IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)

COURT-I
(P&NG – BENCH)

DFR NO. 259 OF 2022
&
IA NOS. 1222 & 1253 OF 2022

Dated: 11.01.2023

Present: Hon'ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon'ble Dr. Ashutosh Karnatak, Technical Member (P&NG)

In the matter of :
AGP City Gas Private Ltd …. Appellant(s)
Vs.
Petroleum and Natural Gas Regulatory Board ….Respondent(s)

Counsel for the Appellant(s) : Mr. Paras Kuhad, Sr. Adv.
Mr. Manu Aggarwal

Counsel for the Respondent(s): Ms. Pallavi Mishra
Mr. Kartikey Joshi
Mr. Mohit Budhiraja

ORDER

IA No. 1222 OF 2022
[Application for condonation of delay in filing for 26 days]

The delay of 26 days' in filing the appeal is not opposed by Ms. Pallavi Mishra, Learned Counsel appearing for the Respondent. The delay of 26 days in filing the appeal is condoned, and the application is disposed of.

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The objection of the Registry, on the maintainability of this appeal, is that the proceedings under challenge have been signed by the Joint

Advisor, and not by the Secretary as stipulated in the concerned Regulations. The proceedings dated 05.05.2022 record that the request of the Appellant for extension of exclusivity from the purview of the common carrier and contract carrier and MWP targets under Regulation 12(2) of the CGD Authorisation Regulations was not tenable, and could not be accepted. As a decision has been taken, in terms of the said letter, an appeal would undoubtedly lie there against under Section 33 of the Act. Whether or not the power to pass such an Order has been delegated to the Joint Advisor by the Board is a matter which the Appellant would not be aware of, since it relates to the internal working of the Board. We see no reason, in such circumstances, to reject the appeal on the ground of maintainability. The Objection raised by the Registry is overruled, and the appeal shall be entertained and examined on its merits.

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Ms Pallavi Mishra, Learned Counsel for the Respondent seeks three weeks' time to file reply. Three weeks' time is granted to file reply and thereafter rejoinder, if any, may be filed within two weeks. After pleadings are complete, Registry shall verify and include the appeal in the List of Finals of Court-I to be taken up from there in its turn.

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

(Justice Ramesh Ranganathan)
Chairperson

mk/mg/tp