



**पेट्रोलियम एवं प्राकृतिक गैस विनियामक बोर्ड**  
**Petroleum and Natural Gas Regulatory Board**

प्रथम-तल, वर्ल्ड ट्रेड सेंटर, बाबर रोड, नयी दिल्ली 110001

1<sup>st</sup> Floor, World Trade Centre, Babar Road, New Delhi – 110001

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14<sup>th</sup> January, 2020

**Public Notice No: PNRB/AUTH/1-CGD (07)/2018**

The Petroleum and Natural Gas Regulatory Board has been receiving requests for transfer of authorization from various consortium of entities which have been authorized for development of City Gas Distribution network in various Geographical Areas under regulation 5 of PNRB (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008 (hereafter referred to as “CGD authorization regulation”) , to newly formed entities/SPVs, which have been incorporated by the consortium members to fulfill the requirement of regulation 5 (6) (f) of CGD authorization regulation. Similarly, requests have been received for transfer of authorization from consortium of entities which have been authorized for development of Natural Gas Pipelines under regulation 5 of PNRB (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipelines) Regulations, 2008 (hereafter referred to as “NGPL authorization regulation”) , to newly formed entities/SPVs, which have been incorporated by the consortium members to fulfill the requirement of regulation 5 (6) (f) of NGPL authorization regulation.

As per the requirement of regulation 9 of CGD authorization regulation and regulation 8 of NGPL authorization regulation, the successful entity is required to furnish a Performance Bank Guarantee (PBG) to PNRB. The newly incorporated entity is therefore deemed to be called as the successful entity after the transfer of authorization, and the authorization granted to them is conditional, subject to submission of PBG.

PNGRB has been receiving requests from various consortium of entities after the authorization of their GAs have been transferred to the newly formed entities/SPVs as per their request, to rely upon the PBGs submitted by the consortium members at the time of bidding, citing reasons of cost implications. In order to enable the new entity to continue with the PBGs already submitted by the consortium members to PNRB at the time of bidding, PNRB hereby lists undertakings as follows to be submitted by the consortium members, the newly formed entity and the bank which had issued the PBG, all of which are to be submitted by the newly formed entity/SPV to PNRB:

In case of transfer of authorization from a consortium of entities authorized for development of CGD network to a newly formed entity/SPV:

**Annexure I: Undertaking from the Consortium members**

**Annexure II: Undertaking from the new entity**

**Annexure III: Undertaking from the issuing bank**

In case of transfer of authorization from a consortium authorized for development of NGPL to a newly formed entity/SPV:

**Annexure IV: Undertaking from the Consortium members**

**Annexure V: Undertaking from the new entity**

**Annexure VI: Undertaking from the issuing bank**

In view of the above, the entities are hereby informed that any entity that wishes for transfer of authorization of their authorized GAs or NGPL from a consortium of entities to a newly formed entity, they may submit the above mentioned undertakings as applicable for CGD/NGPL and their request for transfer of authorization along with the requisite documents.

**Additional Adviser**

## Annexure I

(On non-Judicial Stamp Paper)

To,  
The Petroleum and Natural Gas Regulatory Board  
1<sup>st</sup> Floor, World Trade Centre  
Babar Road, New Delhi-110001  
India

