice, Government of India. Additionally, copies shall also be served on the office of the learned Solicitor General of India, who may take instructions from the Central Government and assist this Court.

6. List the Civil Appeals on 14.12.2026.

(KAPIL TANDON) **(NIDHI WASON)**
ASTT. REGISTRAR-cum-PS **ASSISTANT REGISTRAR**

(Signed Reportable Judgment is placed on the file.)