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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010668662014**

\+ **W.P.(C) 2611/2014 & CM. APPLN. 75477/2026 (for impleadment)**

GREAT EASTERN ENERGY CORPORATION LIMITED .....Petitioner

Through: Mr Jayant Mehta, Sr. Adv. with Mr. Ajay Bhargava, Mr. Aseem Chaturvedi, Ms. Raddhika Khanna Tandon, Mr. Arsh Alok, Advocates.

versus

UNION OF INDIA & ANR. .....Respondents

Through: Ms. Manisha A Narain Advocate (CGSC), Mr. Divyanshu, Advocate for R-1.
Mr. Sandeep Sethi, Sr. Adv.
Mr. Ramji Srinivasan, Sr. Adv.
Mr. Sanjay Jain, Sr. Adv.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

O R D E R

% 02.11.2026

1. This hearing has been done through hybrid mode.

2. On 2nd July, 2026, this Court, heard detailed submissions by ld. Counsel for the Petitioner and the Petroleum and Natural Gas Regulatory Board *(hereinafter, 'PNGRB')*, who was represented by the ld. ASG. On the said date, the Court was of the opinion that the stand of the Ministry i.e., Ministry of Petroleum and Natural Gas *(hereinafter, 'MoPNG')* would be extremely important and accordingly had observed as under:

> *"3. The Ministry of Petroleum and Natural Gas (hereinafter "MoPNG") is also a party to this writ petition being Respondent No.1. A short affidavit dated 18th January, 2024 has been filed on its behalf through*

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Mr. Ramesh Krishna, Under Secretary, MoPNG. A perusal of the same shows that there is no response to any of the allegations raised in the writ petition or to the stand of PNGRB. The question as to the nature of the pipeline being operated by the Petitioner i.e., whether it is a contract carrier, common carrier or a dedicated carrier or captive carrier has been raised. However, there is no response on this by the MoPNG. A categorical stand has to be taken by the MoPNG.

4. It is noted that the MoPNG also states in its affidavit dated 18th January, 2024 that there are certain amendments which are being contemplated in the PNGRB Act, 2006. However, there is no clarity as to what are the nature of the said amendments, and more than two years have passed since the said affidavit, but no amendments have been brought about, as per ld. counsel.

5. Under these circumstances, the MoPNG is directed to file a clear affidavit responding to the stand of the Petitioner, inter alia, in respect of the following aspects:

(i) whether the PNGRB has the jurisdiction to regulate over the subject pipeline in terms of the PNGRB Act and Regulations thereto;

(ii) what is the position of the MoPNG as to the nature of the subject pipeline in view of the Production and Sharing Contract between the Petitioner and the MoPNG dated 31st May, 2001; and

(iii) the nature of the pipeline of the Petitioner.

6. The said affidavit shall be filed by an official not below the rank of the Joint Secretary, MoPNG. The concerned official shall also be ready to join proceedings virtually on the next date in order to assist the Court if required."

3. The MoPNG thereafter filed an affidavit on 18th August, 2026 under the signature of Mr. Alok Tripathi, Joint Secretary, MoPNG. In the said affidavit, the stand of the MoPNG was that the Petitioner has been vested with

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all the rights to undertake CBM operations and to lay pipelines for transporting the natural gas. The relevant portions of the affidavit are set out below:

> *"4. That the above provisions of the PSC make it clear that the Petitioner has been vested with all the rights to undertake CBM Operations and also to, inter alia, lay pipelines for transporting natural gas/CBM not only till the Delivery Point but also such pipelines as may be necessary for undertaking CBM Operations.*
> *5. That it has to be noted that the PSC pre-dates PNGRB Act and at the time the Petitioner was required to undertake the CBM Operations, there was no other entity undertaking laying of pipelines in the area outside the Contract Area (as defined in Clause 1.22 of the PSC).*
> *6. That it is also to be noted that in the absence of any other pipelines outside the Contract Area that could transport the natural gas from the Delivery Point located within the Contract Area to consumers located outside the Contract Area, the CBM Operations could not have been undertaken. If the Petitioner had not laid the pipelines beyond the Contract Area at its cost and expense, the extraction of natural gas under the PSC could not have been undertaken. Therefore, the laying of the pipelines by the Petitioner till the premises, of all the consumers to whom the natural gas was being sold outside the Contract Area, was necessary for the CBM Operations and squarely covered by the rights vested under the PSC.*
> *7. That it is apparent that the Petitioner was vested with the right, and has exercised the right to lay pipelines to undertake the sale and transportation of the natural gas extracted under the PSC. The Petitioner has laid pipelines that were necessary for. the CBM Operations.*
> *8. That in the present case, the prohibition of section 16, of the Petroleum and Natural Gas Regulatory Board Act, 2006 ("PNGRB Act") was not applicable to the Petitioner as the PSC pre-dates the PNGRB Act and the Petitioner had laid"*

4. After this affidavit was filed, on the next date of hearing, on behalf of

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PNGRB, ld. ASG had expressed inability to appear and PNGRB was directed to file its response to the affidavit of the MoPNG.

