

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APL No. 247 OF 2025 & IA No. 1064 OF 2025 & IA No. 1802 OF 2025 &
IA No. 1803 OF 2025 & IA No. 1804 OF 2025

Dated: 10th December, 2025

Present : Hon`ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon`ble Mr. Bhupinder Singh Bhalla, Technical Member (P & NG)

In the matter of:

Bharat Petroleum Corporation Limited		Appellant(s)
Versus		
Petroleum and Natural Gas Regulatory Board		Respondent(s)

Counsel on record for the Appellant(s) : Aashish Gupta
Prakhar Deep
Puneeth Ganapathy
Nishant Doshi
Aditya Singh
for App. 1

Counsel on record for the Respondent(s) : Nipun Saxena
Sanskriti Bhardwaj
Suyash Gaur
Harshita Tomar
for Res. 1

ORDER

IA No. 1802 of 2025
IA No. 1803 of 2025
IA No. 1804 of 2025
(for condonation of delay in filing reply-R1(01 day))

The delay of 01 day in filing the reply by the 1st Respondent is condoned, and the reply be taken on record. The applications are disposed of.

APL No. 247 OF 2025 & IA No. 1064 OF 2025

Mr. Prakhar Deep, Learned Counsel appearing on behalf of the Appellant, submits that the Appellant has filed its rejoinder to the reply filed by the Respondent yesterday.

After arguing for some time Mr. Prakhar Deep, Learned Counsel appearing on behalf of the Appellant, requests that hearing of the IA be deferred to enable Senior Counsel, appearing on their behalf, to put forth his submissions.

This is a case where the collapse of a hoarding resulted in tragic consequences, with the death of 17 individuals, and 75 other suffering injury. The Respondent-PNGRB initiated proceedings against the Appellant, and, by way of the impugned order, issued certain directions which included initiation of appropriate disciplinary proceedings against the erring officers of the Appellant (in compliance with the committee's recommendations); review and revision of the Standard Operating Procedure (SoP); and copy of the order being placed in the next meeting of the Board of Directors of the Appellant-BPCL through the Risk Management Committee of the Board. The PNGRB further observed that, based on the Appellant's compliance with the directions, they would reconsider the subject issue, and that they reserved their right to initiate appropriate action against the Appellant and its officers under the provisions of the PNGRB Act 2006, along with the Regulations framed thereunder, as deemed fit and necessary.

The affidavit, now filed on behalf of the Appellant, is silent regarding whether or not the Appellant had, in compliance with the directions of the PNGRB, revised its SOP; and whether it had identified the erring officers

including Senior officers of the Appellant and had initiated disciplinary proceedings against them.

Mr. Nipun Saxena, Learned Counsel appearing on behalf of the PNGRB, would submit that, while the aforementioned tragic incident took place on 13.05.2024, the Appellant had itself, a year and half prior thereto, addressed letter dated 14.12.2022 informing the Police Fuel Station (the dealer) that excavation of the hoarding work was under progress at the time of inspection without any statutory approval; any permanent changes in the layout, such as the hoarding, required approval from the Petroleum and Explosives Safety Organisation (PESO) office; without such approval, PESO had the authority to stop sales; grant of Occupancy Certificate for the said retail outlet was under progress, and a site visit by the Mumbai Municipal Corporation was due; in such a scenario, it would be difficult to get occupancy certificate and other statutory approvals unless the excavated areas were filled back to normal; and the excavated material being dumped adjacent to the retail outlet would further hamper the ongoing approvals. The Appellant, while requesting the Police Fuel Station to immediately stop excavation and return the site to its earlier status, also informed them that any financial loss, on account of stoppage of MS/HSD/CNG sales by the statutory authority, would be the sole responsibility of their office.

This letter dated 14.12.2022 was followed by yet another letter dated 14.01.2023 addressed by the Appellant to the Commissioner of Police, Railways, Mumbai, wherein it is stated that, inspite of their earlier letter, it was found that the same was still continuing, and laying the foundation had been completed; any commercial activity in PESO licensed premises was not allowed without approvals; grant of the Occupancy Certificate for the said retail outlet was under progress, and the site visit of the BMC officer was due; and, unless the hoarding

foundations were removed, it may complicate the ongoing approval process. The Appellant again requested the Commissioner of Police to stop the hoarding work.

From the afore-mentioned two letters, it does appear, prima-facie, that the Appellant herein was conscious that erection of the hoarding without approval would result in stoppage of sales by the PESO office. We find force in the submission of Mr. Nipun Saxena, Learned Counsel appearing on behalf of the PNGRB, that the Appellant had, for reasons best known to them, desisted from either complaining to the PESO authorities or to stop sales by itself, despite its request being flouted by the Police Fuel Station, which was the dealer of the Appellant.

The submissions, urged on behalf of the PNGRB, may well justify our refraining from granting the Appellant, the interim relief sought by them. For the present, we deem it appropriate to direct the Appellant to file an additional affidavit informing this Tribunal whether, as directed in the impugned order, (i) the order of the PNGRB was placed before the Board of Directors of the Appellant, and whether they had expressed their views if any, thereupon;(ii) the Appellant, in compliance with the directions in the impugned order, has revised its Standard Operation Procedure (SoP); and (iii) disciplinary proceedings have been initiated by the Appellant, more so as the impugned order required them to complete disciplinary proceedings within 90 days.

It is necessary in this context to note that the impugned order passed by the PNGRB continues to remain in force even as on date, and a party to the proceedings before the PNGRB cannot arrogate to itself the power to disobey the order on the specious plea that they have filed an appeal there-against, along with an application seeking stay thereof, even though no order granting stay of the impugned order has been

passed by this Tribunal till date. An affidavit, furnishing the details
aforementioned, shall be filed within three weeks from today.

List the matter on **07.01.2026**.

Bhupinder Singh Bhalla
Technical Member (P & NG)

Justice Ramesh Ranganathan
Chairperson

Sk/mg