

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 17849 of 2025**

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M/S. ADANI POWER LTD. & ANR.

Versus

THE UNION OF INDIA & ANR.

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Appearance:

MR KAMAL TRIVEDI, SENIOR ADVOCATE With
MR PARITOSH GUPTA, MR VINAY BAIRAGRA & MS PRABHDEEP KAUR
FOR GUPTA LAW ASSOCIATES(9818) for the Petitioner(s) No. 1,2
MR CB GUPTA(1685) for the Respondent(s) No. 2
MR PRADIP D BHATE(1523) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE A.S. SUPEHIA**

and

HONOURABLE MR. JUSTICE PRANAV TRIVEDI**Date : 05/03/2026****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)**

1. Today, when the matter is called out, learned Senior Standing Counsel Mr.C.B. Gupta has submitted that after the order dated 19.02.2026 passed by this Court in the present matter, the respondents have issued a Show Cause Notice dated 04.03.2026.

2. In our opinion, the attempt made by the respondents to issue the aforesaid show cause notice appears to be contumacious, more particularly in view of the fact that the respondents vide their decision/communication dated 11.07.2017, had already made up their mind that the petitioners are not entitled to any type of O&M benefits and whatever amount was paid, was in accordance with law. The petitioners, in the present writ petition, have challenged the aforesaid decision and during the subsistence of the said

decision, which is impugned, the respondents have issued the show cause notice.

3. Despite the order dated 19.02.2026 passed by this Court, wherein we had directed the respondents that in case, the petitioners make a fresh refund application, an appropriate decision on such application shall be taken and the matter would be considered on the next date of hearing, the respondents have proceeded otherwise.

4. Instead of taking an appropriate decision and without expressing anything about the subsistence of the impugned decision dated 11.07.2017, the respondents have issued the Show Cause Notice dated 04.03.2026, calling upon the petitioner(s) to appear personally in connection with the hearing of their refund application involving a claim of Rs.8,21,74,657/-.

5. When such an approach was pointed out to learned Senior Standing Counsel Mr.Gupta by us, he requests for some time.

6. On the request of learned Senior Standing Counsel Mr.Gupta, list the matter on 24.03.2026.

Sd/-
(A. S. SUPEHIA, J)

Sd/-
(PRANAV TRIVEDI,J)

MAHESH/06