**Kind Attn:**                    **Secretary, PNGRB**

**Subject:**                    **Continuation of PBG no. \_\_\_\_\_ dated \_\_\_\_\_ for GA\_\_\_\_\_**

1. We, the consortium of \_\_\_\_\_ and \_\_\_\_\_ (“**Consortium**”), which took part in \_\_\_\_\_ CGD Bidding Round, were the successful bidder for \_\_\_\_\_ GA.
2. Vide Communication dated \_\_\_\_\_, the grant of authorization for \_\_\_\_\_ GA was issued to the Consortium, which was subsequently accepted by the consortium on \_\_\_\_\_.
3. In terms of prevalent Regulations and bid conditions, the consortium has submitted a performance bank guarantee (PBG) no. \_\_\_\_\_ dated \_\_\_\_\_ for Rs. \_\_\_\_\_ valid up to \_\_\_\_\_ issued by \_\_\_\_\_ (issuing bank) in favour of Petroleum and Natural Gas Regulatory Board, New Delhi.
4. The members of the Consortium had incorporated a company, as per the stipulated provisions of Regulation 5 (6) (f) of PNGRB (Authorizing Entities to Lay, Build, Operate and Expand City or Local Natural Gas Distribution Network) Regulation, 2008. The Company was incorporated under the Companies Act, 2013 and is called \_\_\_\_\_ (new entity), registered with the Registrar of Companies – \_\_\_\_\_. The official CIN number of the company is \_\_\_\_\_.
5. The Consortium, vide letter dated \_\_\_\_\_, has requested PNGRB for the transfer of the authorization, currently in the name of the consortium, to the name of \_\_\_\_\_ (new entity).
6. PNGRB, vide letter dated \_\_\_\_\_, has conditionally approved the request of consortium for transfer of authorisation, with a condition that the \_\_\_\_\_ (new entity) shall submit a fresh/amended PBG, wherein \_\_\_\_\_ (new entity) shall be named as authorized entity within 60 days.
7. \_\_\_\_\_ (new entity) is unable to provide a fresh/amended bank guarantee due to \_\_\_\_\_. The Consortium members, jointly and severally, request PNGRB to consider continuance of the fully valid Bank Guarantee No \_\_\_\_\_ dated \_\_\_\_\_ for Rs. \_\_\_\_\_ valid up to \_\_\_\_\_ for the \_\_\_\_\_ GA.

8. In this regard, the Consortium members are jointly and severally responsible for all issues pertaining to \_\_\_\_\_ GA and unconditionally and irrevocably warrant to the PNGRB that:
- (a) The original Bank Guarantee No. \_\_\_\_\_ dated \_\_\_\_\_ valid up to \_\_\_\_\_ shall, in terms stated therein, remain valid and constitute a legal, valid and binding obligation of the Bank and remain enforceable in the same way for the \_\_\_\_\_ (new entity) as it is for the consortium, in accordance with its terms;
  - (b) If PNGRB encashes the Bank Guarantee, either in full or in part thereof, due to any action/inaction of \_\_\_\_\_ (new entity), neither the Consortium members, jointly or severally, nor the \_\_\_\_\_ (new entity) shall raise any dispute in any forum on such encashment on the Bank Guarantee, on the ground that the Bank Guarantee, which has been encashed, is the one which was submitted by the consortium.
  - (c) The consortium members shall pay or cause to be paid any and all bank charges and fees, required to keep the Bank Guarantee effective and in force, until the time \_\_\_\_\_ (new entity) has submitted a fresh Bank Guarantee.
  - (d) The consortium members shall remain available to do all further acts and execute and deliver all further deeds and other documents, required by law or instructed by PNGRB, to keep the Bank Guarantee in full force and effect, in terms thereof.
9. This communication has been duly authorized through all necessary corporate actions on the part of the Consortium members and has been validity executed and delivered by the Consortium members to the PNGRB.

**For (Consortium Member 1).**

**For (Consortium Member 2).**

\_\_\_\_\_

\_\_\_\_\_

**NAME:**

**NAME:**

**DESIGNATION:**

**DESIGNATION:**

[SEAL/STAMP AFFIXED]

[SEAL/STAMP AFFIXED]

**DESIGNATION:**

[SEAL/STAMP AFFIXED OF LEAD PARTNER]

## Annexure II

(On non-Judicial Stamp Paper)

To,  
The Petroleum and Natural Gas Regulatory Board  
1<sup>st</sup> Floor, World Trade Centre  
Babar Road, New Delhi-110001  
India

