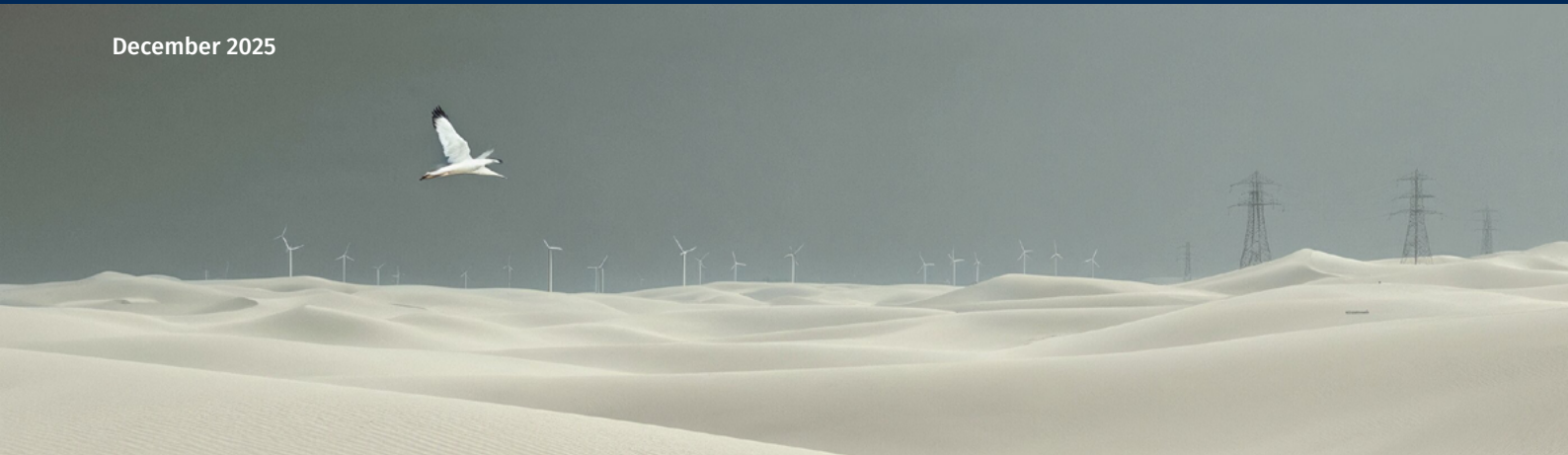




December 2025



Supreme Court Decision on the Great Indian Bustard

Background

On 19 December 2025, the Supreme Court of India (“**Court**”) in *M.K. Ranjitsinh & Ors. v. Union of India & Ors.* delivered its final judgment on the protection of the endangered Great Indian Bustard (“**GIB**”). The Court emphasised on a balanced approach between the non-negotiable goal of protection of the GIB and the need for sustainable development in the context of renewable sources of energy. The Court adopted a revised operating framework for renewable energy projects situated in GIB-sensitive areas of Rajasthan and Gujarat by recognising *Revised Priority Areas*. Revised Priority Areas are core conservation geographies identified for heightened GIB protection.

Earlier, in April 2021, the Court adopted a blanket approach ordering all overhead transmission lines to be placed underground within a year, imposing very wide constraints on overhead transmission lines across a large geography (“**April 2021 Order**”). Subsequently, in March 2024, this stance of the Court was modified on the grounds of technical infeasibility and grid safety concerns. An expert committee was appointed to adopt a more calibrated approach, comprising members of Ministry of New and Renewable Energy (“**MNRE**”) and the Corbett Foundation. The Court has now accepted the expert committee’s core framework and issued time-bound implementation directions, including corridor-based routing and specified mitigation timelines for existing networks in the identified priority areas.

19 December 2025 Judgment

The Court has stepped back from the earlier April 2021 Order which adopted near-blanket approach that restricted overhead transmission lines across a very large area aggregating to approximately 99,000 sq. km and adopted a more targeted model in which restrictions and mitigation obligations are tied to clearly delineated, scientifically defined conservation areas known as the Revised Priority Areas and implemented through corridor-based transmission planning within those areas. Revised Priority Areas identified comprise 14,013 sq. km in Rajasthan and 740 sq. km in Gujarat. The areas outside the Revised Priority Areas have been categorised as *Potential Areas* i.e. broader zones that may still be relevant to GIB habitat but are not treated as a core priority habitat.

