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ITEM NO.37

COURT NO.4

SECTION IX

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 (Civil) No(s).14984/2011

(From the judgement and order dated 04/05/2011 in WPL No. 666/2011
of the HIGH COURT OF BOMBAY)

MAHARASHTRA STATE ELECT.DISTRN.CO.LTD.

Petitioner(s)

VERSUS

MAHARASHTRA ELECTRICITY REGL.COMMN.&ORS

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

WITH SLP(C) NO. 15048 of 2011

(With appln(s) for exemption from filing c/c of the impugned
Judgment and permission to file lengthy list of dates and with
prayer for interim relief and office report)

Date: 23/05/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
(VACATION BENCH)

For Petitioner(s) Mr.Vikas Singh, Sr.Adv.
Mr. Abhishek Mitra, Adv.
Mr.Ravi Prakash, Adv.
Mr.L.R.Singh, A.O.R.(Not Present)

For Respondent(s) Mr.Parag P.Tripathi, ASG
For M.E.R.C. Mr.Jayant Bhushan, Sr.Adv.
Mr.Buddy A.Ranganadhan, Adv.
Mr.Arijit Maitra, Adv.
Mr. A.V. Rangam,A.O.R.(Not Present)

For RR No.2 Ms.Meenakshi Arora, Adv.
Mr.S.Venkatesh, Adv.

For RR No.3 Ms.Sulbhi Sharma, Adv.
Mr.Anurag Sharma, Adv.
Ms.Sharmila Upadhyay, A.O.R.(Not Present)
Mr.G.Umapathy, Adv.

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

These petitions are directed against order dated 04.05.2011 passed by the Division Bench of the Bombay High Court whereby the petitioner's prayer for restraining respondent No.1 - the Maharashtra Electricity Regulatory Commission, from finalizing the draft MERC Open Access Regulations, 2011 till the disposal of Review Petition No.43/2010 and from disposing of the applications for Open Access being filed by the consumers was rejected but, at the same time, notice was taken of the statement made by the learned Additional Solicitor General that the review application pending with respondent No.1 will be disposed of within a period of five months.

We have heard Shri Vikas Singh, learned senior counsel appearing for the petitioner, Shri Parag P.Tripathi, learned Additional Solicitor General appearing for respondent No.1, Shri Jayant Bhushan, Senior Advocate and other learned counsel appearing for the private respondents and perused the record. In our considered view, the reasons assigned by the Division Bench for refusing to entertain the petitioner's prayer do not suffer from any legal infirmity and the impugned order does not call for interference under Article 136 of the Constitution.

The special leave petitions are accordingly dismissed.

However, we request the High Court to make an endeavour to dispose of the writ petition as early as possible.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master