**Kind Attn:**                    **Secretary, PNGRB**

**Subject:**                    **Continuation of PBG no. \_\_\_\_\_ dated \_\_\_\_\_ for GA\_\_\_\_\_**

1. We are a Company constituted under Companies Act, 2013 and called \_\_\_\_\_ registered with the Registrar of Companies – \_\_\_\_\_. The official CIN number of the company is \_\_\_\_\_.
2. The equity holder (\_\_\_\_\_ and \_\_\_\_\_) of the company, holding \_\_ % and \_\_ % equity, had formed a consortium, which took part in \_\_\_\_ CGD Bidding Round and emerged as the successful bidder for \_\_\_\_\_ GA.
3. Vide Communication dated \_\_\_\_\_, the grant of authorization for \_\_\_\_ GA was issued to the Consortium, which was subsequently accepted by the consortium on \_\_\_\_\_.
4. In terms of prevalent Regulations and bid conditions, the consortium has submitted a performance bank guarantee (PBG) no. \_\_\_\_\_ dated \_\_\_\_\_ for Rs. \_\_\_\_\_, valid up to \_\_\_\_\_, issued by \_\_\_\_ (issuing bank) in favour of Petroleum and Natural Gas Regulatory Board, New Delhi.
5. The Consortium, vide letter dated \_\_\_\_\_, has requested for the transfer of the authorization, which is currently in the name of the consortium, in our name.
6. PNGRB, vide letter dated \_\_\_\_\_, has approved the request of consortium for transfer of authorisation, with a condition that we shall submit a fresh/amended PBG, wherein we shall be named as authorized entity within 60 days.
7. We are unable to provide a fresh/amended bank guarantee due to \_\_\_\_\_. Accordingly, the Consortium requests PNGRB to consider continuance of the fully valid Bank Guarantee No \_\_\_\_\_ dated \_\_\_\_\_ for Rs. \_\_\_\_ valid up to \_\_\_\_\_ for the \_\_\_\_\_ GA.
8. In this regard, we unconditionally and irrevocably warrant to the PNGRB that:
  - (a) The original Bank Guarantee No. \_\_\_\_\_ dated \_\_\_\_\_ for Rs. \_\_\_\_ valid up to \_\_\_\_\_ shall, in terms stated therein, remain valid and constitute a legal, valid and binding obligation of the Bank and remain enforceable in the same way for us as it is for the consortium, in accordance with its terms;

- (b) If PNGRB encashes the Bank Guarantee, either in full or part thereof, due to any action/inaction on our part, neither the Consortium members jointly or severally nor we shall raise a dispute in any forum for such encashment of the Bank Guarantee, on the ground that the Bank Guarantee, which has been encashed, is the one which was submitted by the consortium.
- (c) The consortium members, jointly and severally, shall pay or cause to be paid any and all bank charges and fees, required to keep the Bank Guarantee effective and in force, until the time we have submitted a fresh Bank Guarantee.
- (d) It shall remain available to do all further acts and execute and deliver all further deeds and other documents, required by law or instructed by PNGRB, to keep the Bank Guarantee in full force and in effect, in terms thereof.

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**NAME:**

**DESIGNATION:**

[SEAL/STAMP AFFIXED]

(On Non-Judicial Stamp Paper)

To,  
The Petroleum and Natural Gas Regulatory Board  
1<sup>st</sup> Floor, World Trade Centre  
Babar Road, New Delhi-110001  
India

**Kind Attn: Secretary, PNGRB**

**Subject: Continuation of PBG no. \_\_\_\_\_ for Rs. \_\_\_\_\_ dated \_\_\_\_\_ for  
GA \_\_\_\_\_ in favour of Petroleum and Natural Gas Regulatory Board, New  
Delhi**

Sir/Madam,

We have issued Performance Bank Guarantee (PBG) No. \_\_\_\_\_ dated \_\_\_\_\_ for Rs. \_\_\_\_\_ - for  
GA \_\_\_\_\_ on behalf of \_\_\_\_\_ (Authorized entity), valid up to \_\_\_\_\_. The aforesaid  
PBG is irrevocable and unconditional guarantee to PNGRB that the Authorized Entity  
shall render all necessary and efficient services, which may be required to be rendered  
by the Authorized Entity in connection with and / or for the performance of the said  
Authorized Entity and further guarantees that the service, which shall be provided by the  
Authorized Entity under the said Authorization, shall be actually performed in  
accordance with the terms and conditions of the Authorization, to the satisfaction of  
PNGRB.

