

**No. L-7/143/158/2008-CERC  
CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Coram  
Dr, Pramod Deo, Chairperson,  
Shri R. Krishnamoorthy, Member  
Shri. S Jyaraman, Member  
Shri V.S. Verma, Member**

**In the mater of**

Amendment to the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009

**ORDER**

Civil Appeal Nos. 3457-3458 of 2009 were filed before the Hon'ble Supreme Court of India questioning validity of clauses (b) and (f) of Regulation 6A of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence and other related matters) Regulations, 2004 (hereinafter "the 2004 regulations"). The Hon'ble Supreme court vide its judgment dated 11.5.2009 has struck down the provisions of the 2004 regulations.

2 In the meantime, the Commission had specified the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009 (hereinafter "the 2009

regulations”) which in effect replaced the 2004 regulations. Clause (b) of Regulation 6A of the 2004 regulations was not incorporated in the 2009 regulations, while clause (f) of Regulation 6A of thereof was retained as clause (f) of Regulation 4 in the 2009 regulation.

3 In view of the above, we direct that clause (f) of regulation 4 of the 2009 regulations shall be immediately omitted through an appropriate amendment to the 2009 regulations.

Sd/-  
**(V.S. Verma)**  
**Member**

Sd/-  
**(S. Jayaraman)**  
**Member**

Sd/-  
**(R. Krishnamoorthy)**  
**Member**

Sd/-  
**(Dr. Pramod Deo)**  
**Chairperson**

**New Delhi, dated 25<sup>th</sup> May 2009**