

COURT-I

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

**APPEAL NO. 379 OF 2018 &
IA NO. 1739, 1740, 1741 OF 2018**

Dated: 4th January, 2019

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

In the matter of :

H-Energy Private Limited	...Appellant(s)
Vs.	
Petroleum & Natural Gas Regulatory Board	...Respondent(s)

Counsel for the Appellant(s) : Mr. Sajan Poovayya, Sr. Adv.
Mr. Sakya Singha Chaudhary
Mr. Avijeet Lala
Ms. Astha Sharma
Ms. Samykya Mukku
Ms. Amahe Cama

Counsel for the Respondent(s) : Mr. Utkarsh Sharma for PNGRB

ORDER

Admit.

We have heard the learned senior counsel, Mr. Sajan Poovayya arguing for appellant entity. Heard Mr. Utkarsh Sharma for the Respondent (PNGRB). We have gone through PNGRB Regulations 19 in so far as first paragraph of the letter dated 17.10.2018 and we have also gone through PNGRB Regulations 5 so far as the second item of letter dated 17.10.2018. We have gone through the relevant extracts of items pertaining to authorization division from the minutes of the Board meeting dated 26.09.2018 (annexed to the reply filed by the Respondent Board).

We have also gone through bid document dated 28.09.2018, the dates of expression of interest by the appellant entity not only for Kanai Chhata to Shrirampur but also Kukrahati to Itinda which are placed on record.

In the light of the contents of minutes of the meeting dated 26.09.2018 which are reflected in the letter dated 17.10.2018 and the concerned PNGRB Regulations 19 & 5, we are of the opinion that there is no application of mind so far as decisions indicated at item No. 1 & 2 in the letter dated 17.10.2018. We are not dealing with Item No. 3 since it is a subject matter pending before the Hon'ble Supreme Court. Since there is no application of mind, we stay the contents of the letter dated 17.10.2018 so far as item No. 1 & 2.

However, we make it abundantly clear that process of bidding can go ahead but the Board shall not finalize the bidding process till further orders.

In terms of PNGRB Regulations so far as dedicated line for natural gas, the appellant entity is free to proceed with the laying etc. so far as Kanai Chhata to Shrirampur subject to strict compliance of the PNGRB Regulations.

List the matter on **16th January, 2019.**

(B.N. Talukdar)
Technical Member (P&NG)
js/vg

(Justice Manjula Chellur)
Chairperson