

IN THE SUPREME COURT OF INDIA**CIVIL APPELLATE JURISDICTION****Civil Appeal No _____ of 2023**

(Diary No 37350/2023)

The Institute of Human Resources Development (IHRD)**... Appellant****Versus****Kerala State Electricity Regulatory Commission & Anr****... Respondents****O R D E R**

1 Delay condoned.

2 By its order dated 14 November 2022, a Division Bench of the High Court of Kerala declined to interfere with a judgment of a Single Judge. The Single Judge had held that since there was a statutory remedy of an appeal under Section 111 of the Indian Electricity Act 2003, recourse to the writ jurisdiction under Article 226 of the Constitution was inappropriate.

3 While affirming the judgment of the Single Judge, the Division Bench, however, extended time to the appellant to move the Appellate Tribunal for Electricity¹ within a period of 15 days.

4 The period of 15 days expired on 29 November 2022. The appeal before APTEL was filed on 14 December 2022. The appeal has been dismissed on the ground of delay.

1 “APTEL”

- 5 In our view, the appropriate course of action for the appellant would have been to move the High Court which had granted a period of 15 days to file an appeal before APTEL for extension of time. The order of APTEL cannot be faulted, as such. However, we grant liberty to the appellant to move the High Court of Kerala with an application for extension of time upto the presentation of the appeal on 14 December 2023. In the event that an extension of time is so granted, the appellant would be at liberty to move APTEL afresh for revival of the appeal.
- 6 Subject to the aforesaid directions, the appeal is disposed of.
- 7 Pending applications, if any, stand disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[J B Pardiwala]

.....J.
[Manoj Misra]

New Delhi;
October 06, 2023
GKA

ITEM NO.16

COURT NO.1

SECTION XVII

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

CIVIL APPEAL Diary No(s). 37350/2023
 (Arising out of impugned final judgment and order dated 25-05-2023
 in IA No. 449/2023 passed by the Appellate Tribunal For Electricity
 at New Delhi)

THE INSTITUTE OF HUMAN RESOURCES DEVELOPMENT (IHRD) Petitioner(s)

VERSUS

KERALA STATE ELECTRICITY REGULATORY COMMISSION & ANR. Respondent(s)

**(IA No.191685/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT and IA No.191686/2023-STAY APPLICATION and IA
 No.191684/2023-CONDONATION OF DELAY IN FILING APPEAL)**

Date : 06-10-2023 This petition was called on for hearing today.

**CORAM : HON'BLE THE CHIEF JUSTICE
 HON'BLE MR. JUSTICE J.B. PARDIWALA
 HON'BLE MR. JUSTICE MANOJ MISRA**

**For Petitioner(s) Mr. Roy Abraham, Adv.
 Ms. Reena Roy, Adv.
 Mr. Aditya Roy, Adv.
 Mr. Yaudhinder Lal, Adv.
 Mr. Himinder Lal, AOR**

For Respondent(s)

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

- 1 Delay condoned.
- 2 The appeal is disposed of in terms of the signed order.
- 3 Pending applications, if any, stand disposed of.

**(GULSHAN KUMAR ARORA)
 AR-CUM-PS**

**(SAROJ KUMARI GAUR)
 ASSISTANT REGISTRAR**

(Signed order is placed on the file)