

carried in paragraph 27 of the verdict (supra), para whereof becomes extracted hereinafter, rather do not become eroded vis-a-vis their efficacy.

“27. Natural gas is one of the most important and environment friendly sources of energy. Easy access to the deposits of natural gas and quick and cost effective transportation thereof are critical for fulfilling basic necessities of the society. The Petroleum and Natural Gas Regulatory Board Act, 2006 enacted by Parliament creates Petroleum and Natural Gas Regulatory Board to authorize entities to lay, build, operate or expand to a common carrier or contract carrier; regulate access to common carrier or contract carrier; regulate transport rates and ensure adequate availability of natural gas and secure equitable distribution for petroleum products. The activity of transportation of gas is thus recognized as an activity of highest national importance and subjected to statutory control in all its dimensions. Transportation of natural gas requires creation of necessary infrastructure either by the State on its own or through private enterprise. The pipeline in question was designed to sub-serve public interest and as rightly contended by the learned Solicitor General the element of public interest is present all through, even when the activity is undertaken through an entity in private sector. Considering the nature of activity where entities in private sector are encouraged to participate, it would be incorrect to put any restricted meaning as regards the expression “Corporation”. The definition of “Corporation” under Section 2(b) of the PMP Act is wide enough to include entities in private sector. This definition is designedly kept wide enough to include all such possibilities and there is no reason for giving any restricted meaning to such expression. We, therefore, reject the submission advanced by the appellants.”

16. Consequently, this Court after upholding the letter of authorization (Annexure P-12), and, after quashing Annexures P-13, P-14 and P-18, directs the respondents concerned, to re-draw the apposite notification, and, thereafter to re-draw the apposite show cause notice, but only after adherence being made to the above stated expostulations of law, as made in the verdict (supra), inasmuch as, designating the person as “competent

authority”, who otherwise is but a trained judicial mind or has the requisite qualifications to well exercise the wide range of powers for determining the compensation to the land owners concerned, rather upon the respondent(s) concerned, making user of the said sub land(s).”

2. Through the above extracted paragraphs, this Court had after quashing Annexures P-13, P-14, P-18, thus had directed the respondent concerned, to re-draw the apposite notification and thereafter to re-draw the apposite show cause notice. The said direction(s) became rested on the premise that the District Revenue Officer concerned, rather was not a trained judicial mind, thereby, the expostulation law as occurs in paragraph No. 31 of the verdict made by the Hon'ble Apex Court in case titled as '***Laljibhai Kadvabhai Savaliya and others versus State of Gujarat and others***', reported in ***(2016) 9 Supreme Court Cases 791***, thus becoming breached. The said paragraph No. 31 as occurs in the verdict (supra), is also extracted hereinafter.

“31. It is axiomatic that a person who occupies the position of Competent Authority under the PMP Act must evoke and enjoy public confidence. Neither the Act nor the Rules framed thereunder deal with the qualifications required of a person before his appointment as Competent Authority nor do they deal with any transparent process for such appointment. We may now turn to see the requirements in that behalf in an enactment which is pari materia. Section 2(1)(e) of the Metro Railway (Construction of Works) Act, 1978 (Metro Act, for short), defines Competent Authority as the one appointed under Section 16. Section 16(2) then sets out,

“16.(2) A person shall not be qualified for appointment as a Competent Authority unless he is holding, or has held, a Judicial Office, not lower in rank than that of a Subordinate Judge.”

Like the PMP Act, the Metro Act also confers power upon the Competent Authority therein to consider objections to the construction of the Metro Railway or any other work and to determine the amount payable for acquisition. The orders passed by the Competent Authority under the Metro

Act are also appealable before an Appellate Authority. In our view, the Competent Authority under the provisions of the PMP Act must also be someone who is holding or has held a Judicial Office not lower in rank than that of a Subordinate Judge or is a trained legal mind. If such requirement is not read into and not taken as an integral and essential qualification before appointment of any person as Competent Authority, the provisions in that behalf will not be consistent with the doctrine of fairness under Article 14 of the Constitution of India. At the same time, we hasten to add that actions taken by the Competent Authority till now, will not in any way stand impaired or be invalidated purely on this count. But the Central Government may do well to step in immediately and remedy the situation with appropriate measures.”

3. Initially, the review petition would be maintainable before this Court only when it is structured within the four corners of Order 47 Rule 1 of the CPC. The relevant provisions of Order 47 Rule 1 of the CPC are extracted hereinafter.

“1. Application for review of judgment.—(1) Any person considering himself aggrieved—

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes,

and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where

the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applied for the review.

[Explanation.—The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment.]

4. Though the learned counsel for the review applicant submits, that there is no ex facie error apparent on the face of record, but he submits, that since the relevant letter dated 30.05.2015, appended as Annexure A-2 with the review application, thus thereby beget compliance with directions rendered in ***Laljibhai's case (supra)***. Moreover, when it has also been contended that the said guidelines dated 15.05.2018, are stricto sensu in terms of paragraph No. 31 of the verdict made by the Hon'ble Apex Court in ***Laljibhai's case (supra)***. The said guidelines are extracted hereinafter.

