

IN THE SUPRME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) No.974 OF 2020

TAMIL NADU GENERATION AND DISTRIBUTION  
CORPORATION LIMITED

... PETITIONER(S)

VERSUS

TAMIL NADU ELECTRICITY REGULATORY  
COMMISSION & ORS.

... RESPONDENT(S)

O R D E R

We have heard the learned counsel for the petitioner and learned counsel for the respondents.

We put a question to learned counsel for the petitioner as to whether the appeal would or would not be maintainable before Appellate Tribunal of Electricity [APTEL] in view of the ground taken in that behalf. Learned counsel fairly states that the appeal would be maintainable before APTEL but that some of the other parties have approached the High Court and they do not want a conflict of opinions and thus, this matter should also be transferred to the High Court.

We are not persuaded by the aforesaid argument as the right of appeal before the APTEL is a valuable right. It is pointed out that there are other respondents also before the APTEL.

On our query as to whether the APTEL proceedings are in progress, we are informed that through the virtual process, the APTEL is hearing the present matter and in fact a hearing is scheduled for today albeit for interim relief. It is stated that the hearing has gone on for two days already on the interim relief and the matter could not be taken up finally because some of the respondents wanted to file their pleadings.

We must express our reservations on considerable judicial time being spent on only interim hearings which is really a methodology to balance equities between the parties till the final hearing is taken up. We are not saying that the APTEL is precluded from passing any interim order which, in its wisdom, should be passed but that should not delay the main hearing of the matter.

We, therefore, direct that the APTEL should, at the earliest, take up the matter for final hearing so that the final view of the APTEL in the matter is known rather than the concentration being only on the issue of interim relief, on which of course the APTEL is entitled to pass an appropriate order.

It would be in the fitness of things that the High Court thus hold its hand till the APTEL hearing is concluded on the main matter and orders pronounced and we are informed that as yet the High Court has not fixed the date for hearing.

We, thus, dispose of the present transfer petition in the aforesaid terms.

Needless to say all parties will have the right to raise all issues and objections as permissible in law before the APTEL.

.....J.  
(SANJAY KISHAN KAUL)

.....J.  
(ANIRUDDHA BOSE)

.....J.  
(KRISHNA MURARI)

New Delhi;  
September 09, 2020.

