

ROLL NO.-

SAP ID-



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, July 2020
Open Book – Through Blackboard Learning Management System

Course: Downstream O&G
Program: B.A.L.L.B (Energy Law Specialization)

Semester: VI
Course Code: CLEL3002

Time: 03 hrs.

Max. Marks: 100

Instructions:

As this examination is non-proctored, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from any unfair means and provide answers in their own words.

All Questions are Compulsory
Answer each question in not more than 500 words

S. No.		Marks	CO
1	<p>Section 12(1) of the PNGRB Act states that the Board shall have jurisdiction to:</p> <p><i>“(a) adjudicate upon and decide any dispute or matter arising amongst entities or between an entity and any other person on issues relating to refining, processing, storage, transportation, distribution, marketing and sale of petroleum, petroleum products and natural gas according to the provisions of Chapter V, unless the parties have agreed for arbitration.”</i></p> <p>1) In view of the above, please discuss the jurisdiction of PNGRB with respect to resolution of disputes and power related thereof under the PNGRB Act? [10 marks]</p> <p>2) If the parties to the dispute has already provided for arbitration under contract, can the aggrieved party still complain to PNGRB? Answer using case laws. [10 marks]</p>	20	CO2& CO3
Ans.			
2	<p>Section 21 of the PNGRB Act states that the entity engaged in both transportation and marketing of</p>	20	CO3

	<p><i>“natural gas on common carrier or contract carrier basis, the Board shall require such entities to comply with the affiliate code of conduct as may be specified by regulations and may require such entity to separate the activities of marketing of natural gas and the transportation including ownership of the pipeline within such period as may be allowed by the Board and only within the said period, such entity shall have right of first use.”</i></p> <p>1) What are the various obligations of affiliated entities set out in the regulations? [10 marks]</p> <p>2) GAIL is India’s largest downstream company operating both in the marketing and transportation. What are the various accusations made against GAIL by consumers, and what has the court held? Answer with reference to the case of GSPCL vs GAIL or any other cases.</p>		
Ans.			
3	<p>1) What are the differences between common carrier, contract carrier and dedicated pipelines? [10 marks]</p> <p>2) What did the Supreme Court of India states with respect to the power of PNGRB in the case of PNGRB vs. IGL? [10 marks]</p>	20	CO2
Ans.			
4	<p>1) What power does PNGRB has with respect to fixation of tariff? Does that include PNGRB’s right to interfere with the terms of GTA (gas transportation agreement) entered into between private parties? [10 marks]</p> <p>2) Under the Natural Gas Tariff Regulations, what are the various factors considered by PNGRB in determining tariff. How does PNGRB takes care of market changes (i.e., inflation, increase in cost etc), in such tariff determination? [10 marks]</p>	20	C03
Ans.			
5	<p>The downstream sector is the refining of petroleum crude oil and the processing and purifying of raw natural gas, as well as the marketing and distribution of products derived from crude oil and natural gas.</p> <p>1) What are the various issues and problems faced by the downstream oil and gas sector in India? [10 marks]</p> <p>2) What did PNGRB state in the case of Reliance Industries Limited vs IOCL and Others (PSUs), with respect to PSUs carrying out restrictive trade practice under law. [10 marks]</p>	20	C03
Ans.			

SET B

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All Questions are Compulsory
Answer each question in not more than 500 words

S. No.		Marks	CO
1	The downstream industry includes oil refineries, petrochemical plants, petroleum products distributors, retail outlets and natural gas distribution companies. What are the various characteristics of Indian downstream market, is it a competitive market? Answer with reference to the complaint made by RIL against PSUs for carrying out restrictive trade practice in the case of RIL vs IOCL and others. [20 marks]	20	CO4
Ans.			
2	1) What are the main functions of PNGRB under the PNGRB Act, and how does PNGRB propose to undertake such functions? [10 marks] 2) What are the various functions of PNGRB and its limitation as stated by the Supreme Court in the case of PNGRB vs IGL?	20	CO2
Ans.			

3	What powers does PNGRB has with respect to declaring an existing pipeline as a common and contract carrier? What are the procedures required to be followed by PNGRB for the above? [20 marks]	20	C03
Ans.			
4	<ol style="list-style-type: none"> 1) What all disputes can be submitted to PNGRB under the PNGRB Act? [10 marks] 2) Irrespective of whether the contract between the parties provide for arbitration, when can a dispute be submitted to PNGRB? Answer using case law. [10 marks] 	20	CO2
Ans.			
5	<ol style="list-style-type: none"> 1) What power does PNGRB has under law to unbundle the operations of an entity engaged in both marketing and transportation business of natural gas? [10 marks] 2) What are the various obligations of affiliated entities engaged in both marketing and transportation of natural gas? [10 marks] 	20	CO3
Ans.			