“ 3. In view of the observations of Hon'ble Supreme Court of India and examination done in consultation with Oil PSUs, the following guidelines are hereby issued:-

I) Officers having experience of revenue court and land related matters will generally be proposed to be appointed as Competent Authority under the PMP act.

ii) These officers should preferably be of /or above the level of Deputy Collector or equivalent, to the State Government.

III) Officers having Law degree may be given preference in proposals for appointment as Competent Authority.

iv) In cases where no such officer is available, other officers may be proposed.

4. It is requested that names of officers may be proposed

as per above mentioned guidelines for appointment as Competent Authority under the PMP Act, 1962.”

5. Consequently, it is argued that since the said Annexure A-2 became discovered subsequent to the decision made by this Court, upon the writ petition (supra), and/or was not earlier despite the exercising of due diligence, thus within the knowledge of the applicant, whereas, both its discovery, and, now its adduction, as Annexure A-2, rather is just and essential for deciding the review application, and/or, for modifying the directions as carried in paragraphs No. 15 and 16, as occur in the verdict made by this Court, on 06.03.2024, upon CWP-4652-2024, whereby the District Revenue Officer concerned, has been declared to be an ill trained judicial mind. Therefore, it is contended that in terms of Annexure A-2, wherewith becomes appended the relevant guidelines relating to adherences being made to the observation(s), as become carried in paragraph No. 31 of the verdict made by the Hon'ble Apex Court in **Laljibhai's case (supra)**, thereby when all the requisite qualifications do evidently become possessed by the District Revenue Officer, Faridabad. Consequently, it is argued that if yet the said directions are maintained, thereby the guidelines as become appended as Annexure A-2, especially when they are made in alignment of the verdict (supra), made by the Hon'ble Apex Court, rather would become untenably disregarded, besides would lead to gross injustice. In sequel, it is contended that the review application be allowed and the District Revenue Officer, Faridabad be permitted to function as 'Competent Authority' under the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereinafter for short called as 'the PMP Act').

6. Reiteratedly in para No. viii of the review application, it has been stated that the District Revenue Officer, Faridabad, possessed the requisite experience of his being a trained judicial mind, given his since the year 2004, discharging duties as a Tehsildar, and thereafter, his being in the year 2021, thus promoted to the post of District Revenue Officer. Resultantly, he submits that when in paragraph No. 31 in the verdict made by the Hon'ble Apex Court in **Laljibhai's case (supra)**, it has been propounded that only trained judicial minds, be assigned the duties of Collector, as therebys they enjoy public trust and confidence in the discharging of extremely ultra sensitive duties, of 'Competent Authority' under 'the PMP Act'. Resultantly, the said quasi judicial experience of the District Revenue Officer, Faridabad, makes him a trained judicial mind.

7. In the light of the above, since the said material, though had not become placed on record at the stage of adjudication being made upon **CWP-4652-2024**, but since it has a deep pervasive effect qua the designation of District Revenue Officer, as the 'Competent Authority' in terms of 'the PMP Act'. Moreover, when the District Revenue Officer, Faridabad, is stated in para No. viii of the review application besides is also orally submitted by the counsel for the applicant to possess immense quasi judicial experience, besides his thus being a trained judicial mind, in terms of the guidelines (supra), as made in compliance of observation(s) (supra) as occur in paragraph No. 31 in the verdict made by the Hon'ble Apex Court in **Laljibhai's case (supra)**.

8. Therefore, a good ground is made for review/modification

of the order/directions made by this Court in paragraphs No. 15 and 16 of the verdict made by this Court on 06.03.2024, upon **CWP-4652-2024**, whereby this Court had quashed Annexures P-13, P-14 and P-18 and further directions have been issued upon the respondent concerned to strictly in terms of paragraph No. 31 of the verdict made by the Hon'ble Apex Court in **Laljibhai's case (supra)**, thus to designate an Officer other than the District Revenue Officer, Faridabad, rather as the 'Competent Authority' under 'the PMP Act'.

FINAL ORDER OF THIS COURT.

9. Consequently, the review petition is allowed. The afore direction(s) as made in the verdict (supra) are re-called/reviewed.

10. Be that as it may, the respondent concerned in designating any public functionary as the 'Competent Authority' under 'the PMP Act' are required to be making strict adherence to the guidelines, as become appended as Annexure A-2, with the review application.

11. In addition, the requisite quasi judicial experience, to be possessed by the 'Competent Authority', is required to be spanning over a period of more than ten years. Moreover, such officers should preferably be of/or above the level of Deputy Collector or equivalent thereto. Furthermore, preference is to be accorded to those officers who possess a law degree, but when such officers are not available, thereupon yet insistence be made that any officer who is to be designated as a competent authority under 'the PMP Act', qua his imperatively possessing quasi judicial experience, thus evidently extending upto a span of atleast upto ten years, besides is required to be possessed of virtues of utmost rectitude and probity, as therebys in his

confidence and trust.

12. Since the main review application itself has been decided, thus, all the pending application(s), if any, also stand(s) disposed of.

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

24.04.2024

kavneet singh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No