

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).22273/2012

(From the judgement and order dated 01/06/2012 in WP(C) No.2034/2012 of The HIGH COURT OF DELHI AT N. DELHI)

PETROLEUM & NATURAL GAS REGUL.BOARD

Petitioner(s)

VERSUS

INDRAPRASTHA GAS LTD.& ANR

Respondent(s)

(With appln(s) for permission to place addl. documents on record and with prayer for interim relief and office report)

With I.A. Nos.2-8 & 9-10 (Applns. for intervention and directions)

Date: 31/08/2012 This Petition and these Applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s)

Mr. Arvind Dattar, Sr. Adv.
Mr. Suchindran, Adv.
Ms. Divya, Adv.
Ms. Liz Mathew, Adv.
Ms. Sana Hashmi, Adv.

For Respondent(s)

Mr. Harish N. Salve, Sr. Adv.
Mr. Parag P. Tripathi, Sr. Adv.
Ms. Ruby Singh Ahuja, Adv.
Mr. Udit Mendiratta, Adv.
Ms. Deepti Sarin, Adv.
Mr. R. N. Karanjawala, Adv.
Mrs. Manik Karanjawala, Adv.
For M/S. Karanjawala & Co.

For Intervenor(s)

Mr. C. A. Sundaram, Sr. Adv.
Mr. Tri Nath, Adv.
Mr. D. Dutta, Adv.
Mr. Mrinal Ojha, Adv.
Mr. Kamendra Mishra, Adv.

For Intervenor(s)

Mr. K. K. Venugopal, Sr. Adv.
Mr. Tri Nath, Adv.
Mr. Ankur, Adv.
Mr. Umesh Kumar Khaitan, Adv.

For intervenor

Dr. Jatin Thukral, Applicant-in-person

UPON hearing counsel the Court made the following

O R D E R

Heard learned senior counsel for the parties.
Let the Interlocutory Application Nos.2-8 and 9-10 of 2012 for

intervention and directions, be listed along with the main matter i.e. SLP(C) No.22273/2012.

Learned senior counsel Mr. Arvind Dattar appearing for the Petitioner submits that Petitioner/Board is at present seriously aggrieved by the following direction given by Division Bench of the High Court of Delhi which reads as follows :

"We further hold that the Board is also not empowered to fix any component or Network Tariff or Compression Charge for an entity such as the Petitioner having its own distribution network."

We notice the main question that arises for consideration is with regard to the jurisdiction of the Petitioner/Board to fix or regulate the maximum retail price at which gas is to be sold by entities as the Respondent/s, to the consumers. That question we will decide when the matter finally comes up for hearing. However, at present, we make it clear that it is open to the Petitioner/Board to fix any component of Network Tariff or Compression Charge for an entity but such fixation shall not be notified without permission of this Court.

We further make it clear that all the relevant details relating to Network Tariff and data analysis called for by the Petitioner/Board be made available by the parties to the Petitioner/Board so that they can go ahead with the fixation.

List the matter on Wednesday, the 21st November, 2012.

| (Sanjay Kumar)

Court Master |

(Renuka Sadana)

| Court Master |