

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/LETTERS PATENT APPEAL NO. 2619 of 2017****In R/SPECIAL CIVIL APPLICATION NO. 21738 of 2017****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2017
In R/LETTERS PATENT APPEAL NO. 2619 of 2017**

=====

GUJARAT STATE PETRONET LIMITED

Versus

GAIL INDIA LIMITED & 3 other(s)

=====

Appearance:

MR MIHIR THAKORE, SENIOR COUNSEL

WITH MR ASPI M KAPADIA(1865) for the Appellant(s) No. 1

MR SUDHIR NANAVATI, SENIOR COUNSEL

WITH MR AKSHAT KHARE(5912) for the Respondent(s) No. 2

MR DEVANG VYAS(2794) for the Respondent(s) No. 4

MR RITURAJ M MEENA(3224) for the Respondent(s) No. 3

MR KALAM TRIVEDI, SENIOR COUNSEL

WITH MR VISHWAS K SHAH(5364) WITH MS ANKITA RASPUTIN for the
Respondent(s) No. 1

MRS SUMAN KHARE(2226) for the Respondent(s) No. 2

=====

CORAM: **HONOURABLE DR. JUSTICE VINEET KOTHARI**

and

HONOURABLE MR. JUSTICE B.N. KARIA**Date : 14/06/2021****ORAL ORDER****(PER : HONOURABLE DR. JUSTICE VINEET KOTHARI)**

1. Mr.Devang Vyas, learned Additional Solicitor General of India has submitted that in pursuance to the order dated **08.06.2021**, the

Ministry of Commerce and Industry, Government of India, has constituted a High Power Committee of the following members to go into the dispute between the parties involved in the present Letters Patent Appeals before us vide order dated **13.06.2021**, which is quoted below for ready reference:

*“No.K-43014(21)/9/2021-SEZ
Government of India
Ministry of Commerce & Industry
Department of Commerce
(SEZ Section)*

*Udyog Bhawan, New Delhi
Dated the 13th June, 2021*

OFFICE MEMORANDUM

Subject:- Order passed by Hon'ble High Court of Gujarat in Letters Patent Appeal No.2619 of 2017 in Special Civil Application No.21738 of 2017 with Civil Application (For Stay) No.1 of 2017 dated 08.06.2021 – reg.

The undersigned is directed to refer to the Order dated 08.06.2021 passed by the Hon'ble High Court of Gujarat on the cases mentioned at subject above (copy enclosed) and D/o Public Enterprises OM dated 22.05.2018 (copy enclosed) regarding settlement of commercial disputes between CPSEs. The brief background of case is at Annexure.

2. In pursuance of the Hon'ble High Court order and DPE OM dated 22.05.2018, Department of Commerce has decided to form a committee as under for resolving the dispute in consonance with the letter and spirit of the Special Economic Zones Act, 2005:

- (i) Commerce Secretary*
- (iv) Secretary, M/o Petroleum and NG*

- (v) Secretary, D/o Legal Affairs
- (vi) Representative of Government of Gujarat (Principal Secretary of the concerned Department)
- (v) Joint Secretary (SEZ), DoC

3. This issues with the approval of the Competent Authority.

Enclo: As above

(Sumit Kumar Sachan)

Under Secretary of the Government of India

Tel: 2306 2496

Email: sumit.sachan@nic.in

To,

1. The Commerce Secretary, Udyog Bhawan, New Delhi.
2. The Secretary, M/o Petroleum & NG, Shastri Bhawan, New Delhi
3. The Secretary, D/o Legal Affairs, Shastri Bhawan, New Delhi
4. The Chief Secretary, Government of Gujarat, Gandhi Nagar- with request that concerned principal Secretary may please be nominated to be member of the above Committee.
5. Joint Secretary (SEZ), DoC

Copy for information and necessary action to:

Shri Devang Vyas, Additional Solicitor General of India,
Gujarat High Court A-101, Ganesh Meridian-A,
Opp. Kargil Petrol Pump, S.G. Highway, Ahmedabad – With request
that Hon'ble High Court of Gujarat may be apprised accordingly.

Copy to:

PPS to CS/PA to AS(SK)/PPS to JS (Akr)/Director (SNS)

(Sumit Kumar Sachan)

Under Secretary of the Government of India

Tel: 2306 2496

Email: sumit.sachan@nic.in”

2. Learned Senior Counsel Mr.Kamal Trivedi and learned Senior Counsel Mr.Sudhir Nanavati have brought to our notice that almost a similar kind of dispute between **Gujarat State Petronet Limited, ONGC Petro Additions Limited, Torrent Power Limited and India Oil Corporation Limited** came to be referred to the **Petroleum and Natural Gas Regulatory Board**, which has settled this controversy vide their order dated **17.03.2020**, a copy of which is placed on record. A copy of the same may be supplied to other counsels also if not already given.

3. In view of the aforesaid development in pursuance to the Court's order dated **08.06.2021**, we relegate, for the time being, all the parties involved in the present Letters Patent Appeals before us to the aforesaid High Power Committee referred constituted by the order dated **13.06.2021** where the said parties with their representatives and their learned counsels may appear and the said Committee may grant an opportunity of hearing to the concerned parties and then pass appropriate orders in accordance with law. Taking into account also the order dated **17.03.2020** passed by the **Petroleum and Natural Gas Regulatory Board**, the order may be

passed within a period of **six weeks** from today and a copy of the same may be sent to the Secretary of the said Committee as well as the same may be supplied to the learned counsels appearing in this matter so that the said Committee may fix the first date of appearing of all the parties with their learned counsels either in an online meeting or physical meeting as considered appropriate and as early as possible.

4. The matter may now be listed with their Report of the said Committee after a period of **six weeks** i.e. on **10.08.2021**. All the parties are at liberty to file their written submissions along with relevant documents before the said Committee well in advance with copy supplied to other parties/their counsels.

Put up on **10.08.2021**.

(DR. VINEET KOTHARI, J)

(B.N. KARIA, J)

rakesh/