

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Coram**

1. **Dr. Pramod Deo, Chairperson**
2. **Shri R.Krishnamoorthy, Member**
3. **Shri S.Jayaraman, Member**
4. **Shri V.S.Verma, Member**

**Petition No. 54/2009**

**In the matter of**

Clarification and implementation of Regulations 2(1) (k), 7 (h) and 7(l) of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions and other related matters) Regulations, 2009.

**And in the matter of**

PTC India Limited, New Delhi

**Petitioner**

**The following were present:**

Shri Amit Kapoor, Advocate for the petitioner

**ORDER  
(DATE OF HEARING: 28.4.2009)**

The Commission has notified the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Trading Licence and other related matters) Regulations, 2009 (the trading regulations), which have come into force with effect from 24.2.2009.

2. The petitioner has made this application under Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 ( the 1999 regulations) read with principles laid down in Section 151 of the Code of Civil Procedure (the Code) to seek clarification and implementation of Regulations 2 (1) (k), 7 (h) and 7 (l) thereof.

3. Through this petition, the petitioner has further sought clarification on applicability of the regulations to the cases of traders purchasing power from a merchant generator or a non-merchant generator, and implications of the trading regulations on long-term power purchase agreements.

4. We heard learned counsel for the petitioner on admission.

5. Regulation 111 of the 1999 regulations is extracted hereunder:

“111. Nothing in these regulations shall be deemed to limit or otherwise affect the inherent power of the Commissions to make such orders as may be necessary for ends of justice or to prevent the abuse of the process of the Commission.”

6. Regulation 111 of the 1999 regulation saves the inherent power or jurisdiction of the Commission to make any order to serve the ends of justice or for doing real and substantial justice covering procedural aspects. The power is also exercisable to prevent the abuse of the process of the Commission. The object of the provision is to supplement the process of settlement of disputes. Therefore, an application envisaged under Regulation 111 is of the nature of interlocutory application made in any proceedings as a step-in-aid for adjudication of substantive rights. An application invoking inherent power under Regulation 111 cannot be an application for setting in motion the machinery of the Commission. Therefore, an application under Regulation 111 in itself cannot be considered to be the source of power for initiating any substantive proceeding to seek clarification on any statutory provision. There is no such thing in law as inherent power to furnish clarification on issues not adjudicated or not pending for adjudication before the Commission.

