IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)

COURT-I
(P&NG – BENCH)

APL NO. 02 OF 2023 &
IA NOS. 2234 OF 2022, 45 OF 2023 & 2235 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 :
IMC Ltd …. Appellant(s)
Vs.
Petroleum and Natural Gas Regulatory Board ….Respondent(s)

Counsel for the Appellant(s) : Mr. Saurav Agrawal
Mr. Trinath Tadakamalla
Mr. Anshuman Chaudhary
Ms. Nisha Bhatia
Mr. Shivam Tiwari

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

ORDER

IA No. 45 OF 2023

[Application for exemption from filing certified copy of impugned order]

Mr. Saurav Agrawal, Learned Counsel for the Appellant, submits that, since they have received the certified copy of the impugned order, they would file it with the Registry during the course of the day. Recording the submissions of Mr. Saurav Agarwal, Learned Counsel, this application is closed as having become infructuous.

IA No. 2235 OF 2022

[Application for exemption from filing legible copy]

Mr. Saurav Agarwal, Learned Counsel for the Appellant, states that the illegible copies with respect to which the Registry had taken an

objection, are only maps; and, while the appellant is not relying on the said maps, they undertake to furnish legible and clear copies of the said maps in case it is so required during the course of hearing. Recording the submission of Mr. Agarwal, IA-2235 of 2022 is disposed of.

IA No. 2234 OF 2022
[For interim relief]

The Appellant's grievance in this IA is only that, in terms of Regulation16(c) of the Authorization Regulations, the Respondent Board may initiate action against the Appellant for a second default consequent upon the impugned order being passed, and their having encashed the bank guarantee, for 25% of the amount of the performance bond, on 09.12.2022; and if the Appellant is held to have committed a second default, it would result in encashment of the bank guarantee for 50% of the performance bond.

Mr. Saurav Agarwal, Learned Counsel, contends that the laying of pipeline has been held up only because their request for approvals, under the CRZ Regulations, are still pending; and, since the concerned authorities are taking up the matter on 17/01/2023, the Appellant expects that CRZ approval would be granted within a few weeks thereafter.

Mr. Mohit Budhiraja, Learned Counsel for the Respondent, would, however, contend that the Appellant's apprehension of action being taken for a second default, and for encashment of the bank guarantee as a consequence thereof, is misconceived; a notice is issued by the Board to a defaulting party intimating them of the second default, the person concerned is then given an opportunity of being heard, only thereafter is an order passed determining whether or not there has been a second default, and it is subsequent thereto that the performance guarantee is encashed. It is not in dispute that the Respondent Board has not yet issued any such notice to the Appellant.

Suffice it, to protect the Appellant's interest, to grant them liberty, in case any such notice is issued, to invoke the jurisdiction of this Tribunal by way of a fresh IA.

With these observations, the present IA is closed.

APL NO. 02 OF 2023

Mr. Mohit Budhiraja, Learned Counsel for the Respondent, seeks four weeks' time to file their reply. Permission, as sought for, is granted.

Post the matter on ***22.02.2023.***

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

(Justice Ramesh Ranganathan)
Chairperson

mk/mg/tp