

**COURT-I**

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

**IA NO. 1382 OF 2018 IN  
APPEAL NO. 292 OF 2018 &  
IA NOS. 1383, 1384, 1722 & 1723 OF 2018**

**Dated: 5<sup>th</sup> December, 2018**

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson  
Hon'ble Mr. B.N. Talukdar, Technical Member (P&NG)**

**In the matter of :**

**Adani Gas Ltd.**

**.... Appellant(s)**

**Versus**

**Petroleum and Natural Gas Regulatory Board & Ors.**

**.... Respondent(s)**

Counsel for the Appellant(s) : Mr. Vikas Singh, Sr. Adv.  
Mr. Buddy A. Ranganadhan  
Mr. Mahesh Agarwal  
Ms. Aanchal Mullick  
Mr. Shubham

Counsel for the Respondent(s) : Mr. Paras Kuhad, Sr. Adv. for R-1

Mr. Ramji Srinivasan, Sr. Adv.  
Ms. Sylona Mohapatra  
Mr. Dibyanshu  
Mr. Aayush Jain for R-2

Mr. Gaurav Mitra  
Mr. Rohan Ganpathy for R-3

## **ORDER**

### **IA No. 1723 of 2018**

*(Application for condonation of delay in filing rejoinder)*

For the reasons stated set out in the application explaining the delay in filing rejoinder, the same is accepted as we find it satisfactory and sufficient cause has been made out. Hence, 18 days' delay in filing rejoinder is condoned and the rejoinder is taken on record.

The application is disposed of.

### **IA No. 1722 of 2018**

*(Application for amendments)*

Heard learned counsel appearing for the parties.

By virtue of this amendment application, the Appellant is seeking for additional prayer as indicated in Para 6 of the application which reads as under:

*"..., the Appellant prays for the following reliefs:*

- (a) That this Hon'ble Tribunal be pleased to quash and set aside the Impugned Result uploaded on the website of Respondent No. 1 on 14.09.2018 qua Bid Nos. GA-62, GA-61 and GA-51 for the grant of authorization for laying, building, operating or expanding City of Local Natural gas Distribution Network in the Geographical Areas of Chennai-Tiruvallur, Kanchipuram and Puducherry;*
- (b) That this Hon'ble Tribunal be pleased to quash the decision for the grant of authorization for laying, building, operating or expanding City of Local Natural gas Distribution Network in the*

*Geographical Areas of Chennai-Tiruvallur, Kanchipuram and Puducherry, in furtherance to which the Respondent No.1 has published the Impugned Result;*

- (c) That this Hon'ble Tribunal be pleased to declare the second highest bidder for the Geographical Area of Chennai-Tiruvallur i.e. the Appellant herein, to be the successful bidder for the said area and in pursuance thereto to direct the Respondent Board to issue the grant of Authorization and the Lol for the said Geographical Area of Chennai-Tiruvallur to the Appellant herein;*
- (d) That this Hon'ble Tribunal be pleased to direct Respondent No.1 to furnish all the papers and proceedings forming the record with respect to the 9<sup>th</sup> CGD Bidding Round, including of the grant of authorization for laying, building, operating or expanding City of Local Natural gas Distribution Network in the Geographical Areas of Chennai-Tiruvallur, Kanchipuram and Puducherry; and*
- (e) That this Hon'ble Appellate Tribunal be pleased to pass such other order(s) as the Hon'ble Appellate Tribunal may deem just and proper."*

In response to this application, Mr. Paras Kuhad, learned senior counsel appearing for the Board submits that he has instruction that they have no written objection / reply to the amendment. However, he submits that the amended / additional relief now sought would substantially change the nature of the relief originally asked for in the appeal.

It is relevant to understand what exactly was the relief sought in the appeal initially by the parties when they approached this Tribunal. They are at prayers (a), (b), and (d) of the application in Para 6 of the application.

As a matter of fact, 9<sup>th</sup> round of bidding is not pertaining to one geographical area in the country. It refers to a good number of States resulting in creation of 86 geographical areas. In the appeal, the Appellant is not challenging the very bidding process of 9<sup>th</sup> round. They are challenging the selection of Respondent No. 2 to 4 on the ground that the parameters for selection as indicated in the bidding document were not applied correctly to these selections. Even otherwise, it would have been necessary for the Court if first relief were to be allowed to say what happens next. It could be moulding of the relief also. Therefore, in order to do justice and to meet the ends of justice, we are of the opinion, the instant IA deserves to be allowed since Respondents can always have defend and challenge the contentions raised in the additional relief. Accordingly amendment allowed shall be carried out within one week.

Learned senior counsel for Respondent Nos. 1 & 2 and learned counsel for Respondent No. 3 submit that they do not wish to file any reply to the amended appeal.

As such, the application is disposed of.

**IA NO. 1382 OF 2018 IN**  
**APPEAL NO. 292 OF 2018**

Heard Mr. Paras Kuhad, learned senior counsel for some time.

List the application for further hearing on **7-12-2018**.

**(B. N. Talukdar)**  
**Technical Member (P&NG)**  
*tpd/pk*

**(Justice Manjula Chellur)**  
**Chairperson**