

**Court-I**

**Before the Appellate Tribunal for Electricity  
(Appellate Jurisdiction)**

**IA No.26 of 2015  
in Appeal No.253 of 2014 & IA No.410 of 2014**

**Dated: 20<sup>th</sup> January, 2015**

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson  
Hon'ble Mr. Nayan Mani Borah, Technical Member, (P&NG)**

**In the matter of:-**

**Reliance Gas Transportation Infrastructure Ltd. .... Appellant (s)  
Versus  
Petroleum & Natural Gas Regulatory Board & Ors. ... Respondent (s)**

Counsel for the Appellant(s) : Mr. N. Venkodraman, Sr. Adv.  
Mr. R.S. Prabhu,  
Mr. Gaurav Mitra  
Mr. Rajat Nair  
Mr. K.R. Sasiprabhu  
Mr. Somiran Sharma  
Mr. Vishnu Sharma  
Mr. Rahul Worah  
Ms. Deepali Dwivedi

Counsel for the Respondent(s) : Mr. Anand. K. Ganesan for PNGRB

**ORDER**

On 14.11.2014, this Tribunal passed the following Order:

***"Learned counsel for the respondent seeks 10 days time to file reply. He is permitted to file the same within 10 days from today.***

***It is stated by the learned counsel for the appellant that on the last date of hearing before the other Bench of this Tribunal, there was an understanding on behalf of the***

***respondent-Board that the tariff shall not be determined on the basis of the impugned order. This fact is not disputed by the learned counsel for the respondent. We accept the request of the learned counsel for the appellant that this fact should be introduced in the order passed today.***

***We therefore direct that the tariff shall not be determined in pursuance of the impugned order which is under challenge before us till the next date of hearing.***

***Be listed for hearing on 11<sup>th</sup> December, 2014."***

The Appellant had filed CWP No. 3204 of 2014 in the Delhi High Court. On 11.12.2014, the Delhi High Court disposed of the Writ Petition by a reasoned order. While disposing of the Writ Petition, the Delhi High Court gave a direction to the Respondents to fix the final tariff latest by 28.02.2015. Attention of the Delhi High Court was not drawn by the Appellant to the Order of this Tribunal dated 14.11.2014 quoted hereinabove.

Today the Respondent has filed an application for vacating order dated 14.11.2014. It is submitted by learned counsel for the Respondent that as per the Delhi High Court's Order, the final tariff is to be fixed latest by 28.02.2015 and the interim order puts a fetter on the respondent and directs it not to determine the tariff. It is submitted that if the tariff is not

fixed as directed by the Delhi High Court, the Respondent may be hauled up for contempt.

Learned counsel for the Appellant, on the other hand, insisted that the Order dated 14.11.2014, which is ad interim in nature, may be confirmed and it may be directed to operate during pendency of this Appeal. Learned counsel for the Appellant further submits that even today the Respondent can comply with the direction of the High Court and finalise the tariff for the year 2009-2010 because this Tribunal is concerned with declaration of capacity for the years 2010-2011 and 2011-2012.

Learned counsel for Appellant says that the Appellant will move the Delhi High Court for necessary clarification within two weeks. The Appellant may do so if it so desires after giving notice to the Respondents.

List the matter on **20.02.2015.**

**(Nayan Mani Borah)**  
**Technical Member (P&NG)**  
Ts/pr

**(Justice Ranjana P. Desai)**  
**Chairperson**