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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12244/2016**

M/S CENTRAL U.P. GAS LIMITED

..... Petitioner

Through Mr. Vivek Kohli with Ms. Aastha
Chawla, Advocates.

versus

**THE PETROLEUM AND NATURAL GAS REGULATORY
BOARD**

..... Respondents

Through Mr. Prashant Bezboruah with Mr.
Rakesh Dewan, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **02.01.2017**

CM No.48306/2016 (exemption)

Exemption is allowed subject to all just exceptions.

W.P.(C) 12244/2016 & CM No.48305/2016 (stay)

Learned counsel for the petitioner submits that despite an assurance being given to the Court on 28.12.2016, that no precipitative act had been taken by the respondents against the petitioner and no action was likely to be taken till the next date, the respondent has gone ahead and invoked the bank guarantee by order dated 30.12.2016.

He submits that the invocation *per se* is illegal and contrary to the Regulation 16 of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local

Natural Gas Distribution Networks) Regulations, 2008. He, however, submits that since the bank guarantee has already been invoked and encashed, he seeks leave to withdraw the petition with liberty to approach the Appellate Tribunal for Electricity impugning the order dated 30.12.2016, passed by the respondent and also the action of invocation and encashment of the bank guarantee. Learned counsel for the petitioner further submits that he seeks leave to approach the Appeal Authority for interim protection vis-a-vis the money that has been received by the respondent consequent to the illegal invocation of the bank guarantee.

In view of the above, the writ petition is dismissed as withdrawn reserving liberty of the petitioner as prayed for.

It is clarified that this Court has not examined the merits of the contentions of either of the parties.

SANJEEV SACHDEVA, J

JANUARY 02, 2017
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