

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram :

- 1. Shri. Ashok Basu, Chairperson**
- 2. Shri Bhanu Bhushan, Member**
- 3. Shri A.H. Jung, Member**

**Review Petition No. 31/2006
in
Petition No. 153/2005**

In the matter of

Review of the order dated 16.3.2006 in Petition No. 153/2005 – Grant of inter-State trading licence in electricity.

And in the matter of

21st Century Infrastructure (India) Pvt. Limited

.....Applicant

The following were present for the applicant

1. Shri Dipen Aggarwal
2. Shri Sanjay Aggarwal
3. Shri Atul Pandey
4. Shri Manish Pandey
5. Shri Kirth Kumar Thakkar

**ORDER
(DATE OF HEARING: 4.7.2006)**

After hearing of the present application, which though filed as interlocutory application, has been treated as the application for review of the order dated 16.3.2006 in Petition No. 153/2005, on 4.7.2006, a reference was made to Ministry of Company Affairs under the Commission's letter dated 4.8.2006 for its views on the interpretation of Section 78 of the Companies Act, 1956 – the issue

raised in the application. A reply has since been received from Ministry of Company Affairs under its letter dated 17.11.2006. We direct that a copy each of the Commission's letter dated 4.8.2006 and the Ministry reply thereto be furnished to the applicant for filing its comments, if any.

2. For a final view in the matter, we direct the applicant to furnish the following details, duly supported by affidavit, latest by 31.1.2007.

- (i) Bank Statements showing deposit of share premium amount in the Bank and its utilization by withdrawal;
- (ii) Details of assets, if any, acquired by applying the share premium amount; and
- (iii) Manner of utilization of share premium amount, if not applied on acquisition of assets, along with appropriate documentary evidence.

3. List the petition for further directions on 13.2.2007.

Sd/-
(A.H. JUNG)
MEMBER

Sd/-
(BHANU BHUSHAN)
MEMBER

Sd/-
(ASHOK BASU)
CHAIRPERSON

New Delhi dated the 9th January 2007

