



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1754/12/13/25

BETWEEN:

**ZENOBĚ ENERGY LIMITED**

Applicant (Zenobě)

- v -

**GAS AND ELECTRICITY MARKETS AUTHORITY**

Respondent (GEMA)

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**DIRECTIONS ORDER**

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**UPON** Zenobě's application under s 70 of the Subsidy Control Act 2022, commenced by way of Notice of Appeal filed on 22 October 2025 (the **Application**)

**AND UPON** the requests for permission to intervene in the proceedings filed by Gresham House Energy Storage Holdings Limited (**GHES**) on 2 December 2025, the Secretary of State for Department of Energy Security and Net Zero (**DESNZ**) on 5 December 2025, NatPower Development Limited (**NatPower**) on 15 January 2026, and the British Hydropower Association (**BHA**) on 21 January 2026 respectively, each filed under rule 16(1) of the CAT Rules 2016 (the **Intervention Requests**)

**AND UPON** GEMA stating its intention to take a fresh decision on or after 18 February 2026 to adopt work already undertaken in respect of the long duration energy storage cap and floor support scheme for the purposes of the scheme under s. 26 Planning and Infrastructure Act 2025 (the **Intended Adoption Decision**)

**AND UPON** the BHA advising the Tribunal on 26 January 2026 that it did not intend to appear at the Case Management Conference on 28 January 2026 (the **first CMC**)

**AND UPON** hearing counsel for Zenobě, GEMA, GHES and DESNZ, and the legal representative for NatPower, at the first CMC

## **IT IS ORDERED THAT:**

### **Forum**

1. The Application shall, for all purposes, be treated as proceedings in England and Wales.

### **Requests to intervene**

2. The Intervention Requests are refused.

### **Amended Defence and Amended Reply**

3. By **4pm on Friday 30 January 2026**, GEMA is to file and serve its Amended Defence in substantially the form approved by the Tribunal at the first CMC.
4. By **4pm on Friday 6 February 2026**, Zenobē is to file and serve its Amended Reply, if so advised.

### **Re-amended Defence and Evidence**

5. By **4pm on Wednesday 25 February 2026**, GEMA is to file any application to re-amend its Amended Defence in order to address the Intended Adoption Decision.
6. By **4pm on Monday 2 March 2026**, GEMA is to:
  - (a) file and serve witness evidence in relation to the issues arising in the Application, and the issues raised by the Intended Adoption Decision;
  - (b) provide Zenobē with copies of any documents required in order to comply with its duty of candour in relation to the issues arising in the Application and the issues raised by the Intended Adoption Decision.
7. By **4pm on Thursday 12 March 2026**, Zenobē is to file and serve (i) its response to any application by GEMA to re-amend its Amended Defence and (ii) any application for specific disclosure.

### **Further CMC**

8. A further CMC is to be listed for **10.30am on Tuesday 17 March 2026**, with a time estimate of one day. The agenda items for the further CMC will include:
  - (a) any application filed in accordance with paragraph 5 above;
  - (b) any application filed by Zenobē for specific disclosure; and
  - (c) any procedural matters relevant to the final hearing.

### **Re-Amended Reply and Evidence**

9. By **4pm on Wednesday 25 March 2026**, Zenobē is to file and serve:
  - (a) a Re-Amended Reply, if so advised; and
  - (b) evidence, if so advised, in relation to the issues arising in the Application and the issues raised by the Intended Adoption Decision in reply to GEMA's evidence filed and served pursuant to paragraph 6 above.

### **Hearing**

10. The Application shall be listed for final hearing on **Tuesday 28 April 2026 – Wednesday 29 April 2026** with **Thursday 30 April 2026** in reserve.
11. By **4pm on Tuesday 14 April 2026**, Zenobē shall file and serve an agreed hearing bundle.
12. By **4pm on Tuesday 21 April 2026**, the parties shall file and exchange their skeleton arguments.
13. By **4pm on Thursday 23 April 2026**, Zenobē shall file and serve (i) an agreed authorities bundle; (ii) an updated version of the hearing bundle including the parties' skeleton arguments; (iii) an agreed list of issues; (iv) an agreed chronology (cross-referenced to the hearing bundle); and (v) an agreed list of essential documents for advance reading by the Tribunal.

**Further matters**

14. GEMA shall pay Zenobē's costs of and occasioned by the process of amending its Defence.
15. Otherwise, costs in the case.
16. Liberty to apply.

**James Wolffe KC**  
Chair of the Competition Appeal Tribunal

Made: 28 January 2026  
Drawn: 25 February 2026