5. The PNGRB's reply is not yet on record. Mr. Sanjay Jain, ld. Senior Counsel submits that the same was filed on 12th October, 2026, however, the same is yet to come on record.

6. In a surprising development, however, there are two applicants who claim that their rights would be affected by the decision in the present writ petition.

7. One application has been filed being ***CM APPL.75477/2026*** on behalf of Indian Oil Adani Gas Private Ltd., supported by an affidavit of Mr. Rohit Chhabra, Senior Vice President, Finance & Accounts, Indian Oil Adani Gas Private Ltd. The stand of this Applicant in its application is that it was issued authorization some time in 2018 on an exclusive basis for this very territory and thus, its interest would be adversely affected by the outcome of this case. In support of this, it is pleaded in paragraph 12 of the application as under:

> *"12. It is a matter of record in the captioned Writ Petition (Annexures P-10 and P-11 to the Writ Petition) that the Petitioner itself, by its letters dated 17 April 2007 addressed to the Ministry of Petroleum and Natural Gas and 28 November 2007 addressed to Engineers India Limited (for PNGRB), sought approval for laying pipelines for the distribution of CNG and PNG to industrial, commercial and domestic consumers in the Burdwan–Durgapur–Raniganj–Asansol region. It is also a matter of record that the Detailed Feasibility Report of October 2006 prepared by MECON Limited (Annexure P-8 to the Writ Petition), on the basis of which the Petitioner states it commenced its pipeline works, contemplated CNG dispensing and PNG distribution infrastructure from Barakar to Burdwan. In other words, the activity which the Petitioner set out to undertake, and has since undertaken, is the very activity*

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which is reserved under Section 16(b) of the Act to an entity authorised by PNGRB, which in the Burdwan GA is the Applicant."

8. The second application is stated to have been filed by one organisation which is an association of CGD (City Gas Distribution) Entity. The said application is not yet listed. It is stated to have been filed today.

9. Mr. Sandeep Sethi ld. Sr. counsel has appeared for the applicant in ***CM APPL.75477/2026***. Mr. Ramji Srinivasan, Senior advocate has appeared for the second applicant. The Court has heard the Petitioner's Senior counsel Mr. Jayant Mehta who submits that these Applicants have no locus in this writ petition. According to Mr. Mehta there appears to be some collusion which has led to the filing of these applications.

10. Heard. The Court is concerned about the fact that this writ petition has been pending since April, 2014 and these Applicants had never sought impleadment before.

11. On 2nd July, 2026, queries were raised by the Court to the MoPNG. After the affidavit of MoPNG has been filed, these applications are now being filed by these entities, claiming rights in the said network.

12. The Court is of the opinion that firstly, the Applicant in ***CM APPL.75477/2026*** would prima facie, not be a necessary or proper party at this stage in this writ petition as the writ petition is in the midst of final hearing.

13. However, the surprising fact is that the Applicant in ***CM APPL.75477/2026*** appears to have also had access to the entire writ record which is relied upon to support the application. Even the affidavit filed by PNGRB which is yet to come on record, is in the possession of this Applicant and the same has been attached with the said application seeking

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impleadment.

14. Under such circumstances, let Mr. Rohit Chhabra, Senior Vice President, Finance & Accounts, Indian Oil Adani Gas Private Ltd. be present in Court on the next date of hearing to explain:

a) How did Indian Oil Adani Gas Private Ltd. get access to the entire writ record;

b) How did they obtain a copy of the affidavit purportedly filed by PNGRB in response to the affidavit filed by the MoPNG which is annexed to the application as Annexure-A-23, when the said reply was not een on the Court record as well.

15. In so far as the second application on behalf of the Association is concerned, the same is not yet listed and hence no observation is being made for the time being. The same would be considered if and when the application is listed.

16. List on 10th December, 2026.

17. The MoPNG, has been served with the copy of reply of PNGRB and the Ministry is permitted to file rejoinder to the same at least within one week before the next date.

PRATHIBA M. SINGH, J

DINESH BHATT, J

NOVEMBER 2, 2026
Rahul/ss

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