The Ministry of Environment, Forest and Climate Change shall act as the nodal agency responsible for monitoring the roll-out of the measures outlined in the judgment.

Practical Implications

This judgment has several implications on the developers, investors, offtakers and other stakeholders in the renewable energy sector.

Implication	Description
Development Restrictions	No new wind turbines and no new solar plants above 2 MW are permitted in the Revised Priority Areas. For projects that already had land allotted in areas newly included within the Revised Priority Areas, developers can seek alternative land and the State Government may consider such requests on a case-by-case basis. Do note that the 19 December 2025 judgment does not provide any blanket ‘grandfathering’ for existing or under-construction projects merely on the basis of land allotment, connectivity approvals, or project status. While operational or advanced-stage projects are not per se prohibited, such projects may still be exposed to material compliance and execution risk through mandated mitigation measures relating to evacuation infrastructure, including undergrounding, rerouting, corridor realignment, and sequencing constraints. Accordingly, ‘existing’ status primarily reduces greenfield development risk but does not eliminate mitigation-related cost, timeline, or outage risk.



Client Update

Implication	Description
Transmission and Evacuation Infrastructure	The Revised Priority Areas now have a corridor-led transmission and evacuation framework, according to which, new overhead lines are permitted only if routed through designated power corridors, and developers are expected to optimize routes and consolidate multiple lines so they share the maximum common stretch wherever possible. Further, incremental capacity additions, repowering, or augmentation of existing projects located within the Revised Priority Areas may be treated as 'new development' for the purposes of the Supreme Court's framework. As a result, even limited expansions (including additional modules, inverters, or evacuation strengthening) could re-trigger applicable restrictions, including the 2 MW solar threshold or corridor-only routing requirements, thereby increasing approval and execution risk for brownfield modifications.
Mitigation Measures	For existing networks in the Revised Priority Areas, a time-bound program to be implemented requiring that undergrounding, rerouting and insulating of transmission lines and are completed within defined timelines. From an approvals perspective, it is likely that the importance of transmission, connectivity and evacuation approvals (including CTUIL, STU, and SLDC approvals) will be elevated, and they may now be subject to corridor conformity, wildlife consultations, or sequencing of mitigation works.
Power Corridors	In Rajasthan, a dedicated 5 km power corridor is to be set up, located 5 km south of the southernmost boundary of the Desert National Park enclosure, with coordinates to be proposed by the Rajasthan Forest Department in consultation with the Wildlife Institute of India. Similarly, in Gujarat, two dedicated power corridors would be set up through which 66 kV and above lines would be consolidated, including a corridor aligned around the Akrimota-Bachunda network and a second corridor designed primarily for wind energy evacuation routing between specified substations.

On bird flight diverters ("BFDs"), the court has not accepted them as a substitute for corridor compliance or other mandated mitigation. Given the unproven efficacy and maintenance concerns of BFDs, they are not presently recommended as a primary mitigation measure in the revised priority or potential areas, while simultaneously directing further scientific assessment and pilot evaluation before any broader deployment.

Conclusion

The judgment signals increased scrutiny on how developers and operators undertake operations in the Revised Priority Areas. Siting and evacuation routing have now become compliance-critical decisions not just engineering preferences, because projects that touch the Revised Priority Areas must be planned around corridor-based routing, mandated mitigation measures, and Court-directed implementation timelines. Practically, this is likely to affect early-stage project planning

and evacuation design, driving changes to the anticipated timelines and capital expenditure of the project. For existing projects, mitigation works on existing lines must be completed within fixed timelines and routing must be optimized so multiple lines share common stretches with greater reliance on coordinated/shared infrastructure solutions. The directions in the judgment may also have implications for existing contractual risk allocation under PPAs, EPC contracts, and financing documents, particularly in relation to change-in-law, force majeure, delay attribution, and cost pass-through for mitigation works.

That said, this judgment recognises that universal undergrounding across the entire region is not feasible, for technical, safety, and cost-related reasons, and has therefore, moved away from treating undergrounding as the default solution everywhere.

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