

**COURT-I****IN THE APPELLATE TRIBUNAL FOR ELECTRICITY  
(APPELLATE JURISDICTION)****APPEAL NO. 290 OF 2016****Dated: 6<sup>th</sup> January, 2017****Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson  
Hon'ble Mr. B.N. Talukdar, Technical Member (P&NG)****In the matter of :****GAIL (India) Ltd. ...Appellant(s)  
Vs.  
Petroleum & Natural Gas Regulatory Board & Anr. ...Respondent(s)**

Counsel for the Appellant(s) : Mr. Gourab Banerji, Sr. Adv.  
Mr. Yoginder Handoo  
Mr. Syed A. Haseeb  
Mr. Sahil Tagotra  
Mr. Siddharth Kaushik a/w  
Mr. Niraj Kumar &  
Mr. Pankaj Bhagat (Reps.)

Counsel for the Respondent(s) : Mr. Sumit Kishore for R.1  
  
Mr. Piyush Joshi  
Ms. Sumit Yadava  
Ms. Preksha Dugar for R.2

**ORDER**

We have heard learned counsel for the Appellant and learned counsel for the Respondents.

Learned counsel for Respondent No.2 states that the present appeal is not maintainable because the impugned order is not an order against which an appeal can be filed under Section 33 (1) of the Petroleum and Natural Gas Regulatory Board Act, 2006.

He says that the Appellant should have filed an appeal directly to the Supreme Court. Learned counsel for Respondent No.2 seeks two weeks time to file an affidavit objecting to the maintainability of the appeal. He may file the same on or before 23.01.2017 after serving copy on the other side. Thereafter, rejoinder may be filed on or before 31.01.2017 after serving copy on the other side.

List the matter on **10.02.2017.**

**(B.N. Talukdar)**  
**Technical Member (P&NG)**  
Ts/Vg

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