

M/s Kundan Care Products Limited Versus State of Himachal Pradesh and others a/w connected matters

CWP No.7342 of 2022 a/w
CWP Nos.7612 & 7613 of 2022

[Item D-25]

17.09.2025 Present: Ms. Shradha Karol and Mr. Prithu Garg, Advocates, for the petitioner(s), in all the petitions.

Mr. Pranay Pratap Singh, Additional Advocate General, for the respondents-State, in all the petitions.

CWP No.7342, 7612 & 7613 of 2022

Counsel for the petitioners has placed on record notice inviting the proposals for implementation of various Hydro Projects in Private Sector on Build, Own, Operate and Transfer [BOOT] basis. Clause-v has been referred to regarding Free Power Royalty that the Project Developer is to provide free power to the First Party in lieu of surrender of potential site @ 12% uniform for 40 years of Deliverable Energy of the Project.

2. Apparently, vide communication dated 27th June, 2024 [Annexure P-9], the petitioners have been asked to provide free power @12% for first 12 years; @ 18% for next 18 years; and @30% for balance 10 years.

3. It is thus submitted that separate parameters now cannot be there for the petitioners,

on the basis of which confirmation of the petitioners' bid, as such, was held back.

4. Faced with the above situation, counsel for the State prays for time to seek instructions as to whether the petitioners are liable to be considered afresh for their bids already given, keeping in view the prevalent royalty fixed by the State. Let needful be done before next date of hearing.

5. Counsel for the State however has also pointed out that reliance was placed in the interim order dated 16.07.2024 upon *CWP No.7667 of 2023*. It is brought to our notice that in Civil Appeal No.12883 of 2024, titled *The State of Himachal Pradesh & Anr. Versus JSW Hydro Energy Limited & Ors.*, decided by the Apex Court on 16.07.2025, the said judgment has now been set aside and therefore, the said ground would no longer be available to the petitioners.

6. List these matters on **30.10.2025**.

(G.S. Sandhawalia)
Chief Justice

(Ranjan Sharma)
Judge

September 17, 2025
(Bhardwaj/Shivender)