We have been informed by \_\_\_\_\_ (authorized Entity) that the Authorization of  
GA \_\_\_\_\_ has been transferred to \_\_\_\_\_ (new entity), which is promoted by \_\_\_\_\_  
(authorized Entity). In this regard the \_\_\_\_\_ (Authorized Entity) has requested to  
continue the aforesaid PBG for the \_\_\_\_\_ (new entity) under the same terms and  
conditions as it is issued for \_\_\_\_\_ (Authorized Entity). We hereby irrevocably and  
unconditionally confirm that we have no issue to the continuance of the aforesaid PBG  
for \_\_\_\_\_ (new entity) and in case of receipt of request from PNGRB for encashment of  
PBG, on account of any reason, we shall honor the request immediately and shall not raise  
any issue regarding change in the name of the authorized entity from \_\_\_\_\_ (authorized  
entity) to \_\_\_\_\_ (new entity) for GA \_\_\_\_\_.

**Yours faithfully**

**1. (Authorized Signatory)**

**2. (Authorized Signatory)**

(On non-Judicial Stamp Paper)

To,  
The Petroleum and Natural Gas Regulatory Board  
1<sup>st</sup> Floor, World Trade Centre  
Babar Road, New Delhi-110001  
India

**Kind Attn: Secretary, PNGRB**

**Subject: Continuation of PBG no. \_\_\_\_\_ dated \_\_\_\_\_ for \_\_\_ Natural Gas Pipeline**

1. We, the consortium of \_\_\_\_\_ and \_\_\_\_\_ (“**Consortium**”), which took part in Bidding Process in respect of Bid No. \_\_\_\_\_ for Grant of Authorization to lay, build, operate or expand \_\_\_\_\_ Natural Gas Pipeline, were the successful bidder for \_\_\_\_\_ Natural Gas Pipeline.
2. Vide PNGRB’s dated \_\_\_\_\_, the grant of authorization for \_\_\_ Natural Gas pipeline was issued to the Consortium, which was subsequently accepted by the consortium on \_\_\_\_\_.
3. In terms of prevalent Regulations and bid conditions, the consortium has submitted a performance bank guarantee (PBG) no. \_\_\_\_\_ dated \_\_\_\_\_ for Rs. \_\_\_\_\_ valid up to \_\_\_\_\_ issued by \_\_\_ (issuing bank) in favour of Petroleum and Natural Gas Regulatory Board, New Delhi.
4. The members of the Consortium had incorporated a company as per Regulation 5 (6) (f) of PNGRB (Authorizing Entitles to Lay, Build, operate or Expand Natural Gas Pipelines) Regulations, 2008. The Company was incorporated under the Companies Act, 2013 and is called \_\_\_\_\_ (new entity), registered with the Registrar of Companies – \_\_\_\_\_. The official CIN number of the company is \_\_\_\_\_.
5. The Consortium, vide letter dated \_\_\_\_\_, has requested PNGRB for the transfer of the authorization, currently in the name of the consortium, to the name of \_\_\_\_\_ (new entity).
6. PNGRB, vide letter dated \_\_\_\_\_, has conditionally approved the request of consortium for transfer of authorisation, with a condition that the \_\_\_\_\_ (new entity) shall submit a fresh/amended PBG, wherein \_\_\_\_\_ (new entity) shall be named as authorized entity within 60 days.
7. \_\_\_\_\_ (new entity) is unable to provide a fresh/amended bank guarantee due to \_\_\_\_\_. The Consortium members, jointly and severally, request PNGRB to consider

continuance of the fully valid Bank Guarantee No \_\_\_\_\_ dated \_\_\_\_\_ for Rs. \_\_\_\_\_ valid up to \_\_\_\_\_ for the \_\_\_\_\_ Natural Gas Pipeline.

