

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

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GUJARAT STATE PETRONET LIMITED

Versus

GAIL INDIA LIMITED & 3 other(s)

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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 SIDDHARTH DAVE, COUNSEL
FOR MR DEVANG VYAS(2794) for the Respondent(s) No. 4

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

MR KAMAL TRIVEDI, SENIOR COUNSEL
WITH MR VISHWAS K SHAH(5364) for the Respondent(s) No. 1

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

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CORAM: HONOURABLE DR. JUSTICE VINEET KOTHARI

and

HONOURABLE MR. JUSTICE B.N. KARIA

Date : 08/06/2021

ORAL ORDER

(PER : HONOURABLE DR. JUSTICE VINEET KOTHARI)

1. Looking to the nature of the dispute and the parties
(Government Corporations) involved in the present litigation,

where all having their respective business interests / concerns in **Dahej SEZ Area** in the State of Gujarat viz. Gujarat State Petronet Limited (**GSPL**) (Appellant – Petitioner), GAIL India Limited (A Government of India Undertaking), **ONGC Petro Additions Limited (OPAL** – promoted by GAIL, ONGC & GSPC – the parent and holding company of the Appellant – Petitioner itself), we are of the opinion that **such disputes can amicably and best be resolved by some Committee of Bureaucrats of higher level** in the concerned Government Departments at Central Ministry level, who monitor the development of SEZ areas and are devoted for achieving the main object of the Special Economic Zones Act, 2005 itself viz. **to promote faster economic development in the country** and this Court in the present Letters Patent Appeal directed against the order of the learned Single Judge, in our opinion, should be slow to interfere in such *inter se* disputes between various Government Corporations which may not ultimately result **in any public good** as *prima facie*, it appears that these Government Corporations and Companies are litigating before this Court only for their limited individual business interests rather than any public good.

2. Therefore, at the suggestion of the Court, all the learned

Senior Counsels agreed and are therefore requested to take instructions and suggest to this Court in consultation with learned Solicitor General / Additional Solicitor General of Central Government an appropriate composition of the Committee of the top officials in the concerned Ministry at Central level for resolving the dispute of these litigating Government Companies, who can sit together and explore the possibilities of an amicable settlement of the dispute and by giving appropriate guidance and approvals, wherever required for giving a quietus to this dispute in consonance with the letter and spirit of the Special Economic Zones Act, 2005.

3. Learned counsels have prayed that three days' time, which is allowed for this purpose and then revert, in the light of the aforesaid suggestion of the Court.

List again on **14.06.2021**.

(DR. VINEET KOTHARI, J)

(B.N. KARIA, J)

Bharat