

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 11441/2015

(Arising out of impugned final judgment and order dated 18-03-2015 in WP No. 3733/2014 passed by the High Court Of Judicature at Bombay At Aurangabad)

**MAHARASHTRA STATE ELECTRICITY TRANSMISSION
COMPANY LTD.THROUGH ITS EXECUTIVE ENGINEER**

Petitioner(s)

VERSUS

THE COLLECTOR, AURANGABAD & ORS.

Respondent(s)

WITH

SLP(C) No. 11450/2015 (IX)

SLP(C) No. 11953/2015 (IX)

SLP(C) No. 12052/2015 (IX)

SLP(C) No. 12055/2015 (IX)

SLP(C) No. 11662/2015 (IX)

Date : 06-11-2023 This petition was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE ARAVIND KUMAR**

**For Petitioner(s) Mr. M. Y. Deshmukh, AOR
Ms. Manjeet Kirpal, Adv.
Ms. Adviteeya Sharma, Adv.**

**For Respondent(s) Mr. Anand Dilip Landge, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.

Mr. Subodh S. Patil, AOR**

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned counsel for the petitioner and the respondents. Challenging the revisional order passed by the Maharashtra Electricity Commission, the petitioner invoked Article 226 of the Constitution of India. Before the Regulatory Commission, the petitioner sought to revise the order passed by the Collector. By the impugned order, the petitioner was advised to go before the Appellate Tribunal for Electricity (hereinafter referred to as, 'the APTEL')

2. The learned counsel appearing for the petitioner submits that the order of the District Collector was challenged for want of notice. As the revisional order was passed on merit under Section 68 of the Indian Electricity Act, no further appeal would lie before the APTEL.

3. We do not find any merit in the Special Leave Petition. Admittedly, against the decision of the Commission, an appeal lies before the APTEL. In any case, jurisdiction of the High Court under Article 226 of the Constitution of India is meant to be taken away and it is to be exercised by the APTEL on whose decision an appeal would lie before this Court. To put it differently, while exercising the powers under

Article 226 of the Constitution of India, the High Court is concerned with the decision making process and, therefore, it is not expected to go to the merits of the case. On the contrary, APTEL has got ample jurisdiction to undertake the said exercise. Therefore, looking from any perspective, we do not find any reason to interfere with the impugned order. Accordingly, the Special Leave Petitions stand dismissed.

4. However, taking into consideration the fact that the petitioner has been prosecuting the matter before this Court pursuant to the impugned order passed and the impugned order itself has granted four weeks' time to file the appeal before the APTEL, we are inclined to grant further eight weeks' time to do so.

5. With the aforesaid order, the Special Leave Petitions stand dismissed.

6. Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
COURT MASTER (NSH)