

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**COURT-II
(P&NG-BENCH)**

**IA NO.1984 OF 2022 IN
DFR NO. 496 OF 2022**

Dated: **30.11.2022**

Present: **Hon'ble Mr. Justice R.K. Gauba, Officiating Chairperson
Hon'ble Dr. Ashutosh Karnatak, Technical Member (P&NG)**

In the matter of:

Petroleum and Natural Gas Regulatory Board **Appellant(s)**

Versus

Jay Madhok Energy Private Limited Led Consortium **Respondent(s)**

Counsel for the Appellant (s) : Mr. Utkarsh Sharma
Ms. Pinki Mehra
Ms. Tanuja Dhoulakhandi
Mr. Mohit Budhiraja

Counsel for the Respondent (s) : Mr. Parag P. Tripathi, Sr. Adv.
Mr. Saurav Agrawal
Ms. Akriti Dawar
Mr. Apoorv Tripathi
Mr. Anshuman Chowdhury

ORDER (ORAL)

IA NO. 1984 OF 2022

[For Urgent Listing]

The matter having been listed before us, the application having served its purpose stands disposed of.

DFR No. 496 OF 2022

The petition at hand has been presented as a review petition but essentially with the request for expunging of certain portions of the judgment dated 28.09.2022 rendered by this tribunal on appeal nos. 160-162 of 2022, particularly parts of para nos. 66 and 139, which have been

extracted in the petition at hand.

On advance copy, the respondent (which was the appellant in the above referred matters) has appeared through Mr. Saurav Agrawal and Ms. Akriti Dawar, advocates, they being led by Mr. Parag P. Tripathi, senior counsel.

We have heard the learned counsel on both sides. We take exception to the use of the expression "*intemperate*" appearing in prayer clause 1. We do not find any intemperate language used by this tribunal in any of the portions of the judgment, including the two paras which have been mentioned above. The learned counsel for the Board submitted at this stage that he has been instructed to say that the Board withdraws the expression "*intemperate*", as inadvertently used in the prayer clause.

The learned senior counsel who was representing the petitioner Board had made certain submissions concerning the training, experience etc. of the Members of the Board. They were duly noted and recorded. We must mention here that such submissions were made not once but several times repeated over and over, during the lengthy arguments advanced by the learned counsel for the Board, spread over several dates. Since submissions to such effect had been made, it was our duty to deal with them. It is precisely that what was done, as is shown by the contents of para nos. 66 and 139.

We hold the statutory Board in highest esteem. The submissions were made by a counsel engaged by it. Such submissions were taken in all seriousness and in that light and spirit, appropriate observations as were necessary were recorded in para 139. Deletion of any part of the said paras would affect and disturb the reasoning that was articulated in accepting the contentions of the appellant. Therefore, we do not find any

good reasons to delete or expunge any part of the said paragraphs.

However, since the Board now informs through the petition at hand that such submissions were made “*without instructions*” by the senior counsel, this position taken by the Board is duly noted, for record.

In view of the above, the learned counsel for the Board now submits that he does not press for any further directions on the petition at hand. It stands disposed of accordingly.

(Dr. Ashutosh Karnatak)
Technical Member(P&NG)

mg/mkj

(Justice R.K. Gauba)
Officiating Chairperson