8. In this regard, the Consortium members are jointly and severally responsible for all issues pertaining to \_\_\_\_\_ Natural Gas Pipeline and unconditionally and irrevocably warrant to the PNGRB that:

- (a) The original Bank Guarantee No. \_\_\_\_\_ dated \_\_\_\_\_ valid up to \_\_\_\_\_ shall, in terms stated therein, remain valid and constitute a legal, valid and binding obligation of the Bank and remain enforceable in the same way for the \_\_\_\_\_ (new entity) as it is for the consortium, in accordance with its terms;
- (b) If PNGRB encashes the Bank Guarantee, either in full or in part thereof, due to any action/inaction of \_\_\_\_\_ (new entity), neither the Consortium members, jointly or severally, nor the \_\_\_\_\_ (new entity) shall raise any dispute in any forum on such encashment on the Bank Guarantee, on the ground that the Bank Guarantee, which has been encashed, is the one which was submitted by the consortium.
- (c) The consortium members shall pay or cause to be paid any and all bank charges and fees, required to keep the Bank Guarantee effective and in force, until the time \_\_\_\_\_ (new entity) has submitted a fresh Bank Guarantee.
- (d) The consortium members shall remain available to do all further acts and execute and deliver all further deeds and other documents, required by law or instructed by PNGRB, to keep the Bank Guarantee in full force and effect, in terms thereof.

9. This communication has been duly authorized through all necessary corporate actions on the part of the Consortium members and has been validity executed and delivered by the Consortium members to the PNGRB.

**For (Consortium Member 1).**

**For (Consortium Member 2).**

\_\_\_\_\_

\_\_\_\_\_

**NAME:**

**NAME:**

**DESIGNATION:**

**DESIGNATION:**

[SEAL/STAMP AFFIXED]

[SEAL/STAMP AFFIXED]

**DESIGNATION:**

[SEAL/STAMP AFFIXED OF LEAD PARTNER]

(On non-Judicial Stamp Paper)

To,  
The Petroleum and Natural Gas Regulatory Board  
1<sup>st</sup> Floor, World Trade Centre  
Babar Road, New Delhi-110001  
India

**Kind Attn: Secretary, PNGRB**

**Subject: Continuation of PBG no. \_\_\_\_\_ dated \_\_\_\_\_ for \_\_\_\_\_ Natural Gas Pipeline**

1. We are a Company constituted under Companies Act, 2013 and called \_\_\_\_\_ registered with the Registrar of Companies – \_\_\_\_\_. The official CIN number of the company is \_\_\_\_\_.
2. The equity holder (\_\_\_\_\_ and \_\_\_\_\_) of the company, holding \_\_\_ % and \_\_\_ % equity, had formed a consortium, which took part in Bidding Process in respect of Bid No. \_\_\_\_\_ for Grant of Authorization to lay, build, operate or expand \_\_\_\_\_ Natural Gas Pipeline and emerged as the successful bidder.
3. Vide PNGRB's letter dated \_\_\_\_\_, the grant of authorization for \_\_\_\_\_ Natural Gas Pipeline was issued to the Consortium, which was subsequently accepted by the consortium on \_\_\_\_\_.
4. In terms of prevalent Regulations and bid conditions, the consortium has submitted a performance bank guarantee (PBG) no. \_\_\_\_\_ dated \_\_\_\_\_ for Rs. \_\_\_\_\_, valid up to \_\_\_\_\_, issued by \_\_\_\_\_ (issuing bank) in favour of Petroleum and Natural Gas Regulatory Board, New Delhi.
5. The Consortium, vide letter dated \_\_\_\_\_, has requested for the transfer of the authorization, which is currently in the name of the consortium, in our name.
6. PNGRB, vide letter dated \_\_\_\_\_, has approved the request of consortium for transfer of authorisation, with a condition that we shall submit a fresh/amended PBG, wherein we shall be named as authorized entity within 60 days.
7. We are unable to provide a fresh/amended bank guarantee due to \_\_\_\_\_. Accordingly, the Consortium requests PNGRB to consider continuance of the fully valid Bank Guarantee No \_\_\_\_\_ dated \_\_\_\_\_ for Rs. \_\_\_\_\_ valid up to \_\_\_\_\_ for the \_\_\_\_\_ Natural Gas Pipeline.

