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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO(OS) (COMM) 56/2024 & CM No.17522/2024

M/S GAS AUTHORITY OF INDIA LIMITED Appellant

Through: Mr Kapil Sankhla and Ms Fagun
Sharma, Advs.

versus

M/S JSW ISPAT STEEL LIMITED Respondent

Through: Mr Sandeep Sethi and Mr Ramesh
Singh, Sr Advs. with Mr Sahil
Narang, Mr Dhritiman Roy, Mr
Madhavam Sharma, Mr Ayushman
Kacker and Mr Priyanshu Jain, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

29.04.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

CM No.17522/2024

1. Allowed, subject to just exceptions.

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2. The substantive prayer made in the appeal reads as follows:

“(i) Allow the present appeal and set aside the finding of the Ld. Single Judge in paragraph 45 of the Impugned Judgment dated 20.12.2023 in O.M.P.(Comm) 249 of 2020 to the extent that it holds that the Tribunal’s interpretation of “monthly transportation/service charges” can be proportionally reduced is a possible view.”

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3. Mr Kapil Sankhla, learned counsel, who appears on behalf of the appellant/GAIL, says that although the appellant/GAIL does not have any grievance with the final conclusion reached by the learned Single Judge *via* judgment dated 20.12.2023, the appellant's/GAIL's grievance is encapsulated in the prayer clause extracted hereinabove.

3.1 In this regard, our attention has also been drawn to paragraphs 3 and 4 of the appeal.

4. According to us, since the final decision rendered by the learned Single Judge is not an aspect with which the appellant/GAIL is aggrieved, the issue raised in the appeal can be taken as an objection in the cross-appeal filed by the respondent, which is also listed today before us as Item No.8.

5. Accordingly, the present appeal is closed with the aforesaid observations.

6. Liberty is granted to the appellant/GAIL to file written objections in the appeal preferred by the respondent, i.e., FAO(OS)(COMM)No.4/2024.

RAJIV SHAKDHER, J

AMIT BANSAL, J

APRIL 29, 2024

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Click here to check corrigendum, if any