

ITEM NO.3

COURT NO.2

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA NO. 141743/2022 (APPLN. FOR MODIFICATION OF ORDER DT. 6.9.2022 ON B/O PETROLEUM AND NATURAL GAS REGULATORY BOARD) ONLY" IN W.P.(C) NO. 13029/1985 IS LISTED."ONLY" NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST:MR. HARISH N. SALVE, SR. ADVOCATE (A.C.)MS. APARAJITA SINGH, SR. ADVOCATE (A.C.)MR. A.D.N. RAO, ADVOCATE (A.C.)MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.)PETITIONER-IN-PERSONMR. G.S. MAKKER, MR. AMRISH KUMAR, MR. SANJAY KR. VISEN, MR. KAMLENDRA MISHRA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA, MR. DEEPAYAN MANDAL, MR. DIVYA ROY, MR. R.D. UPADHYAY, MR. AJIT PUDUSSERY, MR. ALOK GUPTA, MS. BINA GUPTA, M/S KHAITAN AND CO., MR. SENTHIL JAGDEESAN, ADVOCATES)

Date : 01-08-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

Ms. Aparajita Singh, Sr. Advocate (A.C.)
Mr. A.D.N. Rao, Sr. Advocate (A.C.)
Mr. Siddhartha Chowdhury, Advocate (A.C.)
Mr. Harish N. Salve, Sr. Advocate (A.C.) (NP)

For Petitioner(s) Applicant-in-person, AOR
Petitioner-in-person

For Respondent(s) Ms. Aishwarya Bhati, A.S.G.
Mr. Wasim Qadri, Sr. Adv.
Mr. Gurmeet Singh Makker, AOR
Ms. Suhasini Sen, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. S.S. Rebello, Adv.
Mr. Subhranshu Padhi, Adv.
Ms. Archana Pathak Dave, Adv.
Ms. Ruchi Kolhi, Adv.

Ms. Alka Agrawal, Adv.
Ms. Archana Sharma, Adv.
Ms. Baby Devi Bonia, Adv.
Mr. Anirudh Bhat, Adv.
Mr. Prashant Singh, Adv.
Dr. Arun Kumar Yadav, Adv.
Mr. Rohan Gupta, Adv.
Ms. Shagun Thakur, Adv.
Ms. Chitrangda Rashtravaca, Adv.
Mr. G.S. Makker, AOR
Mr. Raj Bahadur Yadav, AOR

Mrs. Aishwarya Bhati, A.S.G.
Mrs. Suhasini Sen, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. Shubhranshu Padhi, Adv.
Mrs. Archana Pathak Dave, Adv.
Mr. Amrish Kumar, AOR

Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. B.k Satija, A.A.G.
Mr. Rahul Khurana, Adv.
Ms. Suvarna Singh, Adv.
Mr. Sanjay Kr. Visen, AOR

Mr. Kamendra Mishra, AOR

Dr. Manish Singhvi, Sr. Adv.
Mr. Sandeep Kumar Jha, AOR

Ms. Jyoti Mendiratta, AOR

Mr. Deepayan Mandal, AOR

Mr. Divya Roy, AOR
Mr. Sanjeet Singh, Adv.

Mr. R.D. Upadhyay, AOR

Mr. Ajit Pudussery, AOR

Mr. Alok Gupta, AOR

Ms. Bina Gupta, AOR

M/S Khaitan And Co., AOR

Mr. Senthil Jagdeesan, AOR

UPON hearing the counsel the Court made the following
O R D E R

IA NO. 141743/2022

It is pointed out by reference to the Regulation 7 (1) of the Petroleum and Natural Gas Regulatory Board (Meetings of the Board), Amendment Regulations, 2022 vide amendment dated 28.04.2022 provides that the Coram is 3, including the Chairperson if there are five members but the proviso states that in case there are any time less than five members due to vacancy or any other reason, two members of the Board can constitute a Coram. It is in this behalf, that an application has been filed before us seeking modification of the order dated 06.09.2022 where on the first effective page of the order we had observed that at least wisdom has finally dawned to a limited extent at least by appointing three Members to the Board which is the minimum Coram. We had called upon the Central Government to fill in the vacancies of remaining two Members of the Board.

We are now informed that there are four members on the Board and thus coram should be two. However, the fact remains that number of vacancies was to be filled in within a period of three months from the date of the order of 06.09.2022. We are ten months hence. Thus there is breach of the order and no extension of time has been sought.

We are unwilling to vary the order and the Government must take steps to fill in the remaining

vacancies.

Learned ASG states that the matter should be held over for four weeks to facilitate filling up of the vacancies.

List on 05.09.2023.

IA. NO. 24223/2021

List on 05.09.2023.

**[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS**

**[POONAM VAID]
COURT MASTER (NSH)**