



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case Nos: 1754/12/13/25, 1769/12/13/26

BETWEEN:

ZENOBE ENERGY LIMITED

Applicant

- v -

GAS AND ELECTRICITY MARKETS AUTHORITY

Respondent

DIRECTIONS ORDER

UPON Zenobē's application under s 70 of the Subsidy Control Act 2022 in respect of the decision taken on 23 September 2025 (the **2025 Decision**), commenced by way of Notice of Appeal filed on 22 October 2025 (the **Notice of Appeal**)

AND UPON GEMA's Amended Defence, re-filed on 2 February 2026

AND UPON GEMA's application to re-amend its Defence filed on 25 February 2026 (the "**Re-Amendment Application**")

AND UPON reading Zenobē's response to the Re-Amendment Application, filed on 12 March 2026, in which Zenobē indicated its intention to challenge GEMA's decision taken on 18 February 2026 (the **2026 Decision**) to adopt the 2025 Decision

AND UPON reading GEMA's skeleton, filed on 16 March 2026

AND UPON hearing counsel for Zenobē (Mr Gibson) and GEMA (Mr Barrett KC, Mr Paines and Mr McCay) at the Case Management Conference (**CMC**) on 17 March 2026

AND UPON Zenobē's application under s 70 of the Subsidy Control Act 2022 in respect of the 2026 Decision, commenced by way of Notice of Appeal filed during the CMC on 17 March 2026

AND UPON the Tribunal having, for the purposes of Rule 17(2), heard oral observations from the parties at the CMC regarding the consolidation, pursuant to Rule 17(1), of the two proceedings in respect of the 2025 Decision and the 2026 Decision respectively, having regard to the facts that the 2026 Decision adopted the 2025 Decision and the two proceedings involve the same or similar issues.

IT IS ORDERED THAT:

Re-Amendment Application

1. The Re-Amendment Application is granted.
2. By **4pm on Friday, 20 March 2026**, GEMA shall file and serve its Re-Amended Defence in substantially the form of the draft served with the Re-Amendment Application.
3. GEMA shall bear its own costs of the preparation of the draft Re-Amended Defence.
4. Zenobē shall pay GEMA's costs of and incurred by reason of Zenobē's opposition to the Re-Amendment Application on the standard basis. In relation to the costs of counsel, GEMA shall be entitled to recover costs in respect only of Leading Counsel and one junior counsel.

Consolidation

5. Pursuant to Rule 17(1), the proceedings brought by Zenobē in respect of the 2026 Decision shall be consolidated with these proceedings in respect of the 2025 Decision.
6. Pursuant to Rule 17(1), and Pursuant to Rule 19(1) (and Rules 19(2)(a) and 19(2)(l)), all procedural requirements which would otherwise arise from Zenobē's application in respect of the 2026 Decision are dispensed with save the procedural requirements specified in Rules 14 and 16 and save as specifically mentioned in these directions, and that application shall be managed in accordance with the directions below and any further directions made by the Tribunal in the context of these consolidated proceedings.
7. By **5pm on Thursday 19 March 2026**, Zenobē is to file and serve an Amended Notice of Appeal in these (consolidated) proceedings which incorporates into a single pleading

Zenobē's challenges to the 2025 Decision and the 2026 Decision, reflecting the content of the Notice of Appeal filed with the Tribunal on 17 March 2026.

8. By **5pm** on **Monday 23 March 2026**, GEMA shall file and serve a Re-Re-Amended Defence to address Zenobē's Amended Notice of Appeal. The time for filing a defence under Rule 15(1) is abridged accordingly, pursuant to Rule 19(2)(m). The time for filing a defence under Rule 15(1) is abridged accordingly. The requirements of Rules 15(3)(e)-(f), (5) are dispensed with.
9. The directions in paragraph 9 of the Order made following the first CMC on 28 January 2026 (drawn 25 February 2026) are varied as follows:
 - (a) any Re-Amended Reply filed and served by Zenobē shall respond to GEMA's Re-Amended Defence instead of responding to GEMA's Re-Amended Defence; and
 - (b) the deadline for Zenobē to file and serve evidence in paragraph 9(b) of that Order, if so advised, is varied to **5pm** on **Friday 27 March 2026**.
10. Each of the deadlines for the steps to be taken in paragraphs 7, 8 and 9(a) above may be extended by agreement between the parties, up to 9am the following working day, without notice to the Tribunal.

Further matters

11. Save as directed at paragraphs 3 and 4 above, costs in the case.
12. Liberty to apply.

James Wolffe KC
Chair of the Competition Appeal Tribunal

Made: 17 March 2026
Drawn: 26 March 2026