8. In this regard, we unconditionally and irrevocably warrant to the PNGRB that:

- (e) The original Bank Guarantee No. \_\_\_\_\_ dated \_\_\_\_\_ for Rs. \_\_\_\_\_ valid up to \_\_\_\_\_ shall, in terms stated therein, remain valid and constitute a legal, valid and binding obligation of the Bank and remain enforceable in the same way for us as it is for the consortium, in accordance with its terms;
- (f) If PNGRB encashes the Bank Guarantee, either in full or part thereof, due to any action/inaction on our part, neither the Consortium members jointly or severally nor we shall raise a dispute in any forum for such encashment of the Bank Guarantee, on the ground that the Bank Guarantee, which has been encashed, is the one which was submitted by the consortium.
- (g) The consortium members, jointly and severally, shall pay or cause to be paid any and all bank charges and fees, required to keep the Bank Guarantee effective and in force, until the time we have submitted a fresh Bank Guarantee.
- (h) It shall remain available to do all further acts and execute and deliver all further deeds and other documents, required by law or instructed by PNGRB, to keep the Bank Guarantee in full force and in effect, in terms thereof.

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**NAME:**

**DESIGNATION:**

[SEAL/STAMP AFFIXED]

## Annexure VI

(On Non-Judicial Stamp Paper)

To,  
The Petroleum and Natural Gas Regulatory Board  
1<sup>st</sup> Floor, World Trade Centre  
Babar Road, New Delhi-110001  
India

**Kind Attn: Secretary, PNGRB**

**Subject: Continuation of PBG no. \_\_\_\_\_ for Rs. \_\_\_\_\_ dated \_\_\_\_\_ for \_\_\_\_\_  
Natural Gas Pipeline in favour of Petroleum and Natural Gas Regulatory  
Board, New Delhi**

Sir/Madam,

We have issued Performance Bank Guarantee (PBG) No. \_\_\_\_\_ dated \_\_\_\_ for Rs. \_\_\_\_ - for Grant of Authorization to lay, build, operate or expand \_\_\_\_ Natural Gas Pipeline, as per letter of Authorization No. \_\_\_\_\_ dated \_\_\_\_\_ issued on behalf of \_\_\_\_\_ (Authorized entity), valid up to \_\_\_\_\_. The aforesaid PBG is irrevocable and unconditional guarantee to PNGRB that the Authorized Entity shall render all necessary and efficient services, which may be required to be rendered by the Authorized Entity in connection with and / or for the performance of the said Authorized Entity and further guarantees that the service, which shall be provided by the Authorized Entity under the said Authorization, shall be actually performed in accordance with the terms and conditions of the Authorization, to the satisfaction of PNGRB.

We have been informed by \_\_\_\_\_ (authorized Entity) that the Authorization of the above said Natural Gas Pipeline has been transferred to \_\_\_\_\_ (new entity), which is promoted by \_\_\_\_\_ (authorized Entity). In this regard the \_\_\_\_\_ (Authorized Entity) has requested to continue the aforesaid PBG for the \_\_\_\_\_ (new entity) under the same terms and conditions as it is issued for \_\_\_\_\_ (Authorized Entity). We hereby irrevocably and unconditionally confirm that we have no issue to the continuance of the aforesaid PBG for \_\_\_\_\_ (new entity) and in case of receipt of request from PNGRB for encashment of PBG, on account of any reason, we shall honor the request immediately and shall not raise any issue regarding change in the name of the authorized entity from \_\_\_\_ (authorized entity) to \_\_\_\_ (new entity) for \_\_\_\_ Natural Gas Pipeline.

**Yours faithfully**

**1. (Authorized Signatory)**

**2. (Authorized Signatory)**