Petroleum and Natural Gas Regulatory Board

In the matter of

GAIL (India) ..... Applicant /Respondent

-Vs-

Tata Power Delhi Distribution Ltd .... Opposite Party/Complainant

For O.P./Complainant: Mr. Alok Shankar, Advocate

For Application/Respondent: Dinesh Agnani Senior Counsel with Ms. Leena Tuteja Adv. Ms. Nikita Ved and Mr. Chandra Prakash for GAIL

31.03.2014

Heard Ld. Counsel for both the parties and perused the record.

Relevant facts may be briefly stated that an application under Section 44 of the PNGRB Act, which was moved on behalf GAIL (India) Ltd., was pending before us and during the course of hearing on 10.2.2014, a direction was issued to the parties to furnish certain information on or before 21.2.2014.

The parties failed to ensure compliance of our order and further failed to move any application for seeking further opportunity and as a consequence the said application under Section 44 was dismissed in non-prosecution on 24.2.2014.

The order dated 24.2.2014 was signed by three Members on the same day whereas one Member and Chairperson signed it on 25.2.2014.

On 25.2.2014 after adjudication of the order dated 24/25.2.2014 the information was furnished in the office at 3.40 pm. on behalf of GAIL (India) Ltd. whereas the affidavit in support of this information was filed on 3.3.2014.

Since the application under Section 44 had already been dismissed, so no cognizance could be taken of the information dated 25.2.2014 or the affidavit dated
3.3.2014 where upon the GAIL (India) Ltd. moved an application under Section 13
(1) (f) of the PNGRB Act for setting aside the above described order dated 24 / 25.2.2014 which has been described in the application as the order dated 26.2.2014,
which is the date of communication of the order. However, without making a hyper
technical approach, we treated the application for recall of the order dated
24/25.2.2014.

Ld. Counsel for GAIL admitted that the requisite information could not be furnished
within stipulated period and further admitted that no application was moved for
extension of time. Ld. Counsel further submitted that all the erring officials have
been directed to remain vigilant in future with a view to prevent re-occurrence of
such default.

On the other hand, Ld. Counsel of the Opposite Party, who was absent on 11.2.2014
when the matter was taken for hearing, expressed his no objection in allowing the
application.

In view of above, the application is allowed and the impugned order dated
24/25.2.2014 is recalled.

Ld. Counsel for GAIL informed that the requisite information has already been
furnished and the matter may be heard whenever convenient to the Board.

Ld. Counsel of the Opposite Party requested for a week’s time to furnish the
information.

A week’s time is granted to the Opposite Party for furnishing the information and the
matter be put up for hearing of the application under Section 44 on 22.4.2014 at 3.00
pm.

(S.Krishnan) (P.K.Bishnoi) (K.K.Jha) (Subhash Chandra) (Dr. B.Mohanty)
Chairperson Member(PKB) Member(KKJ) Member(Legal) Member(BM)