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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11015/2015 & CM APPLs. 28394/2015, 7322-7323/2016

GAIL GAS LTD.

..... Petitioner

Through

Mr.Ramji Srinivasan, Sr. Adv, with
Mr. Ajit Pudussery and Ms. Shruti S.
Hazarika, Advs.

versus

PETROLEUM AND NATURAL GAS REGULATORY
BOARD & ANR.

..... Respondent

Through

Mr. Prashant Bezbourah, Adv. for
R-1.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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29.02.2016

1. This petition impugns the order of respondent-Petroleum and Natural Gas Regulatory Board (for short "PNGRB") and which order is admittedly appealable before the Appellate Tribunal for Electricity (for short "APTEL") as an Appellate Authority of the respondent-PNGRB. However, this petition was necessitated owing to vacancy of the Technical Member of APTEL.
2. The petition was entertained and an interim order dated 30th November, 2015 has been passed in the petition.
3. Keeping in view the said interim order, this Court clarifies that the petitioner is at liberty to go ahead with the activities of laying pipelines, creating compression facilities and CNG dispensing facilities

and any other infrastructure wherever required in the entire Ferozabad GA including the charge areas of Vrindavan and Govardhan in order to supply natural gas as CNG and PNG to the various customers in line with the PNGRB authorization to GAIL Gas Limited.

4. This Court has in the order dated 24th November, 2015 in ***W.P.(C) 10589/2015*** titled ***Mahanagar Gas Ltd. Vs. Petroleum and Natural Gas Regulatory Board and Ors.*** recorded the statement of ASG that APTEL as Appellate Authority of the respondent-PNGRB will be functional within two months therefrom. Thereafter this Court in several matters has been disposing of similar petitions as the present one, relegating the parties to the Appellate Authority and continuing the interim orders granted therein.

5. Today, it is not possible to take up this petition for hearing and rather than adjourning it, now that the Appellate Authority of the respondent-PNGRB is likely to be functional shortly, it is deemed appropriate to dispose of this petition with the following directions:-

- A. The petitioner, if it has not already preferred an appeal before the Appellate Authority, to prefer the same within four weeks from today.
- B. APTEL as Appellate Authority of the respondent-PNGRB, upon becoming functional, shall take up the said appeal and/or application for interim relief therein as expeditiously as possible.
- C. The appeal, if filed within four weeks, shall be considered on merits without going into the aspect of limitation.
- D. The interim order dated 30th November, 2015 in this proceeding

shall continue till the Appellate Authority takes up the appeal and/or the application for interim relief and whereafter they shall be subject to the orders of the said Appellate Authority.

6. With the aforesaid directions, present writ petition and applications stand disposed of. The next date of hearing is cancelled. Order dasti.

MANMOHAN, J

FEBRUARY 29, 2016

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