

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY  
(APPELLATE JURISDICTION)**

**COURT-II**

**(P&NG – BENCH)**

**APPEAL NO. 292 OF 2014 &  
IA NO. 25 OF 2015, IA NO. 216 OF 2016,  
IA NO. 419 OF 2017&IA NOS. 547 &548 OF 2018**

**Dated: 29<sup>th</sup> July, 2020**

**Present: Hon'ble Mr. Justice R.K. Gauba, Judicial Member  
Hon'ble Dr. AshutoshKarnatak, Technical Member (P&NG)**

**In the matter of :**

**Gujarat Gas Company Ltd. .... Appellant(s)  
Vs.  
Petroleum and Natural Gas Regulatory Board &Anr. ....Respondent(s)**

Counsel for the Appellant(s) : Mr. Vishrov Mukherjee  
Mr. Yashaswi Kant

Counsel for the Respondent(s): Ms. SonaliMalhotra for R-1  
Mr. ItiAgarwal for R-2

**ORDER**

This Bench was constituted by Hon'ble Chairperson of Appellate Tribunal for Electricity (APTEL) by Notification issued on 02.06.2020. This Bench dealing with matters of Petroleum and Natural Gas (P&NG) is to sit for half a day in the afternoon of Wednesdays. In all, 18 pending appeals have been allocated to us for being taken up and decided. We are informed that some of the appeals included in the list of 18 are batch matters, and, therefore, actual number of matters to be taken up would be less.

2. This Tribunal has been functioning with limited resources and constraints on account of the restrictions imposed due to spread of coronavirus (COVID-19), physical hearing being not possible, matters are taken up through the mode of video conferencing (VC) which comes with its own limitations and difficulties.

3. Be that as it may, in order to regulate the process and to ensure that the hearings lead to productive results, by an Order passed on 17.07.2020 on the file of Appeal no. 232 of 2016 in the matter of *Jaiprakash Power Ventures Ltd v Madhya Pradesh power Management Company Ltd &ors.*, the corresponding Bench (Court-II) of which one of us (Justice R.K. Gauba, Judicial Member) is a member dealing with the matters under Electricity Act, 2003, a system of day-to-day hearing till conclusion has been introduced w.e.f. 20.07.2020. We have shared the said order with the learned counsel for the parties in this matter and other cases listed “for directions” today and they all agreed that it would be in the fitness of things to adopt the same procedure as introduced by the Electricity Bench, *mutatis-mutandis* for this Bench which is dealing with the present appeal and the other 17 matters allocated to us.

4. In view of the above, we would enforce the following procedure for Court-II (P&NG) hereinafter:

- (i) All appeals already allocated to this Bench or to be allocated hereafter to this Bench and are ready to be taken up for final hearing presently through video conferencing mode during the current pandemic situation, would be put in a list to be called ‘*Final VC Hearing Matters of Court-II (P&NG)*’

- (ii) The appeals included in the abovementioned list would be shown in the chronological order of the date of they having been filed i.e. age-wise, to be taken up accordingly.
- (iii) Any matter allocated to this Bench hereinafter would stand added to the abovementioned list at the bottom i.e. at the next serial number immediately below the item last included prior to it.
- (iv) We shall, hereinafter, take up the appeals for hearing through VC from the above said list in the order they appear therein.
- (v) The hearing on an appeal, once it commences, shall continue on day-to-day basis till it is concluded, the judgment reserved or pronounced (in case orally passed on date of conclusion).
- (vi) If a matter comes up for hearing in its turn from the above list and there is a request for adjournment, such request if made on good grounds would result in the matter getting displaced to the place immediately below the next item. But, if such request is repeated on the next turn of the appeal, no adjournment will be granted and instead the matter shall be taken up for hearing by calling upon the counsel/parties present to make their submissions.
- (vii) We would expect the Registry to keep the counsel whose matter is expected to come up next to be duly informed and notified by appropriate mode.
- (viii) Learned Members of the Bar will also be expected to keep a watchover the progress made in the hearing on the matters included in the list by being in touch with Court-Masters or by seeking VC links, waiting in the wings and be ready to appear

and assist as and when the turn of the appeal in which they appear comes up.

- (ix) Given the fact that this Bench has limited work and also is expected to sit only for a limited time in a week, it is desirable that the submissions by the learned counsel for the parties are focused and a discipline is maintained by avoiding repetition or prolixity. We would expect full cooperation from the learned members of the Bar so that only the real issues are touched upon and precious time of this Tribunal is not wasted. In this endeavor, it goes without saying, it is essential that the learned counsel identify the issues and remain focused on such issues referring to the material which is actually relevant and germane, adhering to the time schedule that would be determined at the outset. With this in view, whenever the hearing on an appeal commences, we would expect the learned counsel to indicate to us the time that they would need to address which, we insist, must be reasonably and responsibly assessed.
- (x) The parties will have expected to file soft copies of entire necessary material – pleadings, documents, etc – both in ‘*Word*’ and ‘*PDF*’ formats well in advance before the turn of the appeal comes up for hearing.
- (xi) The party which has to make submissions on a particular date will be expected to file its written submissions well in advance sharing a copy with the opponent. For clarity, we add, that it will be the responsibility of the appellant to file written submissions well in advance before commencement of the hearing, similar obligation to be undertaken by the respondents as soon as their turn comes up for making their respective submissions.

5. Learned counsel, Mr. Vishrov Mukherjee, representing the appellant in the appeal at hand submitted that the matter is to be argued on behalf of the appellant by the learned senior counsel, Mr. Ramji Srinivasan, who, on account of certain other preoccupation is not available till the last week of August, 2020. The appellant thus sought the hearing in this matter to be taken up after the next item in the above-mentioned list has concluded.

6. Though the preoccupation of a counsel, generally speaking, cannot be a reason for deferment or adjournment, it being a practice newly adopted by us, this Bench having become functional effectively from today only, we grant the request. The matter at hand will be taken up after the hearing in the appeal which finds place at the next serial number in the above-mentioned list has been concluded.

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

**(Justice R.K. Gauba)**  
**Judicial Member**

*Vt*

# APPELLATE TRIBUNAL FOR ELECTRICITY

## “Final VC Hearing Matters of Court-II (P&NG)”

[As on 29.07.2020]

S. No.	Case No.	Parties	Date of Listing	Purpose
<b>RESERVED</b>				
<b>PRONOUNCED</b>				
<b>FINAL HEARING</b>				
1	292 of 2014	Gujarat Gas Company Ltd v P&NGRB&Anr.		<i>Deferred at the request of Ld Counsel for the appellant. To be heard next after A.No.105/2015 &amp; batch are concluded (listed at sl. no.2)</i>
2.	105 of 2015	Bharat Petroleum Corporation Ltd v Sabarmati Gas Ltd. &Ors.	<b>05.08.2020</b>	H
2.1	172 of 2015	Bharat Petroleum corporation Ltd. vs. Sabarmati Gas Ltd. &Ors.		
2.2	227 of 2015	Gail India Ltd. vs. Sabarmati Gas Ltd. &anr.		
3.	122 of 2015	GAIL Gas Ltd. vs. Petroleum & Natural Gas Regulatory Board &Ors.	XXXXXX	H
3.1	125 of 2016	M/s. Sanwariya Gas Ltd. vs. PNGRB &Ors.		
4.	131 of 2016	Gail (India) Ltd. vs Srvanathi Energy Pvt. Ltd. &anr.	18.09.2020	H
4.1	132 of 2016	Gail (I) Ltd. vs. Gama Infraprop Pvt. Ltd. &anr.		
4.2	133 of 2016	Gail (I) Ltd. vs. Beta Infratech Pvt. Ltd. &anr.		
5.	DFR 1184 of 2016	Hindustan Petroleum Corporation Ltd. vs. PNGRB (Remand Back from Hon'ble Supreme Court)	28.08.2020	
6.	266 of 2017	GAIL India Ltd. vs. PNGRB	18.09.2020	
7.	267 of 2017	GAIL India Ltd. vs. PNGRB	18.09.2020	
8.	133 of 2018	GSPL India Gasnet Ltd. vs. PNGRB	28.08.2020	
9.	134 of 2018	GSPL India Gasnet Ltd. vs. PNGRB	28.08.2020	

10.	25 of 2019	KEI -RSOS Petroleum & Energy Pvt. Ltd.	18.09.2020	
11.	244 of 2019	BPCL VS. PNGRB	18.09.2020	
12.	254 of 2019	Petronet MHB Ltd. vs. PNGRB	18.09.2020	
13.	DFR 2427 of 2019	Gas Transmission India Private Limited vs. PNGRB	19.08.2020	